

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 20 December 2022
Commencing 4.00pm



Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 20 December 2022 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2.00pm Briefing Session

4.00pm Council Meeting

LISA CLACK
CHIEF EXECUTIVE OFFICER
16 December 2022

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy Chief Executive Officer
EA	Executive Assistant to CEO
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
ES	Executive Support Officer
GECZ	Great Eastern Country Zone
GO	Governance Officer
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MP	Manager of Projects
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils



December Ordinary Council Meeting

1.	Official Opening	4
2.	Record of Attendance / Apologies and Leave of Absence	4
3.	Public Question Time	4
4.	Disclosure of Interest	4
5.	Applications for Leave of Absence	4
6.	Petitions and Presentations	5
7.	Confirmation of Minutes of Previous Meetings.....	5
8.	Announcements by the Person Presiding without Discussion	5
9.	Matters for Which the Meeting may be Closed to the Public	5
10.	Receipt of Minutes of Meetings	6
11.	Recommendations from Committee Meetings for Council Consideration	6
12.	Officer's Reports - Development Services	7
13.	Officer's Reports - Engineering Services	8
13.3	Wheatbelt Secondary Freight Network (WSFN) – Endorsement of Revised Program and Acceptance of Unbudgeted Income	8
14.	Officers' Reports – Corporate and Community Services	13
14.1	Statement of Financial Activity and associated matters – November 2022	13
14.2	List of Accounts Paid – November 2022	17
14.3	Policy Review – Risk Management Policy	19
14.4	Revised and Updated Recordkeeping Plan and Recordkeeping Policy	21
14.5	Department of Transport – New Road Law and Non-Road Law Agreements	24
15.	Officers' Reports - Administration	27
15.1	Status Report – December 2022	27
15.2	Policy Review & Adoption – Councillor Training and Professional Development Policy and CEO and Councillor Attendance at Events.....	29
15.3	Employee Code of Conduct.....	32
16.	Motions of which Previous Notice has been given	35
17.	Questions by Members of which Due Notice has been given	35
18.	Urgent Business Approved by the Person Presiding or by Decision	35
19.	Matters Behind Closed Doors.....	35
19.1	Award of Contract – RFQ07 2022/23 Bituminous Surfacing Application Works 2022/23	35
19.2	Award of Contract – RFQ06 2022/23 Supply of Materials Stabilisation and Wet Mixing Services 2022-23	35
19.3	Award of Contract – RFQ04 2022-23 Supply of New Road Grader	35
19.4	Award of Contract – RFQ08 2022-23 Road Widening Services for Bulls Head Road	35
19.5	CEO Annual Performance Review Process.....	35

Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 20 December 2022



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr D Crook	Deputy President
Cr R Billing	
Cr J Flockart	
Cr R Manning	
Cr P Patroni	
Cr M Simmonds	

Staff:

L Clack	CEO
C Townsend	A/DCEO
L Boehme	EMCS
L Mellor	EMES
P Zenni	EMDS
M Wyatt	EA/ES
O Mellor	GO

Members of the Public:

Apologies:

Approved Leave of Absence: Cr P Van Der Merwe

3. Public Question Time

Members of the public may submit questions up to 2pm on the day of the meeting by emailing ea@merredin.wa.gov.au.

4. Disclosure of Interest

5. Applications for Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 22 November 2022
Attachment 7.1A

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That the minutes of the Ordinary Council Meeting held on 22 November 2022 be confirmed as true and accurate records of proceedings.

8. Announcements by the Person Presiding without Discussion

9. Matters for Which the Meeting may be Closed to the Public

- 19.1 Award of Contract – RFQ07 2022/23 Bituminous Surfacing Application Works 2022/23
- 19.2 Award of Contract – RFQ06 2022/23 Supply of Materials Stabilisation and Wet Mixing Services 2022-23
- 19.3 Award of Contract – RFQ04 2022-23 Supply of New Road Grader
- 19.4 Award of Contract – RFQ08 2022-23 Road Widening Services for Bulls Head Road
- 19.5 CEO Annual Performance Review Process

