



AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON
WEDNESDAY
22 SEPTEMBER 2021
COMMENCING AT 5PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
22 SEPTEMBER 2021**

President and Councillors,

An ordinary meeting of Council is called for Wednesday, 22 September 2021, in the Council Chambers, Railway Road, Three Springs commencing at 5pm.

Keith Woodward
Chief Executive Officer

15 September 2021

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Three Springs for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Three Springs 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 occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement 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 limitation of approval made by a member or officer of the Shire of Three Springs during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Three Springs. The Shire of Three Springs warns that anyone who has an application lodged with the Three Springs Shire Council must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Three Springs in respect of the application.

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

☐ Ordinary Council Meeting held
on

☐ Special Council Meeting held
on

☐ Committee Meeting held on

☐ Other

Report No

Report Title

Name

☐ Elected
Member

☐ Committee

☐ Employee

☐ Contractor

Type of Interest (**see overleaf for further information*)

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

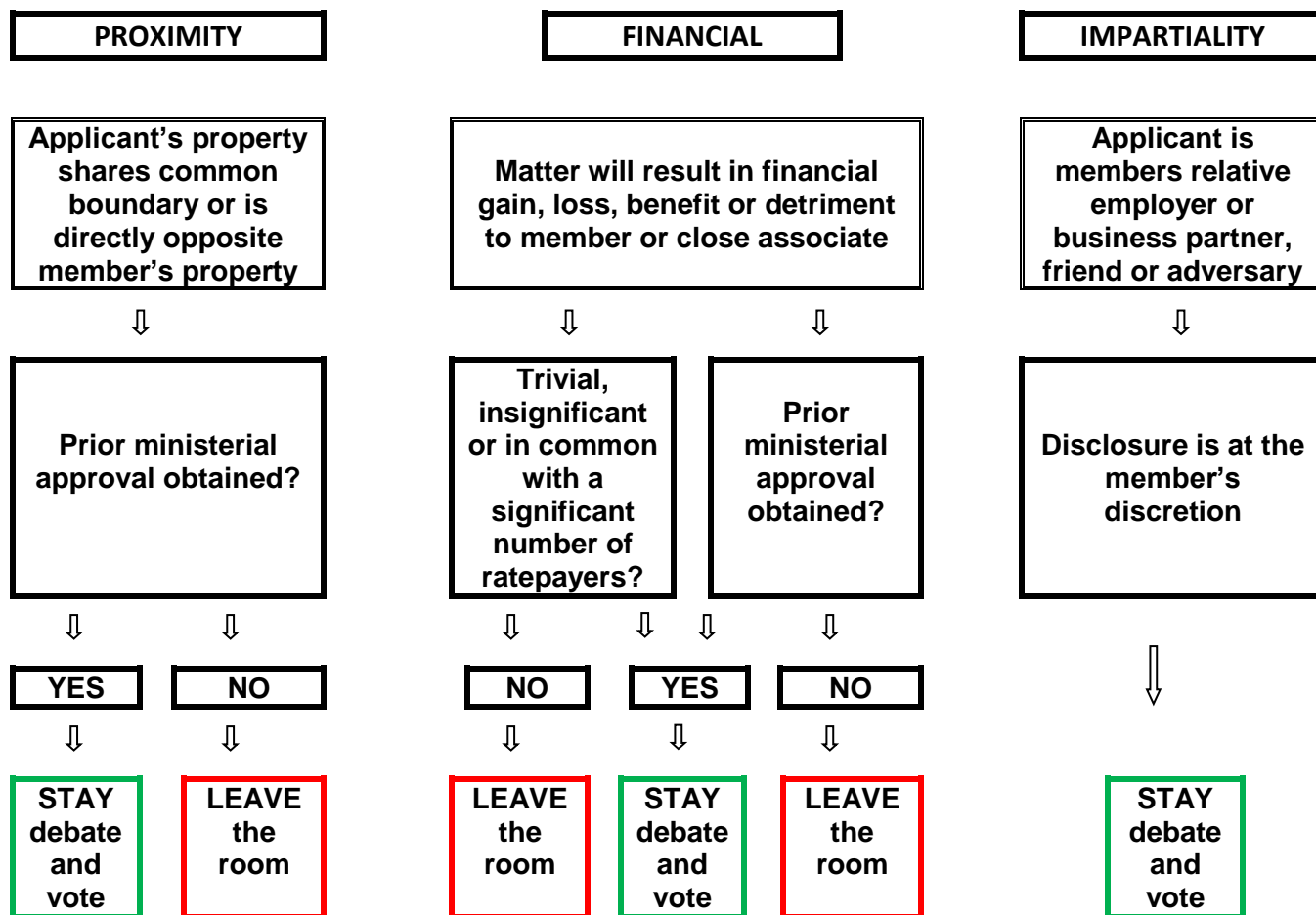
CEO

Signed:

Date:

:

Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an 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 CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the Council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer declared the meeting open at:

Welcome to Country:-

The Shire of Three Springs acknowledges the traditional owners of this land – the Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging.

