



MINUTES OF
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
24 MARCH 2021
COMMENCING AT 2.30 PM



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

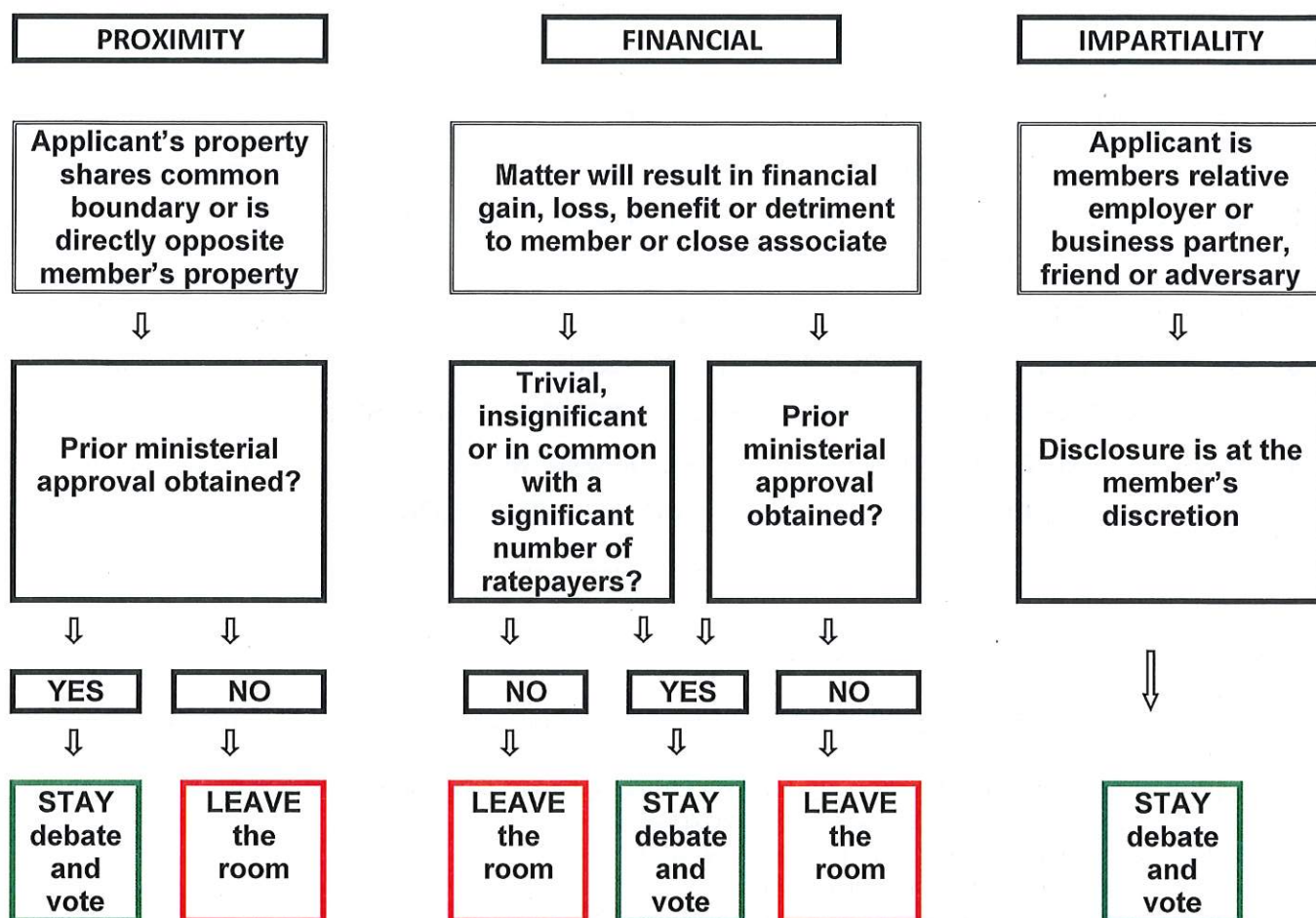
CEO

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.