10. Receipt of Minutes of Meetings

10.1 Minutes of the Bush Fire Advisory Committee Meeting held 13 October 2022
Attachment 10.1A

10.2 Minutes of the Local Emergency Management Committee Meeting held 27

October 2022

Attachment 10.2A

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council;

1. **RECEIVE** the minutes of the Bush Fire Advisory Committee Meeting held 13 October 2022; and
2. **RECEIVE** the minutes of the Local Emergency Management Committee Meeting held 27 October 2022

11. Recommendations from Committee Meetings for Council Consideration

11.1


An audit committee meeting was held on Monday 19th December 2022. The minutes and subsequent recommendations are considered under separate cover in Late Agenda Item to be circulated following the audit meeting.

12. Officer's Reports - Development Services

Nil

13. Officer's Reports - Engineering Services

13.3 Wheatbelt Secondary Freight Network (WSFN) – Endorsement of Revised Program and Acceptance of Unbudgeted Income

<h2>Engineering Services</h2>		
Responsible Officer:	Lindon Mellor, EMES	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.1A - Confidential Letter to WSFN Steering Committee - Revised Program	

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider:

- a) Endorsement of the revised Wheatbelt Secondary Freight Network (WSFN) program for 21/22 and 22/23; and
- b) Accept unbudgeted income received from a successful variation request submitted to the Wheatbelt Secondary Freight Network Steering Committee.

Background

The Wheatbelt Secondary Freight Network (WSFN) comprises of 4,400km of local government roads that moves agricultural freight across and through several local governments, connecting with the State Road Network where possible. The project includes construction of overtaking lanes, road and bridge upgrades, shoulder sealing and road train assemble parking bays. The purpose of the project is to ensure a safe and fit for purpose secondary freight road network is maintained into the future by ensuring strategic local roads used for freight movement, all had the same Heavy Vehicle RAV rating to improve efficiency and safety.

Federal funding for the project was announced ahead of the May 2019 Federal Election, with a combined total of \$87.5M for WSFN, then in October 2020 on the back of the COVID-19 stimulus a further \$100M was announced. Both funding streams are 80% Federal, 20% State/Local Government split (2/3 State & 1/3 Local Government). In 2019, all 42 Wheatbelt

Local Governments formally agreed to be a part of the WSN Program and accept the Program Delivery Plan, including the Shire of Merredin.

Under the WSN program, the Shire of Merredin has funding until 2025, towards upgrades to Merredin-Narembeen Road.

Comment

In the March 2022 Ordinary Council Meeting, Council resolved to defer the 2021/22 WSN funded works to Merredin-Narembeen Road (CMRef# 82880) and carry forward the associated funding to the 2022/23 financial year. This was to give the Administration time to resolve several issues within the original works schedule, including funding gaps, which were outlined with the Officers report.

One of the main issues with completing the 2021/22 works was that reconstruction works were required to an existing culvert bridge at Straight Line Kilometre (SLK) 0.55, which had not been included in the original funding. This work required widening of the culvert bridge and several repairs to due to structural deterioration. Without completing these works, the whole section of 2021/22 planned works to Merredin-Narembeen Road, would not meet the WSN requirements and would likely affect the Shire receiving the full allocated funding amount. Further funding was sought from WSN in December 2021 to complete the replacement of the culvert bridge, however this request was not supported at the time by the WSN Steering Committee.

Due to the significant market changes within the last 12 months, the Administration reviewed the Shire's WSN 5-year delivery plan, before submitting a second application for funding for the culvert bridge. Through this process, several issues were identified with the original 5-year delivery plan meaning that the plan needed to be revised, in terms of;

1. previous costing predictions (as current changes in economic drivers have resulted in significant cost increases); and,
2. changes in the condition of the road due to change in usage (both vehicle size and changed frequency of use)..

A letter was sent to the WSN Steering Committee in October 2022, to amend the Shires agreed funded works schedule, and seek further funding. An overview of the noted issues and changes has been outlined in the Letter to the WSN Steering Committee, appended as CONFIDENTIAL Attachment 13.1A - Letter to WSN Steering Committee - Revised Program.