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

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane			
Councillor Connaughton			
Councillor Heal			
Councillor Mutter			25/08/2021
Councillor Mills			
Councillor Ennor			
Councillor Eva			
Chief Executive Officer			
Deputy Chief Executive Officer			
Manager of Works & Services			
Executive Secretary			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.

	Date	Moved	Seconded	Vote
6.1 OCM	25/08/2021	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Mills	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICERS

Executive Services	
10.1 Good Governance in Practice	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ Legislative Includes adopting local laws, local planning schemes and policies.
- ☒ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council Accepts:

1. The Governance Compliance Calendar report for August 2021.
2. Actions Performed under Delegated Authority for August 2021.

Background:

Local Governments are required to fulfil duties and functions prescribed in legislation.

This expectation is prescribed in the *Local Government Act 1995* through the Office of the CEO.

Officer's Comment:

Compliance Table for August 2021

Compliance Action	Compliance Requirement	Section / Ref	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
Monthly Financial Report LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg.34	August 2021 Report submitted to the September 2021 OCM. Reference Minutes	
Emergency Services Levy - Option A Remittance DUE by: 21st of the month Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.		The Shire does not practice option A. Option B is activated during the months of September / March / June.
Elected Members - Review Meeting Attendance Register - check EMs have not been absent for 3 consecutive meetings without Leave of Absence being granted - refer concerns to the CEO	Local Government Act 1995	s.2.25	Attendance Register reviewed and up to date - No elected member has been absent for 3 consecutive meetings without Leave of Absence granted.	
Elections - Statewide Public Notice Enrolment Eligibility Claims - CEO to give notice of the closing date and time for elector enrolments. (to be given 70th to 56th days)	Local Government Act 1995	s.4.39(2)	Statewide Notice has been given	
Elections - DUE NOW for CEO to advise Electoral Commissioner of the need to prepare an updated residents roll Due by 56th day before Election Day	Local Government Act 1995	s.4.40(1)	Electoral Commission advised and updated residents roll received	
Elections - Statewide Public Notice Call for Nominations - from 56 days and no later than 45th day before Election Day.	Local Government Act 1995	s.4.47(1)	Statewide Notice has been given	
Elections - Close of Rolls at 5pm on 50th day before Election Day. Enrolment eligibility claims received by 5pm can continue to be processed with a decision on eligibility required for inclusion in the Owners and Occupiers Roll, as appropriate before it is certified by the CEO on the 36th day before Election Day [refer s.4.4(1)]	Local Government Act 1995	s.4.39(1)	Enrolments closed on 27 August 2021 and CEO has certified and returned the Owner/ Occupier Roll to the Electoral Commission on 08/09/2021.	

Annual Returns - Elected Members and Designated Employees to provide an Annual Return by no later than 31 August CEO's Annual Return must be lodged with the President / Mayor.	Local Government Act 1995	s.5.76(1)	All Annual Returns have been returned prior to 31 August 2021.	
Annual Budget - During period 1 June to 31 August , Local Government is to prepare and adopt, by absolute majority, an Annual Budget for the next financial year.	Local Government Act 1995	s.6.2(1)	The Annual Budget was adopted by Council at a special meeting on 9 August 2021	
Food Act and Public Health Act reporting - Enforcement agencies must report to the Dep't CEO on performance of functions under Acts. Reporting has been combined and must be submitted online by 31 August .	Food Act 2008 Public Health Act 2016	s.121(1) s.22(1)	Report submitted by our EHO officer on 30 August 2021 – Ref: ICR2115827	
Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed • registered plans and amendments under the Strata Titles Act 1985	Valuation of Land Act 1978	s.37		Prepared by the City of Geraldton

Execution of Delegation for August 2021

Date	File Reference	Delegation Number	Decision Detail	Applicant	Officer	Comment
2-Aug-21	PMT ID: 187454273	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from NAB Muni A/C to CBA Maxi A/C	NAB	Chief Executive Officer	Transfer Funds from NAB Muni A/C to CBA Muni A/C 02/08/2021 \$23,000.00
4-Aug-21	PMT ID: F108042445305	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Chief Executive Officer	Fortnightly Payroll PPE 3 August 2021 - \$50,038.03
06-Aug-21	Chq	CS002 - Payments from Municipal Fund and Trust Fund	Creditor Payment - City of Greater Geraldton	CBA	Chief Executive Officer	Creditors Payment - City of Greater Geraldton # 11653 - \$440.75
06-Aug-21	Chq	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Three Springs Engineering	CBA	Chief Executive Officer	Creditors Payment - Three Springs Engineering # 11654 - \$522.00
17-Aug-21	PMT ID: F108183151622	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Chief Executive Officer	Fortnightly Payroll PPE 17 August 2021 - \$47,837.48
2-Aug-21	PMT ID: 187454273	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from NAB Muni A/C to CBA Maxi A/C	NAB	Deputy Chief Executive Officer	Transfer Funds from NAB Muni A/C to CBA Muni A/C 02/08/2021 \$23,000.00
04-Aug-21	PMT ID: F108042439775	CS002 - Payments from Municipal	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Deputy Chief Executive	Transfer \$73,000.00 from CBA Maxi A/C to Muni A/C