TABLE OF CONTENTS

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	2
2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE.....	2
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4. PUBLIC QUESTION TIME.....	2
5. APPLICATIONS FOR LEAVE OF ABSENCE	2
6. CONFIRMATION OF PREVIOUS MEETING MINUTES	2
7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION.....	2
8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS.....	2
9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	3
10. REPORTS OF OFFICERS	4
10.1 Good Governance in Practice. 10.2 Local Law Review. 10.3 Code of Conduct Council Members, Committee Members and Candidates Policy. 10.4 Appointment of Complaints Officer and Adoption of the Complaints Form. 10.5 Capital Works Progress Update 2020-2021. 10.6 Community Development Officer Report. 10.7 Compliance Audit Return 2021. 10.8 Accounts for Payment as at 28 February 2021.	
11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	36
12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	36
12.1. ELECTED MEMBERS	36
12.2. STAFF – Deputy Chief Executive Officer	36
Financial Statement for Period Ending December 2020, January 2021 and February 2021 - Late Agenda Item.	
13. QUESTIONS BY MEMBERS WITHOUT NOTICE	41
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	41
15. TIME AND DATE OF NEXT MEETING.....	41
16. CONFIDENTIAL ITEMS.....	41
17. MEETING CLOSURE.....	41

AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 2.31pm

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	Present		
Councillor Connaughton	Present		
Councillor Heal		Apology	
Councillor Mutter	Present		
Councillor Mills	Present		
Councillor Ennor	Present		
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Manager of Works & Services	Present		
Executive Secretary	Present		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

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	24/02/2021	Cr. Lane	Cr. Eva	6/0
6.2	Audit Committee Minutes	24/03/2021	Cr. Lane	Cr. Mills	6/0

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	10 February – Annual Electors Meeting 22 February – Northern Country Zone Meeting 24 February - OCM
Cr. Connaughton	10 February – Annual Electors Meeting 10 February – Three Springs Farm Group establishment 22 February – Northern Country Zone Meeting 24 February - OCM
Cr. Heal	10 February – LEMC 10 February – Three Springs Farm Group establishment meeting 10 February – Annual Electors Meeting 24 February - OCM
Cr. Mutter	24 February - OCM 25 February - WFC meeting
Cr. Mills	10 February – Annual Electors Meeting 24 February - OCM
Cr. Ennor	10 February – Three Springs Farm Group establishment meeting 10 February – Annual Electors Meeting 24 February - OCM
Cr. Eva	10 February – LEMC 10 February – Three Springs Farm Group establishment meeting 10 February – Annual Electors Meeting 24 February - OCM

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

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:	24 March 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 Council Accepts:

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

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
Monthly Financial Report LG is to prepare monthly 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	DLGSC WA Local Government Accounting Manual	OCM February 2021- Resolution - 010/2021	March OCM
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.	DFES -ESL Manual of Operating Procedures	N/A	
Elected Members - Review Meeting Attendance Register - check EMs have not been absent for 3 consecutive meetings without Leave of Absence being granted	Local Government Act 1995	s.2.25		Attendance Register up to date – no EMs absent for three consecutive meetings	
Compliance Audit Return - Finalise Audit Complete the Compliance Audit Return as an internal audit and prepare Council report for consideration via the Audit Committee.	Local Government Act 1995	s.7.13(1)(i) Audit.Reg. 13, 14 and 15		Audit Committee Meeting 24 March 2021. Take to March 2021 OCM.	
Rate Exempted Properties - Review In preparation for the next financial year, review previously approved rate exempt properties to determine if the basis of exemption remains unchanged. Advise owners where status is changed or approval has expired.	Local Government Act 1995	s.6.26(2)	Feb-21	SFO has developed a Rates Exempted Properties Register.	Status remains unchanged. Council Resolution 140395 17/10/2018, Deed of Settlement for next five years to expire 2023/24.
Authorised Persons - Review Review the LG's authorised persons to ensure authorisations are accurate, valid and the correct certificates of authorisation and/or identity cards have been issued	Authorisation Register is complete and up to date.			Register reviewed.	

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		Completed by City of Geraldton.	
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Execution of Delegation for February 2021

