



Ordinary Meeting of Council

AGENDA

17 March 2022

THIS DOCUMENT IS AVAILABLE IN OTHER FORMATS ON REQUEST
FOR PEOPLE WITH DISABILITY.



SHIRE OF BROOMEHILL-TAMBELLUP

NOTICE OF MEETING

An Ordinary Meeting of Council of the Shire of Broomehill-Tambellup will be held in the Tambellup Main Hall on 17 March 2022 commencing at 4.30pm.

Rob Stewart
Acting Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Broomehill-Tambellup for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Broomehill-Tambellup disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Broomehill-Tambellup during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Broomehill-Tambellup. The Shire of Broomehill-Tambellup warns that anyone who has any application lodged with the Shire of Broomehill-Tambellup must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Broomehill-Tambellup in respect of the application.



Shire of Broomehill–Tambellup

DISCLOSURE OF INTEREST FORM

To: Chief Executive Officer
Shire of Broomehill-Tambellup
46-48 Norrish Street
TAMBELLUP WA 6320

I, **(1)** _____ wish to disclose an interest in the
Following item to be considered by Council at its meeting to be held on **(2)** _____
Agenda Item **(3)** _____

The **type** of Interest I wish to declare is **(4)**

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is **(5)** _____

The extent of my interest is **(6)** _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

NOTES:

1. Insert your name (print)
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title
4. Tick box to indicate type of interest
5. Describe the nature of your interest
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 & 5.69 of the Act)

DISCLOSURE OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences.

The only exceptions are:

- 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY DEFINITION:

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a) in a written notice given to the Chief Executive Officer before the Meeting; or
- b) at the Meeting, immediately before the matter is discussed

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Cr ME White	President
Cr DT Barritt	Deputy President
Cr MC Paganoni	
Cr CJ Letter	
Cr CM Dewar	
Cr JL Wills	
Cr SH Penny	
R Stewart	Acting Chief Executive Officer
KP O’Neill	Manager of Finance and Administration
PA Hull	Strategic Support & Projects Officer
HA Richardson	Governance and Executive Assistant

3.1 APOLOGIES

3.2 APPROVED LEAVE OF ABSENCE

4. DISCLOSURE OF INTEREST

5. PUBLIC QUESTION TIME (15 minutes)

6. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

7. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING HELD 17 DECEMBER 2021

Recommendation:

That the Minutes of the Ordinary Meeting of the Council held on 17 February 2022 be confirmed as a true and accurate record of the proceedings.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9. REPORTS OF OFFICERS

9.1 FINANCIAL STATEMENTS FOR FEBRUARY 2022

Attachment:	Monthly Financial Statement for February 2022
File Ref:	Nil
Author:	KP O'Neill - Manager Finance and Administration
Date:	10 March 2022
Disclosure of Interest:	Nil

SUMMARY

To consider the monthly financial report for the periods ending 28 February 2022.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the report relates.

Each financial year, the Council is required to adopt a percentage or value to be used in the statement of financial activity for reporting material variances.

As part of the 2021/22 budget process, Council adopted 10% or \$10,000 as the material variance for reporting purposes for the year.

COMMENT

Note 2 in the financial statements provides commentary on the material variances shown in the statement of financial activity by reporting program, which is a requirement of the Local Government (Financial Management) Regulations 1996.

Receivables - which includes outstanding rates, emergency services levy, pensioner rebates and other 'sundry' debtors - is reported at Note 6.

Note 8 tracks capital grants and contributions, the unspent balance of which is reported as 'Restricted Cash' throughout the financial report.

Capital revenue and expenditure is detailed in Note 12, which includes plant replacement, road construction, building improvements, reserve transfers and loan transactions.

The annual financial report and audit for year end 30 June 2021 is being finalised, and until this is complete additions/disposals to the asset register and allocation of depreciation cannot be processed. This results in material variances reporting in the Statement of Financial Activity.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –*
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) budget estimates to the end of the month to which the statement relates;*
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) the net current assets at the end of the month to which the statement relates.*

- (2) Each statement of financial activity is to be accompanied by documents containing –*
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Results Area (KRA) One - Our People

1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents

FINANCIAL IMPLICATIONS

The report represents the financial position of the Council at the end of reporting period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Financial Statements for the period ending 28 February 2022 be received.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.2 CREDITOR ACCOUNTS PAID FEBRUARY 2022

Attachment:	List of Payments for February 2022
File Ref:	Nil
Author:	KP O'Neill – Manager Finance and Administration
Date:	10 March 2022
Disclosure of Interest:	Nil

SUMMARY

To consider the list of payments made from the Municipal and Trust Funds during February 2022.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* prescribe that a list of accounts paid under delegated authority by the CEO is to be prepared each month, providing sufficient information to identify the transactions.

The list is to be presented to the Council at the next ordinary meeting after the list is prepared and recorded in the minutes of that meeting.

COMMENT

Summary of payments made for the month:-

	\$
Municipal Fund	481,507.65
Trust Fund	0.00
Credit Cards	1,594.51
TOTAL	483,102.16

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

13. Lists of accounts

(1) *If the local government has delegated authority to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –*

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Results Area (KRA) One - Our People

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- 1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents

FINANCIAL IMPLICATIONS

Lists the payments made from Municipal and Trust Funds during the previous month.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That the list of accounts paid during February 2022, consisting of –

- Municipal Fund cheque, Electronic Funds Transfer (EFT) and direct debit payments totalling \$481,507.65;
- Trust Fund cheque payments totalling \$Nil; and
- Credit Card payments totalling \$1,594.51

be endorsed.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.3**LOCAL LAW REVIEW**

Attachment:	<ul style="list-style-type: none"> • Proposed Activities in Thoroughfares and Public Places and Trading Amendment Local law 2022 • Proposed Cemeteries Amendment Local law 2022 • Proposed Health Amendment Local law 2022 • Proposed Waste Amendment Local law 2022
File Ref:	ADM0471
Author:	PA Hull, Strategic Support & Projects Officer
Date:	2 March 2022
Disclosure of Interest:	Nil

SUMMARY

To endorse proposed amendments to local laws prior to advertising and stakeholder consultation.

BACKGROUND

In accordance with the requirements of s.3.12-3.16 of the *Local Government Act 1995* the following local laws were reviewed or commenced in 2020, and following the required public notification periods and stakeholder consultation, were adopted by the Council in February 2021:

- Activities in Thoroughfares and Public Places and Trading Local law 2020
- Cemeteries Local law 2020
- Dogs Local law 2020
- Extractive Industries Local law 2020
- Fencing Local law 2020
- Local Government (Council Meetings) Local law 2020
- Local Government Property Local law 2020
- Repeal Local law 2020
- Waste Local law 2020
- Bushfire Brigades Local law 2020 (new local law)
- Health Local law 2020
- Removal of Refuse, Rubbish and Disused Material Local law 2020

Following advertising of the local laws in the Government Gazette in March 2021, the local laws were forwarded to the Joint Standing Committee for Delegated Legislation (Committee) for consideration. In June 2021 the Committee identified anomalies with a number of the local laws, and at its Ordinary Meeting in August 2021, the Council subsequently resolved to provide written undertakings to the Committee that amendment or clarification of the anomalies would be completed within nine months.