		Fund and Trust Fund			Officer	
4-Aug-21	PMT ID: F108042445305	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Deputy Chief Executive Officer	Fortnightly Payroll PPE 3 August 2021 - \$50,038.03
06-Aug-21	PMT ID: F108062584058	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Deputy Chief Executive Officer	Transfer \$166,000.00 from CBA Maxi A/C to Muni A/C for Creditor Payments F108062584058
06-Aug-21	PMT ID: F108062592616	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID F108062592616 for \$184,464.90
06-Aug-21	Chq	CS002 - Payments from Municipal Fund and Trust Fund	Creditor Payment - City of Greater Geraldton	CBA	Deputy Chief Executive Officer	Creditors Payment - City of Greater Geraldton # 11653 - \$440.75
06-Aug-21	Chq	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Three Springs Engineering	CBA	Deputy Chief Executive Officer	Creditors Payment - Three Springs Engineering # 11654 - \$522.00
17-Aug-21	PMT ID: F108183151622	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Deputy Chief Executive Officer	Fortnightly Payroll PPE 17 August 2021 - \$47,837.48
20-Aug-21	PMT ID: F108203368501	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID F108203368501 for \$108,161.02
25-Aug-21	PMT ID: 188863430	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from NAB Maxi A/C to Muni A/C	NAB	Deputy Chief Executive Officer	Transfer from NAB Maxi A/C to Muni A/C for \$13.85 EFT PMT ID 188863430
25-Aug-21	PMT ID: 188863486	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from NAB GFH A/C to Muni A/C	NAB	Deputy Chief Executive Officer	Transfer from NAB GFH A/C to Muni A/C for \$5.14 EFT PMT ID 188863486
27-Aug-21	PMT ID: F108273694112	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licensing A/C	CBA	Deputy Chief Executive Officer	Transfer from CBA Muni A/C to CBA Licensing A/C for \$456.15 PMT ID: F108273694112
27-Aug-21	PMT ID: F108273741199	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Deputy Chief Executive Officer	Transfer \$30,000.00 from CBA Maxi A/C to Muni A/C for Creditors F108273741199
27-Aug-21	PMT ID: F108273742940	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID F108273742940 for \$94,334.98
1-Sep-21	PMT ID: F109013978693	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Deputy Chief Executive Officer	Transfer from CBA Maxi A/C to CBA Muni A/C for Payroll \$53,000.00 PMT ID: F109013978693
1-Sep-21	PMT ID: F109013981126	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	CBA	Deputy Chief Executive Officer	Fortnightly Payroll PPE 31 August 2021 - \$52,902.74
2-Sep-21	PMT ID: F109024022810	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licens A/C	CBA	Deputy Chief Executive Officer	Transfer \$386.05 from CBA Muni A/C to CBA Licens A/C to Cover Cheque Payment PMT ID: F109024022810

6-Sep-21	PMT ID: F109064236883	CS002 - Payments from Municipal Fund and Trust Fund	Bpay Payment - Water Corp	CBA	Deputy Chief Executive Officer	Manual Bpay Payment for Water Corp due to Direct Debit failure for \$553.23 PMT ID: F109064236883
04-Aug-21	PMT ID: F108042439775	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Customer Service officer 2	Transfer \$73,000.00 from CBA Maxi A/C to Muni A/C for Payroll F108042439775
06-Aug-21	PMT ID: F108062584058	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Customer Service Officer 2	Transfer \$166,000.00 from CBA Maxi A/C to Muni A/C for Creditor Payments F108062584058
06-Aug-21	PMT ID: F108062592616	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Customer Service officer 2	Creditor Payment - EFT PMT ID F108062592616 for \$184,464.90
20-Aug-21	PMT ID: F108203368501	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Customer Service Officer 2	Creditor Payment - EFT PMT ID F108203368501 for \$108,161.02
25-Aug-21	PMT ID: 188863430	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from NAB Maxi A/C to Muni A/C	NAB	Customer Service officer 2	Transfer from NAB Maxi A/C to Muni A/C for \$13.85 EFT PMT ID 188863430
25-Aug-21	PMT ID: 188863486	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from NAB GFH A/C to Muni A/C	NAB	Customer Service Officer 2	Transfer from NAB GFH A/C to Muni A/C for \$5.14 EFT PMT ID 188863486
27-Aug-21	PMT ID: F108273694112	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Muni A/C to CBA Licensing A/C	CBA	Customer Service officer 2	Transfer from CBA Muni A/C to CBA Licensing A/C for \$456.15 PMT ID: F108273694112
27-Aug-21	PMT ID: F108273741199	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Maxi A/C to Muni A/C	CBA	Customer Service Officer 2	Transfer \$30,000.00 from CBA Maxi A/C to Muni A/C for Creditors F108273741199
27-Aug-21	PMT ID: F108273742940	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	CBA	Customer Service officer 2	Creditor Payment - EFT PMT ID F108273742940 for \$94,334.98
30-Aug-21	PMT ID: F108303772500	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from CBA Licen A/C to CBA Muni A/C	CBA	Customer Service Officer 2	Transfer from CBA Licen A/C to CBA Muni A/C for \$456.15 PMT ID: F108303772500