Date	File Reference	Delegation Number	Decision Detail	Applicant	Officer	Comment
02-Feb-21	PMT ID: 175642196	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Deputy Chief Executive Officer	Transfer \$120,000.00 from Maxi A/C to Muni A/C
02-Feb-21	PMT ID: 175644599	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 175644599 for \$86,245.24
03-Feb-21	PMT ID: 175689172	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Deputy Chief Executive Officer	Fortnightly Payroll PPE 02 February 2021 - \$43,112.52
3-Feb-21	PMT ID: 175704528	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 02/02/2021 - \$6,792.95
4-Feb-21	PMT ID: 175809853	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 03/02/2021 - \$458.85
5-Feb-21	PMT ID: 175870071	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 04/02/2021 - \$609.45
05-Feb-21	PMT ID: 175888196	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Deputy Chief Executive Officer	Transfer \$142,352.47 from Maxi A/C to Muni A/C
05-Feb-21	PMT ID: 175902360	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 175902360 for \$142,352.47
10-Feb-21	PMT ID: 176116404	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 09/02/2021 - \$180.85
12-Feb-21	PMT ID: 176290828	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Deputy Chief Executive Officer	Transfer \$68,652.15 from Maxi A/C to Muni A/C
12-Feb-21	PMT ID: 176298964	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 176298964 for \$68,652.15
16-Feb-21	PMT ID: 176503824	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Deputy Chief Executive Officer	Transfer \$110,000.00 from Muni A/C to Maxi A/C
16-Feb-21	PMT ID: 176515291	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Deputy Chief Executive Officer	Fortnightly Payroll PPE 16 February 2021 - \$43,468.73

18-Feb-21	PMT ID: 176685558	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Deputy Chief Executive Officer	Transfer \$70,000.00 from Maxi A/C to Muni A/C
18-Feb-21	PMT ID: 176687866	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Deputy Chief Executive Officer	Creditor Payment - EFT PMT ID 176687866 for \$100,111.84
18-Feb-21	Chq 11625	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Australia Post	NAB	Deputy Chief Executive Officer	Creditors Payment - Australia Post # 11625 - \$95.00
22-Feb-21	PMT ID: 176735269	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 18/02/2021 - \$1,212.20
24-Feb-21	PMT ID: 177078913	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Deputy Chief Executive Officer	Transfer Funds to Licensing Account Banking 24/02/2021 - \$41.80
02-Feb-21	PMT ID: 175642196	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Senior Finance Officer	Transfer \$120,000.00 from Maxi A/C to Muni A/C
02-Feb-21	Chq 11624	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Commissioner of Police	NAB	Senior Finance Officer	Creditors Payment - Commissioner of Police # 11624 - \$131.00
02-Feb-21	PMT ID: 175644599	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 175644599 for \$86,245.24
03-Feb-21	PMT ID: 175689172	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Senior Finance Officer	Fortnightly Payroll PPE 02 February 2021 - \$43,112.52
3-Feb-21	PMT ID: 175704528	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 02/02/2021 - \$6,792.95
4-Feb-21	PMT ID: 175809853	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 03/02/2021 - \$458.85
5-Feb-21	PMT ID: 175870071	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 04/02/2021 - \$609.45
05-Feb-21	PMT ID: 175888196	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Senior Finance Officer	Transfer \$142,352.47 from Maxi A/C to Muni A/C
05-Feb-21	PMT ID: 175902360	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 175902360 for \$142,352.47
10-Feb-21	PMT ID: 176116404	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 09/02/2021 - \$180.85
11-Feb-21	PMT ID: 176224369	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - BPAY PMT ID 176224369 for \$8,081.97
11-Feb-21	PMT ID: 176236031	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 10/02/2021 - \$2,704.95
12-Feb-21	PMT ID: 176284935	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 11/02/2021 - \$259.30
12-Feb-21	PMT ID:	CS002 - Payments from	Transfer Funds from Maxi	NAB	Senior	Transfer \$68,652.15