At a high level, the main changes requested to the Shire's 5-year WSN program were:

- An increase in total funding value over the program from the original \$5,664,200 to \$7,595,005, an overall required increase of \$1,930,805;
- Changes to which sections of road are to be reconstructed and priorities, removing low priority sections and adding new sections which have showed significantly accelerated deterioration since the original program was proposed. Prioritisation was also used as a tool to balance the available WSN budget allocations within the plan, given the significant increases in construction costs.;
- An upgrade of treatments to ensure 40-year pavement design life, due to increased vehicle sizes and changes in usage of the road;
- Inclusion of upgrades to the culvert bridge – which were not included in original program; and

- The inclusion of centre and edge line marking of the entire 36.44km in the final year of Program (24/25 Yr) for road safety purposes – which was not included in the original program.

Following the correspondence submitted by the Shire, the WSNF Steering Committee has advised the Administration has received partial endorsement in the form of approvals for variations within this years works.

The Committee has approved the requested additional allocations for the 2021/22 financial year carryover works to a total \$63,437 (\$59,207 of WSNF Funding contribution) and requested funds for the upgrade of the culvert bridge which was not on the original plan, for an additional \$242,000 of funding (\$225,867 of WSNF Funding contribution). This takes the total additional funding to \$285,074 from WSNF (total works value of \$305,473).

It should be noted as WSNF funding is a 80% Federal, 20% State/Local Government split (2/3 State & 1/3 Local Government), therefore the Shire will need to allow it's own allocation towards these works of \$20,399 to make up the remainder of the estimated costs. The Administration suggests these funds be taken from R2R funds available in R2R00, which were set aside rather than being allocated to specific projects, for this purpose. A breakdown of how these funds will be allocated is noted in the Financial Implications section.

The Administration has not yet received confirmation for the requested changes in future years works within the remainder of the 5-year delivery plan, but the Administration will continue to work with the WSNF Steering Committee to seek further funds for Merredin and any further changes will be subject to Council endorsement.

This item requests Council endorse the revised works program for the 2021/22 carry forward works and the 2022/23 works, including the inclusion of the culvert bridge and seeks approval to receive the unbudgeted income of \$285,074 from WSNF.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995.

Strategic Implications

➤ Strategic Community Plan

Theme:	6. Transport and Networks
Service Area Objective:	6.1 Roads & Footpaths 6.1.1 The Shire's road system, footpaths and cycle trails are well maintained and safe
Priorities and Strategies for Change:	Improving local roads – Development of Roading Hierarchy and ten-year capital works plan to establish clear, transparent and affordable priorities to meet the needs of residents and industry

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.

Directorate: Engineering Services

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

If Council do not agree to accept the additional funding received from the WSNF grant, then this funding may be lost and delivery of upgrades to Merredin-Naremben Road will not be able to be fully completed.

Financial Implications

Additional income of \$285,074 will be received within the 2022/23 Budget. Funds for the Shire’s contribution towards these works will come from R2R allocations as per the below table.

Account	Description	Current Budget	Amendment	Revised Budget	Comment
3120118	ROADC – Wheatbelt Secondary Freight Network (WSFN)	\$2,035,300	+\$285,074	\$2,320,374	This is the WSNF income account
412014	ROADC – Roads Outside BUA – Sealed – Council Funded	\$2,181,300	+\$285,074	\$2,466,374	This is the WSNF expenditure account
412014	ROADC – Roads Outside BUA – Sealed – Council Funded	\$2,466,374	+20,399	\$2,486,773	This is Merredin-Naremben expenditure account
R2R000	R2R to be allocated	\$228,984	-\$20,399	\$208,585	This figure is based on another agenda items approval

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;


1. **ENDORSE** the revised Wheatbelt Secondary Freight Network (WSFN) program for 21/22 and 22/23 as contained in CONFIDENTIAL Attachment 13.1A - Letter to WSFN Steering Committee - Revised Program;
2. **ACCEPT** unbudgeted income of \$285,074 from Wheatbelt Secondary Freight Network (WSFN) as a contribution to Merredin-Naremben Road upgrade works into GL 3120118; and
3. **APPROVE** the Shire contributing \$20,399 of funds towards updated program by transferring \$20,399 from GL412014 to GL R2R000;
4. **Subject to point 2 and 3 of this resolution, APPROVES** the following amendments to the 2022/23 annual budget :