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Administration Part 5, Division 4, S.5.40

5.41. Functions of CEO

The CEO's functions are to —

- (a) *advise the Council in relation to the functions of a local government under this Act and other written laws; and*
- (b) *ensure that advice and information is available to the Council so that informed decisions can be made; and*
- (c) *cause council decisions to be implemented; and*

- (d) *manage the day to day operations of the local government; and*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) *speak on behalf of the local government if the mayor or president agrees; and*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government (Audit) Regulations 1996

17. *CEO to review certain systems and procedures*

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

Policy Implications:

Council Policy 1100 Risk Management. The risk management objectives of this policy are:

- 1. *Optimise the achievement of our vision, mission, strategies, goals and objectives.*
- 2. *Provide transparent and formal oversight of the risk and control environment to enable effective decision making.*
- 3. *Enhance risk versus return within our risk appetite.*
- 4. *Embed appropriate and effective controls to mitigate risk.*
- 5. *Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.*
- 6. *Enhance organisational resilience.*
- 7. *Identify and provide for the continuity of critical operations*

The Good Governance in Practice Principles 'compliance and reporting' align with Council policy and legislation reducing organisation's risk.

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Councils approved Strategic Community Plan 2018-2028.

Strategic Community Plan 2018 - 2028	
Council Objectives:	Outcome:
A long term, strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

This item is relevant to the Councils approved Corporate Business Plan 2020–2024.

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.1
That Council Accepts: <ol style="list-style-type: none">1. The Governance Compliance Calendar report for August 2021.2. The Execution of Delegation report for August 2021.	

10. REPORTS OF OFFICERS

Executive Services	
10.2 Election of President and Deputy President	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0166
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

Council is required to appoint a President and Deputy President at its first meeting following an election day.

Background:

Pursuant to clause 4 of Division 1 of Schedule 2.3 of the Local Government Act 1995, the Council is required to appoint a President at its first meeting following an election day. The Chief Executive Officer (CEO) is to preside at the meeting until the office is filled, and the election is to be conducted by the CEO in accordance with the procedure prescribed in the Act. Accordingly, the CEO will call for Councillors to nominate candidates at the meeting. All Councillors, including newly elected Councillors, are eligible to nominate.

Officer's Comment:

Nil

Consultation:

Nil

Statutory Environment:

Local Government Act 1995:

2.8. Role of mayor or president

(1) The mayor or president —

(a) presides at meetings in accordance with this Act; and

(b) provides leadership and guidance to the community in the district;

and

(c) carries out civic and ceremonial duties on behalf of the local government; and

(d) speaks on behalf of the local government; and

(e) performs such other functions as are given to the mayor or president by this Act or any other written law; and

(f) liaises with the CEO on the local government's affairs and the performance of its functions.

(2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

2.9. Role of deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

2.10. Role of councillors

A councillor —

(a) represents the interests of electors, ratepayers and residents of the district; and

(b) provides leadership and guidance to the community in the district;

and

(c) facilitates communication between the community and the Council;

and

(d) participates in the local government's decision-making processes at council and committee meetings; and

(e) performs such other functions as are given to a councillor by this Act or any other written law.

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the Council

[Sections 2.11(1)(b) and 2.15]

Division 1 — Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of councillor mayor or president.

2. When Council elects mayor or president

(1) *The office is to be filled as the first matter dealt with —*

(a) at the first meeting of the Council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and

(b) at the first meeting of the Council after an extraordinary vacancy occurs in the office.