	176290828	Municipal Fund and Trust Fund	A/C to Muni A/C		Finance Officer	from Maxi A/C to Muni A/C
12-Feb-21	PMT ID: 176298964	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 176298964 for \$68,652.15
16-Feb-21	PMT ID: 176503824	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni A/C to Maxi A/C	NAB	Senior Finance Officer	Transfer \$110,000.00 from Muni A/C to Maxi A/C
16-Feb-21	PMT ID: 176515291	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll	NAB	Senior Finance Officer	Fortnightly Payroll PPE 16 February 2021 - \$43,468.73
18-Feb-21	PMT ID: 176627832	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 17/02/2021 - \$1813.50
18-Feb-21	PMT ID: 176685558	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Maxi A/C to Muni A/C	NAB	Senior Finance Officer	Transfer \$70,000.00 from Maxi A/C to Muni A/C
18-Feb-21	PMT ID: 176687866	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Payment - Creditors	NAB	Senior Finance Officer	Creditor Payment - EFT PMT ID 176687866 for \$100,111.84
18-Feb-21	Chq 11625	CS002 - Payments from Municipal Fund and Trust Fund	Creditors Payment - Australia Post	NAB	Senior Finance Officer	Creditors Payment - Australia Post # 11625 - \$95.00
19-Feb-21	PMT ID: 176735269	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 18/02/2021 - \$1,212.20
26-Feb-21	PMT ID: 177218499	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Senior Finance Officer	Transfer Funds to Licensing Account Banking 26/02/2021 - \$2,054.65
11-Feb-21	PMT ID: 176236031	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 10/02/2021 - \$2,704.95
11-Feb-21	Request ID400638 Request status Successful	CS002 - Payments from Municipal Fund and Trust Fund	Cancel Unpresented Cheque Number 11621 Issued 17/12/2020	NAB	Finance Officer	Cancel Unpresented Cheque Number 11621 for the amount of \$8,081.97, issued 17/12/2020, as recipient (Water Corporation) claims it did not arrive or has been lost in processing.
12-Feb-21	PMT ID: 176284935	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 11/02/2021 - \$259.30
18-Feb-21	PMT ID: 176627832	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 17/02/2021 - \$1813.50
24-Feb-21	PMT ID: 177078913	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 24/02/2021 - \$41.80
26-Feb-21	PMT ID: 177218499	CS002 - Payments from Municipal Fund and Trust Fund	Transfer Funds from Muni Account to Licensing Account	NAB	Finance Officer	Transfer Funds to Licensing Account Banking 26/02/2021 - \$2,054.65

Consultation:
Nil

Statutory Environment:

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 subregulation (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:

012/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.1	
<p>That Council Accepts:</p> <ol style="list-style-type: none"> 1. The Governance Compliance Calendar report for February 2021. 2. The Execution of Delegation report for February 2021. 	<p><u>MOVED:</u> Cr. Mills <u>SECONDED:</u> Cr. Connaughton</p> <p>CARRIED: VOTED: 6/0</p>

10. REPORTS OF OFFICERS

Executive Services	
10.2. Local Law Review	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0178
Disclosure of Interest:	Nil
Date:	24 March 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Health Local Law

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:

A Local Government is to carry out a Local Law (LL) review to determine whether it considers that the LL should remain unchanged, repealed, or amended. The review is to be conducted within eight years from the day each LL commenced or from when a report of a review of the LL was accepted.

Background:

When the LL review is undertaken within the eight years and given the time involved to conduct a comprehensive review, one should start the process at least six months before the 8th anniversary of the Local Law's commencement (or the last review). The Local Government Act 1995, section 3.16, sets out the required procedure.

The Shire of Three Springs is to give local public notice stating that —

(a) the local government proposes to review the local law; and

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

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

After the last day for submissions, the Local Government will consider the comments received and report to Council. When Council has considered the report, it may determine (by absolute majority) whether or not it considers that the Local Law should remain, be repealed or amended.

If a Council resolves to repeal, amend or re-make any Local Law, then the process to do so must be undertaken in the same manner as adopting a Local Law as required under s.3.12. If a Council resolves not to change any Local Law, no further action is required, and the review process finalised.

Section 43(4) of the Interpretation Act 1984 describes the requirements to amend subsidiary legislation. In this case, a Local Law must be amended using the process described in s.3.12 of the Local Government Act 1995.

Officer's Comment:

The Department of Local Government register of all local laws establishes that the Shire has one local law; The Health Local Law 1998.

Local laws register

A register of all local laws in Western Australia.

Local laws

Found 1 local laws

Health Local Laws 1998

Local Government: Three Springs, Shire of

Date: 27-5-1999

Page: 2089/134

Search

Local Law

Filter

Gazette date between

Local government

Three Springs, Shire of

Is repealed

No

Consultation:

WALGA

Statutory Environment:

Local Government Act 1995, Part 3, Division 2, s3.16.

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

- (2) *The local government is to give local public notice stating that —*
 - 11. (a) *the local government proposes to review the local law; and*
 - 12. (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - 13. (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its Council.*
- (4) *When its Council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

Corporate Business Plan 2020 – 2024	
Scope Statement:	Project Outputs:
Maintain, review and ensure the relevance of Council policies and local laws.	Seek a high level of legislative compliance and effective internal controls.