Further to the Council's response to the Committee at that time, and subsequent comment provided by the Committee, the following draft amendment Local laws were prepared:

- Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2022
- Cemeteries Amendment Local Law 2022
- Health Amendment Local Law 2022
- Waste Amendment Local Law 2022

At its February 2022 Ordinary Meeting, the Council resolved to forward the draft amendment local laws to the Committee for review and comment, prior to the next stage of the process, which is to advertise for public submissions.

COMMENT

The draft amendment local laws were forwarded to the Committee on 18 February 2022. Correspondence received from the Committee advises ‘the draft amendment local laws contain clauses which address all undertakings given to the Committee’. However this feedback does not amount to an endorsement of the local laws. The amendment local laws will be scrutinised by the Committee once statutory processes, including advertising for public submissions, are complete.

Once the Council has endorsed the proposed amendment local laws, advertising occurs where the public and relevant stakeholders are invited to make submissions regarding each proposed local law. Any submissions are then brought back to the Council for consideration and amending, if applicable, prior to adoption and publishing the amendment local laws in the Government Gazette.

CONSULTATION

Acting Chief Executive Officer
Joint Standing Committee for Delegated Legislation

STATUTORY ENVIRONMENT

Local Government Act 1995

3.12. Procedure for making local laws

(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

(2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.

(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) The local government is to —

(a) give local public notice stating that —

(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

[(3a) deleted]

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law* that is not significantly different from what was proposed.*

*** Absolute majority required.**

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended: No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23; No. 26 of 2016 s. 5; No. 16 of 2019 s. 8.]

3.13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. Commencement of local laws

(1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.

(2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

[Section 3.14 amended: No. 1 of 1998 s. 9.]

3.15. Local laws to be publicised

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028: Key Result Area One - Our People

1.5 Our Shire demonstrates strong leadership, effective governance, and efficient service delivery to our community.

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.

ORGANISATIONAL RISK

If these local laws are not adopted there is a high likelihood that other legislation will not be able to be enforced, meaning that the local government will be unable to undertake normal local authority legal enforcement as the head of power would not be available. This also leads to a high risk of reputational damage.

FINANCIAL IMPLICATIONS

Costs will be incurred in advertising the proposed amendment Local laws. Provision is made within the Members of Council/Advertising budget for advertising.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That:

1. The following amendment local laws be endorsed, as presented, and advertised for public comment in accordance with s. 3.12 (3) of the Local Government Act 1995:

Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2022

- **Purpose:** To amend the provisions of the principal Local Law, to include the requirement for a permit to be obtained for the construction of a temporary crossing, to correct conflicting statements regarding prohibitions on burning, and to correct typographical errors.
- **Effect:** To provide clarity on the requirements for the approval or prevention of activities on thoroughfares within the Shire.

Shire of Broomehill-Tambellup Cemeteries Amendment Local Law 2022

- **Purpose:** To amend the provisions of the principal Local Law, to include information relating to requirements for an exhumation.
- **Effect:** To provide a process for instances where the exhumation of a body is required.

Shire of Broomehill-Tambellup Health Amendment Local Law 2022

- **Purpose:** To amend the provisions of the principal Local Law, to reflect the making of the local law under section 342 of the *Local Government Act 1995*, to include an objection and appeals rights clause, to correct a clause regarding the grounds under which a lodging house registration may be revoked, and to correct typographical errors.
- **Effect:** To reflect the provisions of the *Local Government Act 1995*, and provide greater clarity on matters referred to in the Local Law.

Shire of Broomehill-Tambellup Waste Amendment Local Law 2022

- **Purpose:** To amend the provisions of the principal Local Law to correct typographical errors.
- **Effect:** To provide clarity on the Council's management of waste in the Shire.

2. Following public advertising, a further report be brought back to the Council for consideration of submissions or amendments, if any, and subsequent adoption.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.4 PROPOSED NEW PARKING AND PARKING FACILITIES LOCAL LAW

Attachment:	Draft Parking and Parking Facilities Local Law 2022
File Ref:	ADM0471
Author:	PA Hull, Strategic Support & Projects Officer
Date:	3 March 2022
Disclosure of Interest:	Nil

SUMMARY

To consider the making of a new local law to achieve parking control measures when necessary.

BACKGROUND

The Acting Chief Executive Officer has been investigating instances of cars parked on Council property for long periods. Statutory issues prevent vehicles from being classified as abandoned due to vehicle values. The *Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local Law 2021* has insufficient ability to control these issues.

COMMENT

A draft *Parking and Parking Facilities Local Law*, based on the model local law provided by the Western Australian Local Government Association (WALGA), is attached for the Council's consideration.

The purpose of the local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

The effect of the local law is that a person parking a vehicle within the parking region is to comply with the provisions of this Local law.

If the Council wishes to make the new local law, statutory processes are required to be undertaken, commencing with the endorsement of the new local law and advertising for public submission.

CONSULTATION

Acting Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

3.12. Procedure for making local laws

(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

(2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.

(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) The local government is to —

(a) give local public notice stating that —

(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed Local law, in accordance with the notice, to any person requesting it.

[(3a) deleted]

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

*** Absolute majority required.**

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the Local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended: No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23; No. 26 of 2016 s. 5; No. 16 of 2019 s. 8.]

3.13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. Commencement of Local laws

(1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.

(2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

[Section 3.14 amended: No. 1 of 1998 s. 9.]

3.15. Local laws to be publicised

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028: Key Result Area One - Our People

1.5 Our Shire demonstrates strong leadership, effective governance, and efficient service delivery to our community.

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.

ORGANISATIONAL RISK

If this local law is not adopted there is a high likelihood that other legislation will not be able to be enforced, meaning that the local government will be unable to undertake normal local authority legal enforcement as the head of power would not be available. This also leads to a high risk of reputational damage.

FINANCIAL IMPLICATIONS

Costs will be incurred in advertising the proposed local law. Provision is made within the Members of Council/Advertising budget for advertising.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That:

1. The following local law be endorsed, as presented, and advertised for public comment in accordance with s. 3.12 (3) of the Local Government Act 1995:

Shire of Broomehill-Tambellup Parking and Parking Facilities Local Law 2022

- Purpose: To regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.
- Effect: A person parking a vehicle within the parking region is to comply with the provisions of this Local law.

2. Following public advertising, a further report be brought back to the Council for consideration of submissions or amendments, if any, and subsequent adoption.