(2) If the first ordinary meeting of the Council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the Council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

(1) *The Council is to elect a councillor to fill the office.*

(2) *The election is to be conducted by the CEO in accordance with the procedure prescribed.*

(3) *Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*

(3a) *Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*

(4) *If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*

(5) *The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*

(6) *Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.*

(7) *As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.*

5. Votes may be cast a second time

(1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*

(2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*

(3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*

(4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

Division 2 — Deputy mayors and deputy presidents

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

7. When Council elects deputy mayor or deputy president

(1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —*

(a) *at the first meeting of the Council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*

(b) *at the first meeting of the Council after an extraordinary vacancy occurs in the office.*

(2) *If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —*

(a) *as the next matter dealt with after the mayor or president is elected at the first meeting of the Council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*

(b) *subject to subclause (3), as the first matter dealt with at the first meeting of the Council after an extraordinary vacancy occurs in the office.*

(3) *If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*

8. How deputy mayor or deputy president is elected

(1) *The Council is to elect a councillor (other than the mayor or president) to fill the office.*

(2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*

(3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*

(3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*

(4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*

(5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*

(6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

(7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

9. Votes may be cast a second time

(1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the Council is to be held.

(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

(3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

Schedule 4.1 — How to count votes and ascertain the result of an election

[s. 4.74]

[Heading inserted: No. 15 of 2009 s. 5.]

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
 - (a) the candidate who receives the greatest number of votes; and
 - (b) the candidate who receives the next highest number of votes; and
 - (c) the candidate who receives the next highest number of votes,and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

ELECTION OF SHIRE PRESIDENT

The CEO calls for nominations for the position of Shire President.

IF only one nomination is received, the CEO will declare that nominee elected

IF more than one nomination is received, the CEO will conduct a secret ballot then declare the nominee with the highest number of votes elected.

NOMINATION FROM Cr_____

NOMINATION FROM Cr_____

NOMINATION FROM Cr_____

There being only one nomination for the position of Shire President the CEO declared Cr_____ elected.

OR

The CEO conducted a secret ballot for the position of Shire President. The result of the ballot was:

Cr _____	Votes _____
Cr _____	Votes _____
Cr _____	Votes _____

Following a secret ballot the CEO declared Cr _____ elected to the position of Shire President

Newly elected Shire President to make declaration of office.

Shire President assumes the chair and calls for nominations for the position of Deputy Shire President

ELECTION OF DEPUTY SHIRE PRESIDENT

The President Crto call for nominations for the position of Deputy Shire President.

IF only one nomination is received, the Shire President will declare that nominee elected

IF more than one nomination is received, the CEO will conduct a secret ballot then declare the nominee with the highest number of votes elected.

NOMINATION FROM Cr _____

NOMINATION FROM Cr _____

NOMINATION FROM Cr _____

There being only one nomination for the position of Deputy Shire President the Shire President declared Cr _____ elected.

OR

The CEO conducted a secret ballot for the position of Deputy Shire President. The result of the ballot was:

Cr _____	Votes _____
Cr _____	Votes _____
Cr _____	Votes _____

Following a secret ballot the Shire President declared Cr _____ elected to the position of Deputy Shire President

Newly-elected Deputy Shire President to make declaration of office.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

N/A

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.2
<p>Cr ABC is elected to the role of Shire President.</p> <p>Cr ABC is elected to the role of Deputy Shire President.</p>	

10. REPORTS OF OFFICERS

Executive Services	
10.3 Appointment of External Committees and Delegates	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	

Council Role:

- ☒ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Councillors are appointed to external committees.

Background:

The Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

Officer's Comment:

Nil

Consultation:

Nil

Statutory Environment:

All Committees are established under provisions of Subdivision 2 – Committees and their meetings s 5.8 to 5.18 of the *Local Government Act 1995*.

The committee is to be appointed by an absolute majority decision of Council and consist of three or more person to assist the Council. In accordance with s.5.9 (2) of the members a committee is to comprise of:

5.9. Committees, types of

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.
Working in partnership with all community, government and corporate stakeholders.	4.5.2. Continued involvement with Government and corporate stakeholders such as the Regional Road Group.
To be strong advocates representing the community's interest.	4.6.1. Continue to lobby government and corporate entities to ensure adequate services and facilities are available for the community.

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.3
That Council:	

1. Authorise the appointment of Councillors to the Shire of Three Springs external committees:

A. WALGA Conference Delegates

- Cr
- Proxy Cr

B. Northern Country Zone of WALGA

- Cr
- Proxy Cr

C. *Wildflower Country Inc. Committee*

- Cr
- Proxy Cr

D. *MRWA Regional Road Group*

- Cr
- Proxy Cr

E. *Three Springs LEMC*

- Cr
- Proxy Cr

F. *Development Assessment Panel*

- Cr
- Cr

10. REPORTS OF OFFICERS

Executive Services	
10.4. Appoint Representative to Internal Committee's	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	21 October 2020
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	

Council Role:

- ☒ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.