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

013/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.2
<p style="text-align: right;"><u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Ennor</p> <p>That Council authorises the commencement of the Local Law review and gives public notice.</p> <p style="text-align: right;">CARRIED: VOTED: 6/0</p>

10. REPORTS OF OFFICERS

Executive Services	
10.3. Code of Conduct Council Members, Committee Members and Candidates Policy.	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0200
Disclosure of Interest:	Nil
Date:	24 March 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	1. Code of Conduct Council Members, Committee Members and Candidates Policy 2. Local Government (Model Code of Conduct) Regulation 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 adopts the Code of Conduct Policy that will apply to the Shire of Three Springs Council Members, Committee Members and Candidates.

Background:

The Local Government (Model Code of Conduct) Regulations 2021 was proclaimed in the government gazette and takes effect from 3 February 2021. Local Governments are now required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the (Model Code of Conduct) Regulation 2021.

Officer's Comment:

As part of the gazettal of the Model Code of Conduct regulations, there are actions that local government are required to complete within three months of the gazettal, which

are:

1. Adopt a Code of Conduct for Council Members, Committee Members and Candidates.
2. Authorise one or more officers (employees) to receive complaints and withdrawal of complaints relating to the Code of Conduct.
3. Approve a complaint form according to clause 11(2)(a) of the Code.
4. Develop a complaint handling Policy and Procedure for adoption by the Council.

Points 1-3 are dealt within this report; point 4 will be developed in the future.

The Model Code of Conduct's gazettal resulted in the existing Local Government (Rules of Conduct) Regulations 2007 being repealed as they have been incorporated into the Model Code of Conduct. Whilst the Rules of Conduct clauses have now been incorporated into the Model Code of Conduct, complaints of a breach in relation to clauses 16 to 22 are still classified as minor breaches, and complaints are to be forwarded by the Complaints Officer to the Standards Panel.

If a complaint is made under the Code of Conduct clauses 4 to 10, the new Model Code indicates that, unless withdrawn, the complaint is to be dealt with by the Local Government (clause 12(1)) who may dismiss the complaint or determine that an alleged breach has occurred (clause 12(3)) and can then:

- a) Take no action; or
- b) Prepare and implement a plan to address the person's behaviour to whom the complaint relates clause 12(4).

The local government's reference in the Model Code of Conduct means the local government's Council must decide on any associate complaints received.

Under the recent Local Government Act amendments, local governments are required to have two Codes of Conduct:

1. Council Members, Committee Members and Candidates.
2. Local Government Employees.

Statutory Environment:

Local Government Act 1995, sections 5.103 and 5.104

5.103. *Model code of conduct for council members, committee members and candidates*

- (1) *Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) *The model code of conduct must include -*
 - (a) *general principles to guide behaviour; and*
 - (b) *requirements relating to behaviour; and*
 - (c) *provisions specified to be rules of conduct.*
- (3) *The model code of conduct may include provisions about how the following are to be dealt with -*

- (a) *alleged breaches of the requirements referred to in subsection (2)(b);*
- (b) *alleged breaches of the rules of conduct by committee members.*
- (4) *The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) *Regulations may amend the model code of conduct*

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

** Absolute majority required.*

- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted Code of conduct to incorporate the amendments made to the model code.*

** Absolute majority required.*

- (3) *A local government may include in the adopted Code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements -*

- (a) *can only be expressed to apply to council members or committee members; and*
- (b) *are of no effect to the extent that they are inconsistent with the model code.*

- (4) *A local government cannot include in the adopted Code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct*

- (5) *The model code is taken to be a local government's adopted Code of conduct until the local government adopts a code of conduct*

- (6) *An alleged breach of a local government's adopted Code of conduct by a candidate cannot be dealt with under this Division or the adopted Code of conduct unless the candidate has been elected as a council member.*

- (7) *The CEO must publish an up-to-date version of a local government's adopted Code of conduct on the local government's official website.*

Local Government (Model Code of Conduct) Regulations 2021

Policy Implications:

New Policy, Code of Conduct Three Springs Council Members, Committee Members and Candidates.

Financial/Resources Implications:

Nil

Strategic Implications:

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

Corporate Business Plan 2020 – 2024	
Scope Statement:	Project Outputs:
Maintain, review and ensure the relevance of Council policies and local laws.	Seek a high level of legislative compliance and effective internal controls.