COUNCIL DECISION

Motion

Moved Cr

Seconded Cr

9.5**REVIEW OF POLICY: 1.1 RECORDS MANAGEMENT**

Attachment:	Policy 1.1 Records Management
File Ref:	ADM0165
Author:	KP O'Neill – Manager Finance & Administration
Date:	4 March 2022
Disclosure of Interest:	Nil

SUMMARY

To consider a review of the Records Management Policy.

BACKGROUND

The Records Management Policy was first adopted in October 2008. Its last review was in October 2020.

The Council's Administration has adopted a process whereby the Council's policies will be brought before the Council on a monthly rolling basis such that over a two year time frame, all policies will be reviewed. The process will then begin again.

Policies are one method adopted by local government to advise the CEO, administration and members of the public how a local government will interpret legislative and other requirements. The monthly review of policies precludes the need to examine a large proportion of policies at one sitting. A matrix has been prepared internally setting out the future review dates.

The purpose of the Records Management Policy is to 'control and manage government records within a record keeping framework that complies with legislative, accountability and best practice requirements'.

The Policy is supported by the Shire's Record Keeping Plan 2020 and internal Management Practices.

COMMENT

The Policy has been amended to include Roles and Responsibilities of Elected Members and Staff with regard to record keeping requirements to ensure compliance with the Policy, Record Keeping Plan and relevant legislation.

Minor amendments (headings and formatting) have been made to the Policy to provide clarity of the information presented.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Record keeping requirements for local government are legislated by the *State Records Act 2000*.

Section 2.7(2)(b) of the *Local Government Act 1995* states the role of the Council is to determine the local government's policies.

POLICY IMPLICATIONS

Review of and minor amendments to Policy 1.1 Records Management

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interest of our residents.

ORGANISATIONAL RISK

The regular review of policies ensures that policies are always current and that the pertinent legislation impacting policies is reviewed regularly, thus reducing organisational risk.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from this item.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Policy 1.1 Records Management, as follows:

1.1 RECORDS MANAGEMENT	
Objective:	To control and manage government records within a records management and record keeping framework that complies with legislative, accountability and best practice requirements.
Date of adoption:	13th October 2008 <i>Minute No.</i> 081008
Date of amendment:	16th July 2015
Date of last review:	15th October 2020
Legislative References:	<i>Local Government Act 1995</i> <i>State Records Act 2000</i> <i>Corruption, Crime & Misconduct Act 2003</i> <i>Criminal Code Act 1913</i> <i>Electronic Transactions Act 2011</i> <i>Evidence Act 1906</i> <i>Financial Management Act 2006</i> <i>Freedom of Information Act 1992</i> <i>Limitation Act 1935 and Limitation Act 2005</i> <i>Public Sector Management Act 1994</i>
Internal References:	Record Keeping Plan 2020 Management Practice 1.12 Elected Members Records Management Practice 2.4 Internet and Email Access

Policy Statement

The Shire of Broomehill-Tambellup is committed to making and keeping full and accurate records of its business transactions and official activities. Records can be, but are not limited to, any record of information in any medium including letters, files, emails, word processed documents, databases, photographs and social media messages.

Creation, Capture and Control of Records

Records created and received by Shire personnel, elected members and contractors, irrespective of format, are to be managed in accordance with the Shire's Record Keeping Plan and Records Management Procedure Manual. Records will not be destroyed except by reference to the State Records Office's General Disposal Authority for Local Government Records.

The Shire is responsible for the security and protection of all records created or captured as part of the Shire's day to day operations. All Shire staff and contractors have a responsibility to apply appropriate security and protection measures to all records created or received when carrying out the Shire's business.

It is the responsibility of all staff to ensure that the business, operational and administrative activities of the Shire are appropriately documented and that records are created and maintained in fulfilment of legislative requirements.

Access to Records

Access to Shire records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire's records by the general public will be in accordance with the *Freedom of Information Act 1992* and the Shire's Freedom of Information Statement.

Access to the Shire's records by elected members will be through the Chief Executive Officer (CEO) in accordance with the *Local Government Act 1995*.

Appraisal, Retention and Disposal of Records

Records will only be destroyed or otherwise disposed of by reference to the *General Disposal Authority for Local Government Records* issued by the State Records Office, and following authorisation from the Section Manager and the CEO. Those records identified as Archive records will be transferred to the Voluntary Regional Organisation of Council archive facility located at the Shire of Broomehill-Tambellup's Broomehill administration office. Records identified as a State Archive should be transferred to the State Records Office in accordance with the requirements of the *General Disposal Authority for Local Government Records*.

All significant records, irrespective of format, are to be registered, classified and captured into the Shire's official record keeping systems. All correspondence should be attached to a corporate file.

Records created or received by elected members of the Shire, in the performance of their functions and roles as specified in the *Local Government Act 1995*, are government records and will be managed in accordance with the Shire's Records Keeping Plan and the *State Records Act 2000*. This policy applies to any record documenting decisions which are made outside normal Shire or Committee meetings.

Local government records fall into one of two categories:

Local government records of continuing value

Local government records of continuing value are those records created or received containing information of:

(a) administrative value to the Shire, including records which:

- provide an interpretation of the Shire's policy or the rationale behind it;
- document progress and coordination of responses to issues;
- document formal communications and/or transactions, such as a Minute report or submission between elected members and another party; and

- document elected members’ decisions, directives, reasons and actions.
- (b) legal value to the Shire including records which document compliance with statutory requirements or court orders which stipulate the retention of records;
- (c) evidential value such as information about the legal rights and obligations of the Shire of Broomehill-Tambellup including elected members, ratepayers, organisations and the general community; and
- (d) historical value to the Shire of Broomehill-Tambellup and to the State.

Local government records of continuing value are to be forwarded to the Chief Executive Officer, for incorporation into the Shire’s recordkeeping system.

Records of no continuing value (Ephemeral)

These records do not need to be incorporated into the Shire’s recordkeeping system and can be destroyed when reference to them ceases, but only in accordance with the General Disposal Authority for Local Government Records (GDA LG). Elected members should contact the Administration Officer for advice prior to destroying any records.

ACTION: Records of no continuing value can be destroyed when reference to them ceases but only in accordance with the General Disposal Authority for Local Government Records (GDA LG). Elected members should contact the Chief Executive Officer in order to dispose of these records correctly.

Roles and Responsibilities

1. Elected Members

Elected Members will create and keep records of communications or transactions which convey information relating to the Shire’s business or functions. These records will be forwarded to the Governance and Executive Assistant for capture in to the Shire’s recordkeeping system.

2. Chief Executive Officer

The CEO will ensure there is a system for the capture and management of records that is compliant with the *State Records Act 2000* and best practice standards.