Report Purpose:

That Councillors are appointed to internal committees.

Background:

The Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

Officer's Comment:

The CEO recommends that all Councillors be appointed to the internal Audit and Risk Committee.

Consultation:

Nil

Statutory Environment:

All Committees are established under provisions of Subdivision 2 – Committees and their meetings s 5.8 to 5.18 of the *Local Government Act 1995*.

The committee is to be appointed by an absolute majority decision of Council and consist of three or more person to assist the Council. In accordance with s.5.9(2) of the members a committee is to comprise of:

5.9. *Committees, types of*

(2) *A committee is to comprise —*

(a) *council members only; or*

- (b) council members and employees; or
 (c) council members, employees and other persons; or
 (d) council members and other persons; or
 (e) employees and other persons; or
 (f) other persons only.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Councils approved Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.
To be strong advocates representing the community's interest.	4.6.1. Continue to lobby government and corporate entities to ensure adequate services and facilities are available for the community.

This item is relevant to the Councils approved Corporate Business Plan 2020 – 2024.

Corporate Business Plan 2020 – 2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority

Officer's Recommendation:

OFFICERS RECOMMENDATION:	10.4
<p>That Council:</p> <ol style="list-style-type: none"> 1. Appoint councillors to the Shire of Three Springs internal Audit and Risk Committee. <ul style="list-style-type: none"> • Cr. Lane • Cr. Connaughton • Cr. Heal • Cr. Mutter • Cr. Mills • Cr. Ennor • Cr. Eva 2. Appoint Councillors to the Shire of Three Springs Community Fund 	

Assessment Committee.

- Cr.
- Cr.
- CEO

3. Appoint councillors to the Shire of Three Springs Chief Executive Officer - Performance and Salary Review Committee.

- Cr.
- Cr.
- CEO

10. REPORTS OF OFFICERS

Works and Services	
10.5 Capital Works Progress Update 2021-2022	
Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Marc Bennett, Manager of Works and Services
Attachment (s):	Capital Works Report 2021-2022

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ Legislative Includes adopting local laws, local planning schemes and policies.
- ☒ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council accepts the Capital Works Report for September 2021.

Background:

This report provides Council with the 2021-2022 Capital Works progress update.

Officers Comment:

Refer to the attached status report.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Purchasing Policy 3007.1

Financial/Resources Implications:

Shire of Three Springs Adopted Budget 2021-2022

Strategic Implications:

This item is relevant to the Council's approved Strategic Community Plan 2018–2028.

Strategic Community Plan 2018 - 2028	
Council Objectives	Outcome
Nil	Nil

This item is relevant to the Council's approved Corporate Business Plan 2020–2024.

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
Provide and maintain good quality tourism infrastructure and facilities.	Maintain and enhance attractions in line with the asset plan.
Continue to implement the main street revitalisation plan.	Reactivate the development strategy.
Investigate options for water harvesting.	Support and encourage best practice water utilisation management.

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.5
That Council accepts the Capital Works Report for September 2021.	

10. REPORTS OF OFFICERS

Works and Services	
10.6 Awards Tender 2021/22-1 Supply and / or Delivery of Sealing Aggregates.	
Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0471
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Marc Bennett, Manager of Works and Services
Attachment (s):	CONFIDENTIAL- Evaluation Report RFT 2021/22-1

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

This report recommends that Tender RFT2021/22-1 for Supply and/or Delivery of Sealing Aggregates be awarded as per the recommendation in the Confidential Evaluation Report.

Background:

Re-surfacing roads are part of the Council's asset preservation program funded by the Federal Governments Roads to Recovery Program, Regional Road Group Program, and Council funds. The preservation goal is to improve and restore the road surface.

Officers Comment:

Tenders were publicly invited according to the requirements of Local Government (Functions and General) Regulations 1996 Division 2 part 11, before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000.

The tender was advertised in the West Australian on the 21st and 24th July 2021.

Two companies requested the tender documents. One company submitted a tender; Winchester Industries.

Consultation:
CEO

Statutory Environment:

Division 2 — Tenders for providing goods or services (s. 3.57)

11. When tenders have to be publicly invited

- (1A) In this regulation —
state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.
- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub-regulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;or
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the Council of the local government; or
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
 - (ea) the goods or services are to be supplied —

- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier;
- or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;
- or
- (h) the following apply —
 - (i) the goods or services are to be supplied by —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;
 - and
 - (ii) the consideration under the contract is \$250,000 or less, or worth \$250,000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
- or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

or

- (ja) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
- (i) the original contract is to expire within 3 months; and
 - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
 - (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
- or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

Policy Implications:

Procurement Policy 05.

Financial/Resources Implications:

Shire of Three Springs adopted Budget 2021-2022.