Account	Description	Current Budget	Amendment	Revised Budget	Comment
3120118	ROADC – Wheatbelt Secondary Freight Network (WSFN)	\$2,035,300	+\$285,074	\$2,320,374	This is the WSFN income account
412014	ROADC – Roads Outside BUA – Sealed – Council Funded	\$2,181,300	+\$285,074	\$2,466,374	This is the WSFN expenditure account
412014	ROADC – Roads Outside BUA – Sealed – Council Funded	\$2,466,374	+20,399	\$2,486,773	This is Merredin-Naremben expenditure account
R2R000	R2R to be allocated	\$228,984	-\$20,399	\$208,585	The revised budget figure is based on the approval of the Officers recommendation in Item 19.4

5. **NOTES** the remaining available budget shown in the revised budget column of account R2R000 in the Table shown in point 4 of this resolution, is based on Council approval of the Officer recommendation at Item 19.4. Should Item 19.4 not be approved, the remaining available amount will increase; and,
6. **NOTES** this takes the total value of the additional works to Merredin-Naremben Road described in this report to \$305,473.

14. Officers' Reports – Corporate and Community Services

14.1 Statement of Financial Activity and associated matters – November 2022

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Capital Works Progress Attachment 14.1D – Investment Report

Purpose of Report



Executive Decision



Legislative Requirement

For Council to receive the Statements of Financial Activity and Investment Report for the month of November 2022, and be advised of associated financial matters, including consideration of the approval of a fee waiver outside of the CEO's delegation limit, and report of a material variance which occurred in December 2022.

Background

The Statement of Financial Activity, Detailed Statements, Capital Works Progress and Management Report are attached for Council's information. A material variance which is due to occur in the December period has been noted in the comments.

Additionally, consideration of a fee waiver for Australia Day has also been included.

Comment

Statement of Financial Activity

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Shire to prepare a monthly statement of financial activity for consideration by Council

within 2 months after the end of the month of the report. These reports are included at Attachments 14.1A to D inclusive.

Fees and Charges Waiver

Every year for Australia Day the Shire has an event at the pool which includes free pool entry to all patrons.

Under Delegation 4.13 Waive Small Fees and Charges the CEO has the delegation to waive up to \$1,000 in Shire fees, which includes entry into the swimming pool, allowing the entry of approximately 200 patrons before the delegation is exhausted. If more patrons attend the pool during the day, the CEO does not have the delegated authority to approve this without Council approval.

Therefore, the Administration is seeking approval from Council for a waiver of up to \$3,000 in pool entry for the Australia Day event.

In the future, the Administration will review the delegations with a view to allowing this to occur without requiring Council resolution.

Operational Budget – change more than \$10,000 triggering materiality variance

A threshold for reporting variances between actual and the original adopted budget is set by the Local Government (materiality reporting) each year. For the Shire of Merredin, this has been set to a variance of \$10,000 for operating budget line items.

During the December period it has become necessary for the Administration to increase the total GL expenditure for Gala Night event held on 15 December 2022, from \$17,000 to \$30,000. This increase of \$13,000, triggers the materiality reporting threshold, hence this retrospective advice to Council.

There are three items which have triggered this change;

1. Underbudgeting for utilising outdoor workforce crew for traffic management requirements, as this element of the event was not completed in 2021. This is required for the safety of patrons, and our roads;
2. To account for staff overhead costs. As a structural organisational cost, staff overheads for the outdoor crew are allocated within the existing budget to other parks and gardens locations, however these should be moved from parks and gardens maintenance, to the event, in recognition of the amount of hours contributed. As overheads are already built into the operational budget, this will be an accounting change within GL's rather than a real cost increase, but provides accurate reporting on the true costs of running the event.
3. Increase in plant overheads. This increase accounts for the changed costs associated with the operations of plant including fuel and other increases since the 2021 event.

The additional funding amount will be reallocated, or found from within the existing operational budget at the March budget review.

Delegation 4.13 Waive Small Fees and Charges – the CEO is delegated authority to waive small fees and charges where it is appropriate to offer a concession. The maximum to be waived is \$1,000.