3. Executive and Managers

Executive and Managers will ensure that all staff (and contractors) under their supervision comply with this policy, associated records management procedures/guidelines and the Shire of Broomehill-Tambellup’s Record Keeping Plan.

4. All Staff

All Staff (including contractors) will create and receive records relating to the business activities they perform and are required to:

- (a) make records to document and support business activities
- (b) ensure that records are captured and registered into the recordkeeping system or appropriate business system
- (c) ensure that records are secure at all times

be endorsed.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.6 REVIEW OF POLICY: 2.1 EQUAL OPPORTUNITY

Attachment:	Policy 2.1 – Equal Opportunity
File Ref:	ADM0165
Author:	KP O’Neill – Manager Finance & Administration
Date:	8 March 2022
Disclosure of Interest:	Nil

SUMMARY

To consider a review of the Equal Opportunity Policy.

BACKGROUND

The Council’s Administration has adopted a process whereby the Council’s policies will be brought before the Council on a monthly rolling basis such that over a two year time frame, all policies will be reviewed. The process will then begin again.

Policies are one method adopted by local government to advise the CEO, administration and members of the public how a local government will interpret legislative and other requirements. The monthly review of policies precludes the need to examine a large proportion of policies at one sitting. A matrix has been prepared internally setting out the future review dates.

The Equal Opportunity policy was first adopted in 2008, and was last reviewed in February 2021.

The objective of the Equal Opportunity policy is to ensure that the Shire maintains a workforce where all employees are treated equally and ensure that the workplace is free of discrimination and harassment. The policy acknowledges that the Shire of Broomehill-Tambellup has obligations under the various legislation listed to promote equal employment opportunity and diversity based solely on merit to ensure that discrimination does not occur.

COMMENT

Minor amendments to this policy are proposed.

Relevant legislation that the Shire has obligations relating to equal opportunity and discrimination has been included. Reference to the Disability Services Act 1993 and the Shires Disability Access and Inclusion Plan have been removed as they don’t apply to this Policy.

The Objective of the policy has been reworded to clearly state the purpose of the policy; not only that the Council is committed to maintaining a workforce where all employees are treated equally, but to also ensure that the workplace will be free from discrimination and harassment.

A Policy Statement has been included which reinforces the Council’s commitment to providing a safe work environment, and that recruitment and employment decisions will be made on the individual merits of applicants or employees.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Section 2.7(2)(b) of the *Local Government Act 1995* states the role of the Council is to determine the local government’s policies.

The *Equal Opportunity Act 1984* promotes equality of opportunity in Western Australia and to provide remedies in respect of discrimination on the grounds of sex, marital status, pregnancy, sexual orientation, family responsibility or family status, race, religious or political conviction, impairment, age, or publication of details on the Fines Enforcement Registrar’s website, or involving sexual or racial harassment or, in certain cases, on gender history grounds.

Policy 2.1 ensures the Council meets its obligations to ensure its workplaces are free from discrimination, harassment and bullying.

POLICY IMPLICATIONS

Review of Policy 2.1 Equal Opportunity

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

Desired Outcome – to have a cohesive, diverse and inclusive community supported by quality services and facilities. These will be supported by a Council demonstrating effective leadership and good governance.

ORGANISATIONAL RISK

The regular review of policies ensures that policies are always current and that the pertinent legislation impacting policies is reviewed regularly, thus reducing organisational risk.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from this item.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Policy 2.1 Equal Opportunity, as follows:

2.1 EQUAL OPPORTUNITY	
Objective:	To maintain a workforce where all employees are treated equally and ensure the workplace is free of discrimination and harassment.
Date of adoption:	13th October 2008 Minute No. 120209
Date of amendment:	11th February 2021
Date of last review:	11th February 2021
Legislative References:	<i>Equal Opportunity Act 1984</i> <i>Racial Discrimination Act (Cth) 1976</i> <i>Sex Discrimination Act (Cth) 1984</i> <i>Human Rights and Equal Opportunity Commission Act (Cth) 1987</i> <i>Disability Discrimination Act (Cth) 1992</i>
Internal References:	Shire of Broomehill-Tambellup Equal Employment Opportunity Management Plan

Policy Statement:

The Council is dedicated to providing a harmonious and safe working environment and encourages good working relationships between all employees. All recruitment, selection and employment decisions will be based on the individual merit of applicants and employees.

Policy:

This Shire recognises its legal obligations under the

- *Equal Opportunity Act 1984*
- *Racial Discrimination Act (Cth) 1976*
- *Sex Discrimination Act (Cth) 1984*
- *Human Rights and Equal Opportunity Commission Act (Cth) 1987*
- *Disability Discrimination Act (Cth) 1992*

and will actively promote equal employment opportunity and diversity based solely on merit to ensure that discrimination does not occur on the grounds of gender, age, marital status, pregnancy, race, disability, and religious or political convictions. This policy applies to all elected members, employees and contractors to the Shire.

All employment training with the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training.

All promotional policies and opportunities with this Shire will be directed towards providing equal opportunity to prospective employees and engaging a diverse workforce provided their relevant experience, skills and ability meet the minimum requirements for engagement.

This Shire will not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or concerning a person’s race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

The equal employment opportunity and diversity goals of this Shire are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability. Ideally, our objective is for our workforce to reflect a diverse demographic that includes a broad range of age groups, abilities and cultural backgrounds while meeting the skill requirements of the organisation. The Shire recognises the value of differences in staff profiles as well as similarities; strives to adopt an inclusive approach and appreciates that a diverse workforce may adapt more readily to the changing expectations and needs of the community.

The CEO is responsible for developing and implementing procedures, practices or guidelines to deal with harassment, perceived harassment or discrimination.

be endorsed.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.7**REVIEW OF POLICY: 6.1 TOURISM AND AREA PROMOTION**

Attachment:	Draft Policy 6.1 – Tourism and Area Promotion
File Ref:	ADM0165
Author:	PA Hull, Strategic Support & Projects Officer
Date:	4 March 2022
Disclosure of Interest:	Nil

SUMMARY

To review Policy 6.1 Tourism and Area Promotion.

BACKGROUND

The Council's Administration has adopted a process whereby the Council's policies will be brought before the Council on a monthly rolling basis such that over a two year time frame, all policies will be reviewed. The process will then begin again.

Policies are one method adopted by local government to advise the CEO, administration and members of the public how a local government will interpret legislative and other requirements. The monthly review of policies precludes the need to examine a large proportion of policies at one sitting. A matrix has been prepared internally setting out the future review dates.

COMMENT

Policy 6.1 – Tourism and Area Promotion was last reviewed by Council in 2016. Staff have undertaken a review of the policy, and it is noted that only minor typographical amendments are required.