Strategic Implications:

This item is relevant to the Council's approved Strategic Community Plan 2018–2028.

Strategic Community Plan 2018 - 2028	
Council Objectives	Outcome
Nil	Nil

This item is relevant to the Council's approved Corporate Business Plan 2020–2024.

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
Provide and maintain good quality tourism infrastructure and facilities.	Maintain and enhance attractions in line with the asset plan.

Voting Requirements:

Simple Majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.6
That Council: 1. Award the contract for Tender RFT 2021/22-1 as per the recommendation in the Confidential Evaluation Report.	

10. REPORTS OF OFFICERS

Works and Services

10.7 Awards Tender 2021/22-2 Supply, Spray/Cover Bituminous Products.

Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Marc Bennett, Manager of Works and Services
Attachment (s):	CONFIDENTIAL- Evaluation Report RFT 2021/22-2

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

This report recommends that Tender RFT2021/22-2 for Supply, Spray/Cover Bituminous Products for 2021/22 be awarded as per the recommendation in the Confidential Evaluation Report.

Background:

Re-surfacing roads are part of the Council's asset preservation program funded by the Federal Governments Roads to Recovery Program, Regional Road Group Program, and Council funds. The preservation goal is to improve and restore the road surface.

Officers Comment:

Local Government can purchase bitumen services through the WALGA Preferred Supply Panel. This acquisition process is permitted in the Local Government Act 1995 (Functions and General) Regulation (s.3.57) "(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA". Under the Local Government (Functions and General) Regulations, a tender exemption applies to WALGA's Preferred Supplier Contracts. WALGA Preferred Supplier Program:

- The WALGA preferred Supplier Program complies with the Local Government Regulation 1996 (Function and General).
- Purchasing through WALGA means that you do not have to tender. A tender exemption applies to all of our Preferred Supplier Contracts. This saves on time, money and risks associated with tendering.
- All of the WALGA contract/tender suppliers are established by procurement specialists using a rigorous public and compliant market process. WALGA preferred suppliers are pre-qualified to provide Members with the safeguard of a quality-assured process, legal compliance, probity, risk mitigation and security of supply. The Shire asked four companies to tender with three tender submissions received via the WALGA Preferred Supplier Program.

The tender was advertised via the WALGA Preferred Supply Panel on Wednesday 11 August 2021. By the close of tender at 5pm Wednesday, 8 September 2021 the Shire received tender submissions from the following companies:

1. Boral
2. Bitutek
3. Downer

Consultation:
CEO

Statutory Environment:

Division 2 — Tenders for providing goods or services (s. 3.57)

11. When tenders have to be publicly invited

(1A) In this regulation —

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub regulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(aa) the supply of the goods or services is associated with a state of emergency; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or

[(ba) deleted]

(c) within the last 6 months —

- (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the Council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;
- or
- (h) the following apply —
 - (i) the goods or services are to be supplied by —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;
 - and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
- or

- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;
- or
- (ja) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract is to expire within 3 months; and
 - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
 - (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
- or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

Policy Implications:

Procurement Policy 05

Financial/Resources Implications:

Shire of Three Springs Adopted Budget 2021-2022.

Strategic Implications:

This item is relevant to the Council's approved Strategic Community Plan 2018–2028.

Strategic Community Plan 2018 - 2028	
Council Objectives	Outcome
Nil	Nil

This item is relevant to the Council's approved Corporate Business Plan 2020–2024.

Corporate Business Plan 2020 - 2024	
Scope Statement:	Project Outputs:
Provide and maintain good quality	Maintain and enhance attractions in line

tourism infrastructure and facilities.	with the asset plan.
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Voting Requirements:

Simple Majority

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.7
<p>That Council:</p> <ol style="list-style-type: none"> 1. Award the contract for Tender RFT 2021/22-2 as per the recommendation in the Confidential Evaluation Report. 2. Should negotiations with the preferred tenderer not progress, the Chief Executive Officer is authorised to award the second-ranked tenderer, as per the Confidential Evaluation Report – RFT 2021/22-2. 	

10. REPORTS OF OFFICERS

Executive Services	
10.8 Policy – Risk Management Framework	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	DCEO
File Reference:	ADM0200
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Rajinder Sunner, Deputy Chief Executive Officer
Attachment (s):	Risk Management Policy Risk Management Framework

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | Executive | The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
| <input checked="" type="checkbox"/> | Legislative | Includes adopting local laws, local planning schemes and policies. |
| <input checked="" type="checkbox"/> | Review | When Council reviews decisions made by Officers. |
| <input type="checkbox"/> | Quasi-judicial | When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT). |

Report Purpose:

That Council adopt the '*Risk Management*' Policy dated 22 September 2021.