Statutory Implications

Local Government Act 1995 and the *Local Government (Financial Management) Regulations 1996*.

6.8. (1) A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure (b) is authorized in advance by resolution*; *Absolute majority required

Approval of the level of materiality required under the *Local Government (Financial Management) Regulations 1996* 34(5), for financial reporting in respect of variances between actual and the original adopted budget is set by the Local Government. For the Shire of Merredin, this equates to \$10,000 for operating budget line items and \$10,000 for capital items

Strategic Implications

➤ Strategic Community Plan

Theme:	Nil
Service Area Objective:	Nil
Priorities and Strategies for Change:	Nil

➤ Corporate Business Plan

Key Action:	Deliver long term financial planning for asset replacement and new capital projects
Directorate:	2
Timeline:	Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction regarding its management of finance over an extended period of time.

Risk Implications

The Statement of Financial Activity is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer (CEO) has implemented internal control measures such as regular Council and

management reporting and a quarterly process to monitor financial performance against budget estimates.

Materiality reporting thresholds have been established at half the adopted Council levels to alert management prior to there being irreversible impacts. This equates to \$10,000 for operating budget line items and \$10,000 for capital budget line items.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud.

The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* Regulation 5, seek to mitigate the possibility of this occurring.

These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

Financial Implications

The adoption on the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Monthly Financial Report are nil.

However, the material variance reported will require budget amendments. This will be progressed at the March budget review.

Voting Requirements



Simple Majority




Absolute Majority

Officers Recommendation

That Council

1. **RECEIVE** the Statement of Financial Activity and Investment Report for the period ending 30 November 2022 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996;
2. **APPROVE** the CEO to waive up to a cumulative total of \$3000 (ex GST) of pool entry fees for the Australia Day event to be held at the Merredin Olympic Pool on Thursday 26 January 2023; and,
3. **NOTES** the report of the material operational variance of \$13,000 for GL CD106, which will be addressed in budget review.

14.2 List of Accounts Paid – November 2022

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Payments Listing November 2022

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of November 2022.

Background

The attached list of Accounts Paid during the month of November 2022 under delegated Authority is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

As outlined in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction regarding its management of finance over an extended period of time.

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Council would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* should this item not be presented.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council RECEIVE the schedule of accounts paid during November 2022 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$1,996,158.61 from Council's Municipal Fund Bank Account and \$123.30 from Council's Trust Account.

14.3 Policy Review – Risk Management Policy

<h2>Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	14.3A – Policy 3.24 Risk Management Policy (with track changes) 14.3B – Policy 3.24 Risk Management Policy final

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider a revised Risk Management Policy which is utilised to manage risk within the organisation.

Background

Policy 3.24 states the Shire of Merredin’s intention is to identify potential risks before they occur so that impacts can be minimised or opportunities realised, ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

The Risk Management Policy forms part of a suite of documents relating to the Shire’s Risk Management Framework, which is currently under review.

Comment

The policy has been reviewed, and formatting and minor wording changes have occurred. The intent is to make the policy easier to read and understand.

There have been no changes to the Shire’s Risk Assessment and Acceptance Criteria, Measures of Likelihood, Risk Matrix, Risk Assessment Criteria and Existing Controls Ratings.

Policy Implications

Nil, no material change has been made.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.2. Decision Making
Priorities and Strategies for Change: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

➤ Corporate Business Plan

Key Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

Without this policy update, we have not met our audit requirement and will not be compliant.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council **ADOPT** the revised Policy 3.24 – Risk Management Policy, as presented in Attachment 14.3B.

14.4 Revised and Updated Recordkeeping Plan and Recordkeeping Policy

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>State Records Act 2000</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	14.4A – Recordkeeping Plan 2022 14.4B – 3.25 Recordkeeping Policy update (with track changes) 14.4C – 3.25 Recordkeeping Policy update (final version)

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider and adopt the revised Shire of Merredin Recordkeeping Plan 2022 and reviewed Policy 3.25 – Recordkeeping Policy.