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

014/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3
<p style="text-align: right;"><u>MOVED:</u> Cr. Ennor <u>SECONDED:</u> Cr. Connaughton</p> <p>That Council adopts the Code of Conduct for Council Members, Committee Members and Candidates Policy.</p> <p style="text-align: right;">CARRIED: VOTED:6/0</p>

10. REPORTS OF OFFICERS

Executive Services	
10.4. Appointment of Complaints Officer and Adoption of the Complaints Form.	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0071
Disclosure of Interest:	Nil
Date:	24 March 2021
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Complaints Form

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:

1. Affirm the Chief Executive Officer and the Deputy Chief Executive Officer as the person to receive complaints and withdrawal of complaints, as required under clause 11 (3) of the Local Government (Model Code of Conduct Regulations 2021).
2. Endorse the Shire of Three Springs Complaint About Alleged Breach Form - Code of Conduct for Council Member, Committee Members and Candidates.

Background:

On 3 February 2021, the Local Government (Model Code of Conduct) Regulations 2021 (Model Code Regulations) came into effect. Local Governments are now required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the Model Code of Conduct within three months of the Regulations' operation (by 3 May 2021).

Officer's Comment:

As part of the Model Code of Conduct regulations gazettal, there are actions that local governments are required to complete within three months of the gazettal, which are:

1. Adopt a Code of Conduct for Council Members, Committee Members and Candidates.
2. Authorise one or more officers (employees) for receiving complaints and withdrawal of complaints relating to the Code of Conduct.
3. Approve the complaint form clause 11(2)(a) of the Code.
4. Develop a complaint handling Policy and Procedure for adoption by the Council.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

5.104 -Adoption of model code of conduct

5) The model code is taken to be a local government's adopted Code of conduct until the local government adopts a code of conduct.

Local Government (Model Code of Conduct) Regulations 2021, Clause 11 (2)(a)(3)

11. Compliant about alleged breach

- 2) *A complaint must be made –*
 - a. *in writing in the form approved by the local government.*
- 3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

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

Maintain, review and ensure the relevance of Council policies and local laws.	Seek a high level of legislative compliance and effective internal controls.
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Voting Requirements:

Absolute Majority.

Officer's Recommendation:

015/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.4
<p style="text-align: right;"><u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Mutter</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Affirm the Chief Executive Officer and the Deputy Chief Executive Officer as the person to receive complaints and withdrawal of complaints, as required under clause 11 (3) of the Local Government (Model Code of Conduct Regulations 2021). 2. Endorse the Shire of Three Springs Complaint About Alleged Breach Form - Code of Conduct for Council Member, Committee Members and Candidates. <p style="text-align: right;">CARRIED: VOTED: 6/0</p>

10. REPORTS OF OFFICERS

Works and Services	
10.5 Capital Works Progress Update 2020-2021	
Agenda Reference:	MWS
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	24 March 2021
Author:	Marc Bennett , Manager of Works and Services
Attachment (s):	1. Maintenance Grading Map February 2021 2. Capital Status Report

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 February 2021.

Background:

This report provides Council with the 2020-2021 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 2020-2021

Strategic Implications:

This item is relevant to the Councils 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:

016/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.5
<div style="text-align: right;"><u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Mills</div> <p>That Council accepts the Capital Works Report for February 2021.</p> <div style="text-align: right;">CARRIED: VOTED: 6/0</div>

10. REPORTS OF OFFICERS

Executive Services	
10.6. CDO Report	
Agenda Reference:	CDO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	24 March 2021
Author:	Sharon Bell, Community Development 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 the Community Development Report for February 2021.

Background:

This report provides Council with the Community Development update.

Officer's Comment:

Tourism		
February 2021	Wildflower Country WFC Trails Working Group Meeting General Meeting	The first meeting for WFC for 2021 was held Thursday, 25 February, with Cr Mutter attending. New members on the committee from Perenjori and Morawa. Coorow will have a new representative from the next meeting. Wildflower Country brochures are being