The Policy is reflected by current strategies contained in the Strategic Community Plan 2018-2028, including the following:

Key Result Area 2: Our Economy

2.1 Our community provides a unique tourism and visitor experience

2.1.1 Build and promote the brands of our towns

2.1.2 Support the development of initiatives, events or local experiences aimed at attracting visitors to our community

2.1.3 Develop and support options for short stay visitor accommodation

2.1.4 Promote and support local and regional tourism initiatives

It is recommended that the Council endorse the reviewed policy as presented.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the *Local Government Act 1995* states that Council is to 'determine the local government's policies'.

POLICY IMPLICATIONS

Scheduled review of Policy 6.1 – Tourism and Area Promotion.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028:

Key Result Area One - Our People

1.5 Our Shire demonstrates strong leadership, effective governance, and efficient service delivery to our community.

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.

ORGANISATIONAL RISK

The regular review of policies ensures that policies are always current and that the pertinent legislation impacting policies is reviewed regularly, thus reducing organisational risk.

FINANCIAL IMPLICATIONS

This matter has no financial implications for Council.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Policy 6.1 Tourism and Area Promotion, as follows:

6.1 TOURISM AND AREA PROMOTION			
Objective:	To maximise the potential of the Shire as a tourist destination by encouraging and supporting the development of man-made and natural tourist facilities, thus increasing the employment potential of the area.		
Date of adoption:	13th October 2008	Minute No.	081008
Date of amendment:	19th July 2012		
Date of last review:	17 March 2022		
Legislative References:			
Internal References:	Shire of Broomehill-Tambellup Strategic Community Plan		

The Council, in setting its long-term objectives, will develop its role as a catalyst for co-ordinating marketing efforts for the development of tourism in the Shire.

It is the policy of the Council that it will:

- ensure that, in promoting the area as a tourist destination, the natural beauty and tranquillity of the Shire is not destroyed;
- work with the relevant statutory authorities to establish and promote natural and historical attractions, at the same time ensuring that they are not destroyed;
- encourage tourist orientated commercial development, particularly development of a ‘country style’ nature; to rationalise the placement of such facilities and to endeavour to ensure they harmonise with the existing tourist facilities and the natural environment;
- promote residents’ pride in the area by such means as town beautification and encouragement of residents to know and understand their district attractions and assets etc;

- ensure that tourism funding is spent to the best advantage, avoiding duplication;
- carry out direct promotion of tourist facilities and events where appropriate;
- apply for such grants as may be deemed appropriate to assist in attaining any or all of the above objectives;
- foster and create a community awareness of the benefits of tourism within the Shire;
- provide the basic facilities and infrastructure sufficient to encourage development; and
- ensure that facilities within the area are adequate to cater for visitors and residents.

To achieve this, the Council will:

- Provide an adequate budget allocation for tourism expenditure;
- Assist (financially and by other means) tourism organizations or events which have the potential to develop tourism in the Shire;
- Encourage representation on Regional Tourism Associations and seek representation on local tourism organizations;
- The formulation of its planning regulations will have regard to the requirements of tourist development;
- Review planning instruments, for example, Strategic Plans and Town Plans, to take into consideration policies on tourism and other leisure related issues;
- When preparing local laws will have regard to their impact on tourism and the balanced development of the Shire;
- Encourage tourism product development and investment throughout the Shire and facilitate the development application process;
- Ensure the welfare of the whole community when supporting tourism development and the provision of facilities;
- Assessment of tourism developments will consider the social, cultural, economic and environment impact of the proposal within the area;
- Initiate the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries;
- Encourage the landscaping of residential and commercial centres within the Shire;
- Where practical, support the enhancement of specific natural features, conservation area, areas of outstanding beauty, and recognise items of heritage significance;
- Support the development of appropriate scenic routes and lookouts;
- Where a need for a tourism facility has been identified, Council may consider taking an entrepreneurial role in the establishment of those facilities if, and only if, private enterprise displays no interest in the provision of those facilities; and
- Support and approve, where appropriate, quality, seasonal entrepreneurial entertainment and attractions.

be endorsed.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.8 REVIEW OF POLICY: 6.2 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

Attachment:	Copy of Reviewed Policy 6.2 Appointment of Bush Fire Control Officer
File Ref:	ADM0167
Author:	Acting CEO/CESM
Date:	2 March 2022
Disclosure of Interest:	Nil

SUMMARY

To review the Council's Appointment of Bush Fire Control Officers Policy.

BACKGROUND

The Council's Administration has adopted a process whereby the Council's policies will be brought before the Council on a monthly rolling basis such that over a two year time frame, all policies will be reviewed. The process will then begin again.

Policies are one method adopted by local government to advise the CEO, administration and members of the public how a local government will interpret legislative and other requirements. The monthly review of policies precludes the need to examine a large proportion of policies at one sitting. A matrix has been prepared internally setting out the future review dates.

COMMENT

The Appointment of Bush Fire Control Officers policy was adopted on 19 December 2013 and has not been reviewed since 19 May 2016.

A question arises regarding the vaccination status of Fire Control Officers and indeed all Bush Fire Brigade members) and the ability to undertake the responsibilities of the position if unvaccinated.

Fire and Emergency Services personnel must have been fully vaccinated against COVID 19 by 31 December 2021 pursuant to the Booster Vaccination (Restrictions on Access) Directions.

Therefore it appears reasonable to amend the current policy to include a point relating to eligibility as follows:

- To be eligible for appointment as a Bush Fire Control Officer a person must have completed the Bush Fire Control Officer Training Program not more than five years prior to appointment and must be fully vaccinated pursuant to the Booster Vaccination (Restrictions on Access) Directions, as amended from time to time.*

CONSULTATION

No external consultation has occurred. However, the Community Emergency Services Manager (CESM) has been consulted regarding the policy.

Fire and Emergency Services personnel must have been fully vaccinated against COVID 19 by 31 December 2021 pursuant to the Booster Vaccination (Restriction on Access) Directions.

Therefore it appears reasonable to amend the current policy to include a point relating to eligibility.

STATUTORY ENVIRONMENT

Bush Fires Act 1954 Section 38

Occupational Safety & Health Act 1984

POLICY IMPLICATIONS

This policy is brought before the Council as part of the regular review of policies on a rolling basis.

STRATEGIC IMPLICATIONS

The Council’s adopted Community Strategic Plan (2018 – 2028) provides at Key Result Area One – Our People (Objective 1.5.1) ‘Promote Excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.’

ORGANISATIONAL RISK

The regular review of policies ensures that policies are always current and that the pertinent legislation impacting policies is reviewed regularly, thus reducing organisational risk.