Background

The *State Records Act 2000* (the Act), requires all Government Agencies to submit a Recordkeeping Plan (RKP) to the State Records Office of Western Australia (SRO) for approval, with a revised plan to be submitted at least every five years.

The previous Shire of Merredin Recordkeeping Plan was submitted to the SRO in 2015. As such, the next review should have been completed in 2020.

The Shire of Merredin Recordkeeping Policy (Policy 3.25) was adopted on 16 December 2014 and has not been reviewed since. The policy requires review at least every five years.

Comment

In 2020 the SRO updated their Recordkeeping Plan template to provide improved guidance for Government Agencies and Local Governments. The Shire of Merredin Recordkeeping Plan 2022 (RKP) has been created utilising the updated SRO plan, and as such is significantly different to the 2015 Council plan.

The RKP sets out how records will be created within the organisation and how such records are to be kept in line with current standards. The RKP provides a reflection of the

recordkeeping program in place at the Shire, including policies, practices and the disaster recovery program. It also outlines the areas for development when moving forward over the next five-year period.

The Plan is the primary means of providing evidence of compliance with the Act and the implementation of best practice recordkeeping within the organisation.

The six principles that are addressed in the plan are:

1. **Proper and Adequate Records** – Government organizations ensure that records are created and kept which properly and adequately record the performance of the organization’s functions and which are consistent with any written law to which the organization is subject when performing its functions.
2. **Policies and Procedures** – Government organizations ensure that recordkeeping programs are supported by policy and procedures.
3. **Language Control** – Government organisations ensure that appropriate controls are in place to identify and name government records.
4. **Preservation** – Government organisations ensure that records are protected and preserved.
5. **Retention and Disposal** – Government organisations ensure that records are retained and disposed of in accordance with an approved disposal authority.
6. **Compliance** – Government organisations ensure their employees comply with the record keeping plan.

The RKP also speaks to SRC Standard 6: Outsourced Functions. The purpose of this Standard, established under Section 61(1)(b) of the *State Records Act 2000*, is to define principles and standards governing contracts or arrangements entered into by State organisations with persons to perform any aspect of record keeping for the organisation.

Policy 3.25 – Recordkeeping Policy, has been reviewed to ensure consistency with the revised Shire of Merredin Recordkeeping Plan 2022. It has also had some formatting changes to enhance readability.

Policy Implications

The Shire of Merredin’s Policy 3.25 – Recordkeeping Policy, has been reviewed and is presented for adoption within this item.

Statutory Implications

As outlined in the *State Records Act 2000*.

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Corporate Business Plan

Key Action: Nil

Directorate: Nil

Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

Without this policy update, we have not met our statutory record keeping requirements and this will be one element of our organisational governance which will not be compliant.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council;

1. **ADOPT the revised Shire of Merredin Recordkeeping Plan 2022;**
2. **NOTE that subject to point 1 of this recommendation, the Chief Executive Officer will forward the adopted Shire of Merredin Recordkeeping Plan to the State Records Office of Western Australia prior to 31 December 2022; and**
3. **ADOPT revised Policy 3.25 – Recordkeeping Policy, as presented in Attachment 14.4C.**

14.5 Department of Transport – New Road Law and Non-Road Law Agreements

Corporate Services



Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

For Council to authorise the CEO to sign the updated Department of Transport Agreements, which will be in place for the next five years.

Background

The Shire of Merredin entered into two agreements with the Department of Transport in 2008 for the provision of Licensing Services. The Road Law and Non-Road Law Agreements were put in place for a period of ten years, expiring on 31 December 2022.

The Department of Transport have proposed the service continue, and provided two new agreements for consideration and signature if agreed. These agreements commence on 1 January 2023 and are for a period of five years.

This item is being provided for Council's information and endorsement, as Department of Transport licensing forms part of the customer service and service levels provided by the Shire.

Comment

Annually, the Shire receives commissions from the Department of Transport for the completion of road and non-road transactions undertaken at the Administration building. The commission amount covers the costs associated with the provision of the service.

As the service being provided by the Shire to the Merredin to the community is extremely valued, it is recommended that Council support the continuation of the arrangement, allowing the Chief Executive Officer to sign both new agreements and the Shire enter into the five year term, as outlined.