Background:

The Shire of Three Springs (SoTS) has not previously had a Risk Management Policy (RMP). The purpose of this policy to identify potential risks before they occur so that opportunities can be released and impacts can be minimized to ensure the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

Officer's Comment:

The RMP encompasses the Shire's Risk Management Framework. It sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks.

Risk management functions will be resourced to match the size and scale of the Shire's operations and will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire's Integrated Planning

Framework. This policy applies to Council, Executive Management and all employees and contractors involved in any Shire operations.

Consultation:

- CEO
- MWS
- LGIS – Risk and Governance

Statutory Environment:

Local Government Act 1995, Part 2, Division 2, s.2.7:

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Policy Implications:

Local Government Act 1995, Part 2, Division 2, s.2.7 states that Council, (a) oversee the allocation of the local government's finances and resources; and (b) determine the local government's policies.

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
4.3.3 Maintain, review and ensure relevance of Council policies and local laws.	4.3 Continue to provide quality local government services and facilities.

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
4.3.2.1 Seek high level of compliance in organisational practices.	4.3.2 Ensure compliance with all relevant legislation.
4.3.3 Maintain, review and ensure relevance of Council policies and local laws.	4.3.3.1 Seek a high level of legislative compliance and effective internal controls.

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.8
That Council adopt the ' <i>Risk Management</i> ', Policy dated 22 September 2021.	

10. REPORTS OF OFFICERS

Corporate Services	
10.9 Monthly Financial Report for Period 31 August 2021	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Rajinder Sunner, Deputy Chief Executive Officer
Attachment (s):	10.9 Monthly Financial Report 31 August 2021

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council accepts the monthly financial report for the period ending August 2021.

Background:

The Provision of the FM Regulations 1996 and associated regulations requires a monthly financial report to be presented at an ordinary council meeting within 2 months of the period end date.

- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Officer's Comment:

At the time of writing this report, there were still several outstanding invoices etc. and end of year calculation have yet to be done, so the closing surplus is an estimate only and is subject to change until 2020-2021 year has been audited.

Consultation:

Nil

Statutory Environment:

The preparation of Monthly Financial reports is prepared under Section 6.4 of the Local Government Act 1995.

In accordance with FM regulation 34 (5), a report must be complied on variances greater than the materiality threshold adopted by the council of \$10,000 or 10% whichever is greater. As this report is composed at a program level, variances commentary considers the most significant items that comprise the variance.

34. Financial activity statement required each month (Act s. 6.4)

(1A) *In this regulation —*

Committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(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); and*

(b) *budget estimates to the end of the month to which the statement relates; and*

© *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

(d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

© *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; and*

(b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*

© *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown —*

(a) *according to nature and type classification; or*

(b) *by program; or*

© *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —*

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Policy Implications:

Nil

Financial/Resources Implications:

Total Cash Available as at 31 August 2021 is \$2,651,175. Cash available is made up of Unrestricted cash \$538,132 and Restricted cash \$2113, 043 backed by various reserves.

Rates Debtors as at 31 August 2021 \$2,329,991. Rates Notices for 2021-22 were issued in August 2021. Rates collected as at end of August 2021 – 2.34%. First instalment is due on 27 September 2021.

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.9
That Council accepts the monthly financial report for the period ending 31 August 2021.	

10. REPORTS OF OFFICERS

Corporate Services	
10.10 Accounts for Payments as at 31 August 2021	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	22 September 2021
Author:	Kate O'Donnell, Relief Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 31 August 2021

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☒ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council accepts the payment of creditors in accordance with Local Government (Financial Management) Regulations 1996 section 13 (1).

Background:

Financial regulations require a schedule of payments made through the Council's bank accounts, be presented to Council for their inspection. The list includes details for each account paid, incorporating the payee's name, amount of the payment, date of payment and sufficient information to identify the transaction.

Officer's Comment:

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 Section 6.4.

Local Government (Financial Management) Regulations 1996 Section 12 and 13.

12. Payments from municipal fund or trust fund, restrictions on making

- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated 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; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Policy Implications:

Nil

Financial/Resources Implications:

Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2021-2022.

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

OFFICER'S RECOMMENDATION:	10.10
That Council accepts: 1. The accounts for payment as presented for August 2021 from the NAB Municipal Fund totalling \$0.00 2. The accounts for payment as presented for August 2021 from the CBA Municipal Fund totalling \$411,321.94 3. Represented by Electronic Fund Transfers No's 17326 - 17403, Direct Debits 13093.1 – 13177.1 and Cheques 11653-11654 4. Licensing Fund totalling \$13,101.30. Represented by Direct Debit No. 13177.1 Total Payments for August 2021 \$424,423.24	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1. ELECTED MEMBERS

12.2. STAFF

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday 27 October 2021 @ 5pm.

17. MEETING CLOSURE