FINANCIAL IMPLICATIONS

The adoption of the recommendation in this report has no financial implication for the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Policy 6.2 Appointment of Bush Fire Control Officers, as follows:

6.2 APPOINTMENT OF BUSHFIRE CONTROL OFFICERS	
Objective:	<ul style="list-style-type: none"> To ensure that a person has the relevant qualifications necessary to hold the position of Bush Fire Control Officer. To ensure that these qualifications are maintained by the appointed Bush Fire Control Officer.
Date of adoption:	19 December 2013 Minute No. 131213
Date of amendment:	
Date of last review:	2 March 2022
Legislative References:	<i>Bush Fires Act 1954 Section 38</i> <i>Occupational Safety & Health Act 1984</i>
Internal References:	Bush Fire Brigade Standard Operating Procedures Strategic Community Plan

Introduction

Within the Bushfire Brigades, officers are appointed by the Council to undertake various roles and responsibilities. The persons occupying these positions, although volunteers, are nonetheless officers of the Council and are appointed by the Council (under section 38 of the *Bush Fires Act 1954*) upon their nomination by the Brigade and endorsement by the Bush Fire Advisory Committee.

In accordance with Occupational Safety & Health legislation, Council has a duty of care to all its brigade volunteers to provide a safe working environment. This extends to ensuring Fire Control Officers are appropriately skilled to manage a fire incident, and the volunteers assisting.

Establishing the rules for the appointment of Fire Control Officers will assist in meeting the Council’s obligations for duty of care.

This policy provides the eligibility criteria for a person to be appointed as a Bush Fire Control Officer.

Policy Statement

1. To be eligible for appointment as a Bush Fire Control Officer a person must have completed the Bush Fire Control Officer Training Program not more than five years prior to appointment and must be fully vaccinated pursuant to the Booster Vaccination (Restrictions on Access) Directions, as amended from time to time.
2. Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Officer if they complete the Bush Fire Control Officer Training Program within six months of appointment.
3. For a person to continue as a Bush Fire Control Officer they must complete the Bush Fire Control Officers Course or a Refresher Course at intervals of no more than every five years.
4. Nominations of Bush Fire Control Officers from Brigades should be endorsed by the Bush Fire Advisory Committee for recommendation to Council by 1 May each year.
5. A Bush Fire Control Officer, other than the Chief or Deputy Chief Bush Fire Control Officer shall not issue a Permit to Burn for land within another Shire of Broomehill-Tambellup Bush Fire Brigade district unless mutual agreement exists between the Bush Fire Control Officers concerned.

be endorsed.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.9 REVIEW OF POLICY: 6.4 ROADSIDE BURNING

Attachment:	Copy of Amended Policy 6.4 Roadside Burning
File Ref:	ADM0167
Author:	CEO/CESM
Date:	2 March 2022
Disclosure of Interest:	NIL

SUMMARY

To review the Council's Roadside Burning Policy.

BACKGROUND

The Council's Administration has adopted a process whereby the Council's policies will be brought before the Council on a monthly rolling basis such that over a two year time frame, all policies will be reviewed. The process will then begin again.

Policies are one method adopted by local government to advise the CEO, administration and members of the public how a local government will interpret legislative and other requirements. The monthly review of policies precludes the need to examine a large proportion of policies at one sitting. A matrix has been prepared internally setting out the future review dates.

COMMENT

The Roadside Burning policy was adopted on 16 June 2016 and has not been reviewed since that date.

Apart from minor changes to assist interpretation, the policy can be endorsed in its current form. The current policy with proposed amendments is attached.

CONSULTATION

No external consultation has occurred. However the Senior Management group and the Community Emergency Services Manager (CESM) have been consulted regarding both the policy and the amendment to how policies will be reviewed in future.

STATUTORY ENVIRONMENT

Bush Fires Act (1954)

Activities in Thoroughfares and Public Places and Trading Local law 2020

Divisions 6 and 7 of the Local law refer to the requirement to obtain a permit to burn any part of a thoroughfare.

POLICY IMPLICATIONS

This policy is brought before the Council as part of the regular review of policies on a rolling basis.

STRATEGIC IMPLICATIONS

The Council's adopted Community Strategic Plan (2018 – 2028) provides at Key Result Area One – Our People (Objective 1.5.1) 'Promote Excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.'

ORGANISATIONAL RISK

The regular review of policies ensures that policies are always current and that the pertinent legislation impacting policies is reviewed regularly, thus reducing organisational risk.

FINANCIAL IMPLICATIONS

The adoption of the recommendation in this report has no financial implication for the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Policy 6.4 Roadside Burning, as follows:

6.4 ROADSIDE BURNING	
Objective:	To protect flora and fauna and to ensure that roadsides are not denigrated through over burning.
Date of adoption:	16th June 2016 Minute No. 160609
Date of amendment:	
Date of last review:	1 March 2022
Legislative References:	<i>Bush Fires Act 1954</i>
Internal References:	Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local law 2008.

Policy Statement:

The burning of vegetative matter on any roads, streets or ways under the care and control of the Shire of Broomehill-Tambellup must be authorised by the Council (under delegation to the Chief Executive Officer) in accordance with the *Activities in Thoroughfares and Public Places and Trading Local law 2008*.

Authorisation will be conditional upon the following:

- a) Roadside burning only being carried out if no other practical options for fire hazard management are available;
- b) Roadside burning only being permitted at the conclusion of the Restricted Burning Period (unless a permit has been authorised by a Shire of Broomehill-Tambellup authorised Fire Control Officer);
- c) The applicant complying with all requirements of the *Bush Fires Act 1954*;
- d) The site(s) being inspected by a Shire of Broomehill-Tambellup Bush Fire Brigade Fire Control Officer (FCO) and any requirements detailed by the FCO (recorded on the application form) being adhered to;
- e) The applicant ensuring the protection of standing timber and the preservation of natural vegetation wherever possible. No burning of well-conserved or semi-conserved bush areas may occur without authorisation by the Council;
- f) The burning of the roadside not causing any direct or indirect damage to declared rare flora or fauna;
- g) No damage being caused to fences, roads, road furniture, drainage structures, public utilities or other property in the vicinity;
- h) The road verge burning only occurring adjacent to the resident/land owner's property the subject of the permit;
- i) A maximum 2km strip being burnt per applicant per year;

- j) The applicant installing the appropriate traffic warning devices;**
- k) No obstructing of roadways or drainage channels by fallen trees or other debris;**
- l) Consideration being given to the potential for smoke pollution; and**
- m) The fire being attended at all times until the burn is completely safe and the fire is out.**

be endorsed.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.10**REVIEW OF POLICY: 6.5 CEMETERY EXHUMATION**

Attachment:	Policy 6.5 Cemetery - Exhumation
File Ref:	ADM0165
Author:	Rob Stewart, Acting CEO
Date:	1 March 2022
Disclosure of Interest:	NIL

SUMMARY

To review the Council's Cemetery Exhumation policy.

BACKGROUND

The Council's Administration has adopted a process whereby the Council's policies will be brought before the Council on a monthly rolling basis such that over a two year time frame, all policies will be reviewed. The process will then begin again.

Policies are one method adopted by local government to advise the CEO, administration and members of the public how a local government will interpret legislative and other requirements.