The Administration have reviewed the new agreements and are satisfied that changes from the previous agreement are in the favour of the Shire, and include suitable increases to the commission rates. As such, the Administration recommends Council agree to the continuation of the service as per the Department of Transport request.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

Should the Shire not sign the agreements provided by the Department of Transport, licensing services would no longer be able to be offered by the Shire. This could cause a risk to the Shire's reputation and cause community confidence and support to reduce. This would also reduce access to a State Government service locally.

Financial Implications

As the commission paid by the Department of Transport cover the Shire's costs, the financial implications are minimal.

Costs incurred by the Shire for staff training, accommodation, meals and travel are all reimbursed by the Department of Transport as required.

Voting Requirements



Simple Majority



Absolute Majority


Officers Recommendation

That Council;

- 1. SUPPORT in principle the proposal for the Shire of Merredin to continue providing licensing services on behalf of the Department of Transport for a further five year term;**
- 2. AUTHORISES the Chief Executive Officer to finalise negotiations and sign the Road Law Agreement and Non-Road Law Agreement between the Shire of Merredin and the Department of Transport, for the provision of licensing services by the Shire of Merredin, for a five year term commencing 1 January 2023 and concluding 31 December 2027.**

15. Officers' Reports - Administration

15.1 Status Report – December 2022

<h2>Administration</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Status Report – December 2022	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for December 2022.

Background

The Status Report is a register of Council Resolutions that are allocated to the Shire's Executive Staff for actioning. When the Executive Staff have progressed or completed any action in relation to the Council Resolution, comments are provided until the process is completed or superseded by a further Council Resolution.

Comment

In the interest of increased transparency and communication with the community and Council, the Status Report is provided for information.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.4 Communications
4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels
Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council RECEIVES the Status Report on Council Resolutions for December 2022.

15.2 Policy Review & Adoption – Councillor Training and Professional Development Policy and CEO and Councillor Attendance at Events

<h2 style="color: #0070C0;">Administration</h2> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA & Olivia Mellor, GO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	15.2A – Policy 1.20 Councillor Training and Professional Development Policy (with track changes) 15.2B – Policy 1.21 CEO and Councillor Attendance at Events

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider a revised Councillor Training and Professional Development Policy which allows for the continuation of professional development within Councillors and adopt the new CEO and Councillor Attendance at Events Policy.

Background

Councillor Training and Professional Development Policy

Policy 1.20 provides a framework for Councillors to meet their statutory obligations for training and to undertake professional development to enhance their effectiveness.

In June 2019, the Western Australian Parliament passed the *Local Government Legislation Amendment Act 2019 (WA)* which introduced a number of provisions reforming aspects of the *Local Government Act 1995 (WA)* (the Act). The amendments came into effect immediately. The amendments provide for universal training for Councillors.

The introduction of training requirements for Councillors acknowledges the unique and challenging role Councillors hold and aims to provide them with the skills and knowledge to be an effective Councillor.

The Council Member Essentials course prescribed by the Local Government Administration Regulations has five training modules that must be completed within a year of being elected:

- Understanding local government;
- Serving on Council;

- Meeting procedures;
- Conflicts of interests; and
- Understanding financial reports and budgets.

This amendment to the Act also requires local governments to report annually on Councillor training as well as develop and adopt a professional development policy for its Councillors.

All Councillors have to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set. If required training has been completed within the five-year timeframe, then it is to be undertaken every second election.

Division 10 s.5.126 (2)(d) provides for a fine not exceeding \$5,000 for contravention of this section of the Act.

The changes to the Act also provide for the continuing professional development of Councillors with the local government to prepare and adopt a policy in relation to this.

The Shire of Merredin policy is consistent with the Department of Local Government, Sport and Cultural Industries template policy which meets the requirements of the Act.

CEO and Councillor Attendance at Events

It is a requirement in the Compliance Audit Return for local governments to prepare by absolute majority and publish an up-to-date version on their website a policy dealing with the attendance of Council members and the CEO at events. The Shire currently does not have a CEO and Councillor Attendance at Events policy.

The proposed Shire of Merredin policy is based on the Department of Local Government, Sport and Cultural Industries template policy for Attendance of the CEO and Councillors at events, which meets the compliance requirements under the Act.

Comment

Councillor Training and Professional Development Policy

The contents of the Councillor Training and Professional Development Policy remain unchanged from its previous version, however, it has had minor changes to fix grammatical and formatting errors.

CEO and Councillor Attendance at Events

If the Shire does not adopt Policy 1.21 CEO and Councillor Attendance at Events, it would lead to the Shire being non-compliant in meeting its legislative compliance requirements, and it will be reported in the Compliance Audit Return to the Department.

In 2023, once a Shire of Merredin policy template has been agreed upon, the Administration will review if this policy will be required to be returned to Council to amend the current headings, and allow greater consistency in the structure of the policies, across the breadth of the Shire of Merredin's Policy Manual.

Policy Implications

As outlined in the report

Statutory Implications

As outlined in the *Local Government Act 1995*.

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.2 Decision Making
Priorities and Strategies for Change: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

➤ Corporate Business Plan

Key Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

If Council do not adopt the attached polices,, the Shire will be non-compliant in meeting it's legislative requirements, which will be reportable in the 2022 Compliance Audit Return.

Financial Implications

Nil.

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation

That Council:

1. **NOTE** the revision of Policy 1.20 – Councillor Training and Professional Development Policy, as presented in Attachment 15.2A;
2. **ADOPT** Policy 1.20 with minor as presented in Attachment 15.2A; and
3. **ADOPT** Policy 1.21 CEO and Councillor Attendance at Events Policy as presented in Attachment 15.2B.

15.3 Employee Code of Conduct

<h2>Administration</h2>		
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.3A – Employee Code of Conduct	

Purpose of Report

Executive Decision

Legislative Requirement

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

Background

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

A local government Chief Executive Officer (CEO) is to prepare and implement a Code of Conduct to be observed by employees of the local government. The CEO may amend the Code of Conduct and is required to publish an up-to-date version of the Code of Conduct on the local government's website.

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

- Behaviour;
- Disclosure of information;
- The use of information and resources; and
- Records keeping and dealing with misconduct.

These requirements are based on the Public Sector Commission’s (PSC) key integrity risks for public sector employees. Local governments must prepare and adopt a Code of Conduct in accordance with these Regulations as soon as practicable.

Comment

Each local government was previously required to develop their own Code of Conduct and manage behaviour in accordance with that code. These Regulations replace these individual codes by introducing a Code of Conduct that applies to all employees and is separate to the Code of Conduct for Council Members, Committee Members and Candidates.

The Code of Conduct has been developed from the WALGA template which meets all legislative requirements the Shire is required to meet, and is standard practice across the industry.

Policy Implications

As described in the report.

Statutory Implications

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

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

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice

➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

Risk Implications

If Council do not accept the recommendation, the Shire will not comply with its legislative requirements which will be reportable in the 2022 Compliance Audit Return.

Financial Implications

Nil.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council:

- 1. ADOPT the Employee Code of Conduct as per Attachment 15.3A for all employees of the Shire of Merredin, including the Chief Executive Officer, pursuant to Section 5.51A of the Local Government Act 1995; and**
- 2. NOTES the Chief Executive Officer will disseminate the Employee Code of Conduct to all Shire of Merredin Employees.**

16. Motions of which Previous Notice has been given

17. Questions by Members of which Due Notice has been given

18. Urgent Business Approved by the Person Presiding or by Decision

19. Matters Behind Closed Doors

In accordance with *Section 5.23 (2)(c)(e)(ii)(iii), of the Local Government Act 1995* Council will go Behind Closed Doors to discuss these matters.

19.1 Award of Contract – RFQ07 2022/23 Bituminous Surfacing Application Works 2022/23

19.2 Award of Contract – RFQ06 2022/23 Supply of Materials Stabilisation and Wet Mixing Services 2022-23

19.3 Award of Contract – RFQ04 2022-23 Supply of New Road Grader

19.4 Award of Contract – RFQ08 2022-23 Road Widening Services for Bulls Head Road

19.5 CEO Annual Performance Review Process

20. Closure

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