The monthly review of policies precludes the need to examine a large proportion of policies at one sitting. A matrix has been prepared internally setting out the future review dates.

COMMENT

The Cemetery Exhumation policy was adopted on 16 June 2016 and has not been reviewed since that date.

Apart from minor changes to assist interpretation, the policy can be endorsed in its current form. The current policy with proposed amendments is attached.

As the exhumation of a body is a skilled task with statutory implications, it is not appropriate for any council employee to be involved in the process except for that outlined in the policy.

CONSULTATION

No external consultation has occurred. However the Senior Management group) has been consulted regarding both the policy and the amendment to how policies will be reviewed in future.

STATUTORY ENVIRONMENT

Cemeteries Act (1954)

Exhumations in the Act are referred to in sections 58 and 59.

Section 58 refers to an exhumation ordered by the Minister and section 59 refers to exhumations authorised by the Council.

Cemeteries Local law 2020

Clause 8.8 of the Local law provides:

'A person wishing to exhume a body from a Shire of Broomehill-Tambellup public cemetery must complete an Application for Exhumation form.'

POLICY IMPLICATIONS

This policy is brought before the Council as part of the regular review of policies on a rolling basis.

STRATEGIC IMPLICATIONS

The Council’s adopted Community Strategic Plan (2018 – 2028) provides at Key Result Area One – Our People (Objective 1.5.1) ‘Promote Excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.’

Further, at Key Result Area Three – Our Places (Objective 3.4.1): ‘Implement a program of maintenance, servicing and renewal of Council assets to maximise life and performance’.

ORGANISATIONAL RISK

The regular review of policies ensures that policies are always current and that the pertinent legislation impacting policies is reviewed regularly, thus reducing organisational risk.

This particular policy acknowledges that the process of exhumation of a body is not necessarily incorporated into any employee’s skill set and should therefore be handled appropriately externally to the organisation.

FINANCIAL IMPLICATIONS

The adoption of the recommendation in this report has no financial implication for the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Policy 6.5 Cemetery Exhumation, as follows:

6.5 CEMETERY - EXHUMATION	
Objective:	To establish the works that will be undertaken by the Shire if an exhumation is requested at a cemetery within the Shire.
Date of adoption:	16th June 2016 Minute No. 160608
Date of amendment:	
Date of last review:	1 March 2022
Legislative References:	<i>Cemeteries Act 1986 Section 58 and 59</i>
Internal References:	Shire of Broomehill-Tambellup Schedule of Fees and Charges

Policy Statement:

Under Sections 58 and 59 of the *Cemeteries Act 1986*, the Council may be requested to carry out an exhumation at a cemetery within the Shire.

Acknowledging that Council staff are not trained in this task, the extent of works that will be completed are as follows:

- The Shire will open the grave and dig down to the coffin lid;
- The Shire will fill the grave once the coffin is removed;
- The charge for these works will be as adopted in the Shire’s Schedule of Fees and Charges, as amended from time to time.

The person making the application for the exhumation must arrange for a suitably qualified person to bring the coffin to the top of the ground.

The applicant is responsible for all associated costs in relation to bringing the coffin to the top of the ground.

be endorsed.

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

9.11**PROPOSED NEW POLICY: 2.14 REMOVAL EXPENSES FOR SENIOR STAFF**

Attachment:	Policy 2.14 Removal Expenses for Senior Staff
File Ref:	ADM0167
Author:	Rob Stewart, Acting CEO
Date:	2 March 2022
Disclosure of Interest:	NIL

SUMMARY

To consider the adoption of a new Policy relating to the reimbursement of Removal Expenses.

BACKGROUND

The imminent appointment of a substantive CEO presents an opportunity for the Council to consider the adoption of a new Policy relating to removal expenses, how they may be paid and what reimbursement conditions may be applied.

COMMENT

Removal expenses to the District of the Shire of Broomehill-Tambellup can be relatively high. Payment by the council as part of an employee attraction process is a normal benefit for senior staff who often cannot be drawn from a local population.

Further, in the event of that senior staff member leaving the employ of the Council in, say, less than 12 months of appointment, then a mechanism should be in place for some or all of that expenditure to be reimbursed.

A policy that included a maximum amount to be paid on behalf of the new employee and how any moneys would be reimbursed would be preferable.

It is suggested that the policy incorporate a maximum reimbursement of \$7,000. Further the policy should incorporate a sliding level of reimbursement such that if the employee leaves the employ of the council for any reason within the first three months, the total amount shall be reimbursed to the Council. If the employee leaves between three months and six months, 50% shall be reimbursed. Should the employee leave between six months and twelve months, 25% shall be reimbursed. After twelve months no reimbursement shall be due to the Council.

CONSULTATION

No external consultation has occurred. However the Senior Management group has been consulted regarding the introduction of this proposed policy.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

This policy is brought before the Council as a proposed new policy.

STRATEGIC IMPLICATIONS

The Council's adopted Community Strategic Plan (2018 – 2028) provides at Key Result Area One – Our People (Objective 1.5.1) 'Promote Excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.'

ORGANISATIONAL RISK

Should the proposed policy not be adopted there is a medium risk that information provided to potential employees is either insufficient or incorrect, thus resulting in reputational damage.

FINANCIAL IMPLICATIONS

The adoption of the recommendation in this report has some financial implication for the Council. That is, clear direction through the adoption of a policy may allow the council to be reimbursed for funds already paid. It also provides a maximum amount to be contributed towards relocation expenses.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That new Policy 2.14 Removal Expenses – Senior Staff, as follows:

2.14 REMOVAL EXPENSES - SENIOR STAFF

Objective:	To attract senior staff to the Shire of Broomehill-Tambellup and to provide guidance regarding the maximum amount that the Council will contribute towards relocation expenses upon the recruitment of senior staff and the circumstances under which reimbursement of those expenses will be sought	
Date of adoption:	17 March 2022	Minute No.
Date of amendment:		
Date of last review:		

Policy Statement

The Council will, when contributing to the relocation costs of new senior staff:

Pay the total relocation costs to a maximum of \$7,000 subject to three quotes for the relocation being obtained and the most satisfactory being endorsed by the CEO, subject to the following:

1. Should the new officer leave the employ of the Council for any reason within three months of employment, the officer shall reimburse to the Council 100% of the relocation costs.
2. Should the new officer leave the employ of the Council for any reason between three months and six months of employment, the officer shall reimburse to the council 50% of the relocation costs.
3. Should the new officer leave the employ of the Council for any reason between six months and twelve months of employment, the officer shall reimburse to the council 25% of the relocation costs.
4. Should the new officer leave the employ of the Council for any reason after twelve months of employment, the officer shall not be required to reimburse to the council any portion of the relocation costs.

Further, in the event that relocation expenses are required to be reimbursed in accordance with this policy, those funds shall be deducted from the officer’s final pay and if required invoiced to the officer for any shortfall following termination of employment.

When this policy applies to a new employee, an acknowledgement of the terms of this policy shall be signed by the employee prior to employment being finalised.

be endorsed.

COUNCIL DECISION

Motion

Moved Cr

Seconded Cr

9.12 COMPLIANCE AUDIT RETURN 2021

Attachment:	Copy of the Compliance Audit Return for 2021
File Ref:	ADM0302
Author:	KP O’Neill – Manager Finance and Administration
Date:	02 March 2022
Disclosure of Interest:	Nil

SUMMARY

The purpose of this report is for the Council to consider the recommendation from the Audit Committee to adopt the 2021 Compliance Audit Return.

BACKGROUND

Local Governments are required to complete the Compliance Audit Return (CAR) annually in relation to the period 01 January to 31 December.

Local Government (Audit) Regulations 1996, Regulation 14 requires the Audit Committee review the CAR and report the results of the review to the Council. Following adoption of the CAR by Council, a certified copy of the return along with the relevant section of the minutes is to be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2022.

Once adopted by Council, the Shire President and Chief Executive Officer are required to certify that the statutory obligations of the Shire of Broomehill-Tambellup have been complied with.

COMMENT

The CAR is comprehensive and gives an indication of the Shire’s level of compliance with legislative requirements, relating only to compliance with the *Local Government Act 1995* and associated Regulations. The current structure of the CAR is restricted to the areas of compliance and reporting considered high risk. The questions contained in the CAR relate to the prescribed statutory requirements in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

The CAR contains 95 questions that are required to be answered, plus 9 optional questions. The following areas of activity are covered by the CAR –

1. Commercial Enterprises by Local Governments
2. Delegation of Power / Duty
3. Disclosure of Interest
4. Disposal of Property
5. Elections
6. Finance
7. Integrated Planning and Reporting
8. Local Government Employees
9. Official Conduct
10. Optional Questions
11. Tenders for Providing Goods and Services

The Audit Committee is required to review the CAR and report the results of that review to the Council prior to adoption by the full Council and submission to the Department of Local Government Sport and Cultural Industries.

The 2021 CAR has been completed by the Manager Finance and Administration.

CONSULTATION

Acting CEO

STATUTORY ENVIRONMENT

Local Government Act 1995 s7.13(1)(i)

Local Government (Audit) Regulations 1996

13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))

14. Compliance audits by local governments

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –

(a) presented to the council at a meeting of the council; and

(b) adopted by the council; and

(c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –

(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and

(b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

(2) In this regulation –

certified in relation to a compliance audit return means signed by –

(a) the mayor or president; and

(b) the CEO.

POLICY IMPLICATIONS

There is no policy applicable to this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

Objective 1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community;

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that re in the best interests of our residents.

ORGANISATIONAL RISK

The Compliance Audit Return, external audits and risk reviews are an integral part of ensuring that financial and compliance risks are minimised and legislative compliance is maintained.

FINANCIAL IMPLICATIONS

This issue has no financial implications for Council

VOTING REQUIREMENTS

Simple Majority

AUDIT COMMITTEE RECOMMENDATION

The Audit Committee will be meeting at 2.00pm on Thursday 17 March 2022, to discuss this report and will make a recommendation to the Council. The Officer’s Recommendation for the Audit Committee to consider is:

That following a review of the Compliance Audit Return 2021 by the Audit Committee, the return be adopted and forwarded to the Department of Local Government, Sport and Cultural Industries by 31 March 2022.

COUNCIL DECISION

Motion

Moved Cr

Seconded Cr

9.13**BUSINESS CONTINUITY – PANDEMIC RESPONSE AND ACTION PLAN**

Attachment:	Business Continuity Plan Addendum – Pandemic Response and Action Plan 2022
File Ref:	ADM0442
Author:	PA Hull, Strategic Support & Projects Officer
Date:	8 March 2022
Disclosure of Interest:	Nil

SUMMARY

To endorse the Pandemic Response and Action Plan 2022.

BACKGROUND

Business continuity planning in local government represents part of a local government's approach to risk management and aims to mitigate negative consequences on business operations caused by a disruptive event (e.g.; natural disaster). The Shire's Business Continuity Plan (BCP) was endorsed by the Council in June 2016, and has been reviewed internally by staff on a number of occasions since then. A major review of the document is required, and once complete, will be presented to the Council for consideration and endorsement.

The BCP will be effective in the event of a natural disaster where the loss of premises (administration offices, works depots) may be experienced. It does not currently provide a framework for management of a pandemic such as that which we are currently experiencing. Staff have therefore prepared an addendum to the BCP which will provide that framework.

COMMENT

At the time of the onset of the Coronavirus (COVID-19) pandemic in March 2020, a basic Pandemic Response and Action Plan (PRAP) was developed by the Senior Management Team which identified critical services, and documented actions to ensure continuity of services in the event of an outbreak of COVID-19 in the community and workplace. At that time, and over the ensuing two year period, the State Government initiated a broad range of restrictions which significantly minimised the risks associated with transmission of COVID-19, and the response at the local level was downgraded.

The recent reopening of state and national borders and the rise in the number of COVID-19 cases in the State and region has driven a review of the PRAP, which will ensure the Shire is prepared and able to effect delivery of services into the future.

The review has provided the opportunity to include detail around strategies that will be initiated in the event Shire staff are unable to attend the workplace due to illness or the requirement to care for a family member. These strategies will ensure critical tasks will not be interrupted.

The PRAP is presented as an addendum to the current BCP.

CONSULTATION

Senior staff

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996 – r.17

POLICY IMPLICATIONS

This Plan aligns with Policy 1.16 - Organisational Risk Management; specifically, the Risk Management Objective '*limited interruption to business continuity*'

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028: Key Result Area One - Our People

1.5 Our Shire demonstrates strong leadership, effective governance, and efficient service delivery to our community.

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.

ORGANISATIONAL RISK

If the Pandemic Response and Action Plan 2022 is not endorsed, the CEO and Managers will be unable to implement strategies that will minimise risks to business continuity. Interruptions to business continuity will increase the likelihood of impact to reputation, operations and compliance risk areas.

In accordance with the *Occupational Safety and Health Act 1984* the Shire is required to provide a safe work environment for its employees. Endorsement of the Pandemic Response and Action Plan 2022 will allow strategies to be initiated to ensure this obligation is met.

FINANCIAL IMPLICATIONS

This matter has no financial implications. The current budget includes provision for actions contained within the Plan.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the Pandemic Response and Action Plan 2022 as presented, be endorsed.

- 10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
- 11. APPLICATIONS FOR LEAVE OF ABSENCE**
- 12. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 13. QUESTIONS FROM MEMBERS WITHOUT NOTICE**
- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 15. CLOSURE**