		distributed at the Caravan and Camping Show being held 17-21 March. Xyst will be in Three Springs for an onsite visit on 24 March.
	Tourist Radio	Quote received from Hinterland Collaborative. \$5500 for full service
	Local Tourism	The tourist activity has slowed right down. Occasional visitor through.
	Tourist Information Brochure	It is currently being re-designed.
	Historical Photos	Waiting on artwork from TSPS
Grants		
	WA Bike Network	I will be organising an event with TSPS for the Slaughter St project to record a video of the use of the path to complete acquittal. I have been invited to sit on a Reference Group for the WABN Grants Program. CEO has approved this.
	Traineeship Grant	MWS, CEO to decide on traineeship and HR to advertise the position.
	Airstrip Upgrade	An application to re-sheet the airstrip has been submitted. There is no need for a co-contribution if the work is under \$150,000. The application is for \$95,000. We are waiting to hear if the grant is successful.
	State Library Technology Grant	Funding only approved for the replacement public computer. The invoice has been submitted.
	Community Housing Maintenance Grant	Funding for maintenance for Kadathinni Units 2, 4 and 6 is being sought as part of these maintenance grants. Works can include repairs and replacement of walls, flooring, paving etc., but not painting. Application for \$18,500 has been submitted
	CBH Grass Roots Grants	An application for \$3,465 has been submitted. This is for 15 double-sided banners for Railway Road, showcasing agriculture in the Shire. Three themes: harvest, seeding, and then and now.
	NAIDOC Day	NAIDOC Day will be held in July 2021. Unfortunately, this will fall in the school holidays. The event must be held during this time. I will be writing an application
Emergency Services		
	LEMC Meeting	The meeting was held Wednesday, 10 February 2021. The draft Adverse Events Plan was presented for feedback and information on any agency support plans and procedures to enhance the document. Feedback from DFES has been received, and the document will reflect their suggestions.
	VBFB Contact Details for DFES	To be collated.

Projects		
	Astrotourism	Membership has been renewed for the 2020/2021 year. I have booked the 26 th of May for the event, as this will be a lunar eclipse. I Will see if any community groups want to do catering out there as a fundraiser.
	Yakabout	Erin works with me to do the Yakabout. She is proving to be very competent in the production of the document.
Marketing and Promotion		
	Website	The website is updated as necessary. Every update now has to be recorded.
	Social media	All posts have to be recorded.
	Rubbish Bin Surrounds	I am sourcing old photos as well as designs from TSPS for the new surrounds so that they match the existing ones.
Governance		
	Adverse Events Plan	Created document as directed by CEO. The quote provided by LGIS was for \$15,000 to create.
	Health and Wellbeing Plan	I have commenced work on this document. The quote provided by EHO was for \$15,000 to create.
	Budget Bulletin	I have commenced work on this document as requested by DCEO.

Grant	Amount Applied For	Amount Received	Successful	Notes
Drought in Communities	\$500,000	\$500,000	Yes	Team effort wrote the application and submitted it
REDS	\$224,000		No	For Caravan Park
Local Roads and Community Infrastructure	\$329,104	\$329,104	Yes	Wrote the project plan for Keith to submit
Sport and Rec	\$81,530.54		No	The program highly subscribed; feedback indicated the application was very good; however, there were other priority areas.
WABN	\$70,000		No	Dual-use

	\$46,000	\$46,000	Yes	paths for Williamson St and Dominican Park Murcott and Young St paths (deferred from 2020-21)
DPIRD - Traineeship	\$35,000	\$35,000	Yes	Traineeship application, potentially for Parks and Gardens, Construction, Pool
Australia Day - Rebranding	\$1,000	\$1,000	Yes	For bunting and promotional materials with the new message on them.
Australia Day - COVID Safe	\$20,000	\$20,000	Yes	Items to ensure social distancing: BBQ, trestles, chairs, urn, eskies, more marketing materials
NAIDOC	\$3,257	\$1,000	Yes	Received \$1,000
International Day of People with Disability	\$1,000	\$1,000	Yes	Event and equipment at the pool
Air Strip	\$94,641		Unknown	For re-sheeting of airstrip. Waiting to hear.
Library Technology	\$5,000	\$1,905	Unknown	For a new public computer, and to upgrade the staff computer.
Grants for Women	\$3,600		No	Grant submitted on behalf of the

				Ladies Lipstick Luncheon committee.
Local Roads and Community Infrastructure	\$234,465	\$234,465	Yes	Dominican Park construction. Team effort submitted application.
CHO Maintenance Grant	\$18,500		Unknown	Community Housing. Applied for maintenance for Units 2, 4, 6 of Kadathinni.
CBH Grass Roots Grant	\$3,465		Unknown	For 15 banners for harvesting, seeding and history of agriculture
Total	\$1,670,562.54	\$1,169,474		

Consultation:

Business Community
LEMC

Statutory Environment:

Nil

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:
Develop tourism infrastructure and increase length of stay	1.1.2 Participate in the "Wildflower Way" Tourist Drive 1.1.3 Develop complementary infrastructure and activities such as walk trails and heritage interpretation 1.1.6 Rebrand and promote Three Springs as an attractive place to live and work
An attractive, inviting and functional main	2.5.2 Continue to implement that main street

street environment	revitalisation plan
People are motivated, work together and have an increased pride and participation in the community	3.1.6 Actively facilitate, support and participate in community events
Managed population growth across a range of demographics, particularly aged and families	3.2.2 Develop an Investment Attraction Plan
Increase the range and quality of housing for families and seniors	3.4.1 Develop and implement an Investment Attraction Plan
Maintain and improve the provision of emergency services	3.7.1 Continue to support and fund the community and emergency services management position for the region 3.7.2 Update and implement Emergency Management Plans
A well engaged and informed community that actively participates	4.1.5 Support and acknowledge volunteers 4.1.6 Actively facilitate, support and participate in community events

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

Corporate Business Plan 2020 – 2024	
Scope Statement:	Project Outputs:
A prosperous, thriving and innovative local economy	1.1 Develop tourism infrastructure and increase length of stay
To have a sustainable natural and built environment balanced with the needs of the community	2.5 An attractive, inviting and functional main street environment
A healthy, cohesive and safe community	3.3 Three Springs is recognised as an Age-Friendly community 3.4 Increase the range and quality of housing for families and seniors 3.7 Maintain and improve the provision of emergency services
A collaborative and forward-thinking community that is guided by strong leadership	4.1 A well engaged and informed community that actively participates

Voting Requirements:

Simple Majority.

Officer's Recommendation:

017/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.6
<div data-bbox="1008 392 1436 461"><p><u>MOVED:</u> Cr. Lane <u>SECONDED:</u> Cr. Connaughton</p></div> <p data-bbox="244 495 1254 524">That Council accepts the Community Development Report for February 2021.</p> <div data-bbox="1008 562 1185 631"><p>CARRIED: VOTED: 6/0</p></div>	

Executive Services	
10.7. Compliance Audit Return 2020	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	24 March 2021
Author:	Rajinder Sunner, Deputy Chief Executive Officer
Attachment (s):	Compliance Audit Return 2020

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:

The 2020 Compliance Audit Return is presented to Council for adoption.

Background:

Under Section 14 of the Local Government (Audit) Regulations 1996, a local government must carry out a Compliance Audit Return. The Finance and Audit Committee is to review the report and report to the Council the review results. Once approved by Council, the Compliance Audit Return must be signed by the President and Chief Executive Officer and forwarded to the Department of Local Government, Sport and Cultural Industries, along with a copy of the minutes.

Officer's Comment:

Nil

Consultation:

Audit Committee

Statutory Environment:

Local Government (Audit) Regulation 1996) s. 14 & 15.

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the Council the results of that review.
- (3) After the audit committee has reported to the Council under sub regulation (3A), the compliance audit return is to be —
 - (a) presented to the Council at a meeting of the Council; and
 - (b) adopted by the Council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

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

- (1) After the compliance audit return has been presented to the Council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation —

Certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the CEO.

Policy Implications:

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 to reduce 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:
4. 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:

Absolute Majority.

018/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.7
<p style="text-align: right;"><u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Connaughton</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt the Compliance Audit Return 2020. 2. Authorise the Shire President and the Chief Executive Officer to sign the Compliance Audit Return 2020. 3. Authorise the Chief Executive Officer to submit the Compliance Audit Return 2020 to the Department of Local Government, Sports and Cultural Industries by 31 March 2021. <p style="text-align: right;">CARRIED: VOTED: 6/0</p>

Corporate Services	
10.8 Accounts for Payments as at 28 February 2021	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	
Disclosure of Interest:	Nil
Date:	12 February 2021
Author:	Donna Newton, Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 28 February 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 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 2020-2021.

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:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

019/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.8
<p style="text-align: right;"><u>MOVED: Cr. Eva</u> <u>SECONDED: Cr. Mutter</u></p> <p>That Council accepts:</p> <ol style="list-style-type: none"> 1. The accounts for payment as presented for February 2021 from the Municipal Fund totalling \$438,210.51. Represented by Electronic Fund Transfers No's 16820 - 16915, Cheque No 11624 – 11625 and Direct Debits 12757.1 - 12832.1. 2. Licensing Fund totalling \$16,275.10 Represented by Direct Debit No. 12837.1. <p>Total Payments for February 2021 \$454,485.61</p> <p style="text-align: right;">CARRIED: VOTED: 6/0</p>	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12.1. ELECTED MEMBERS

12.2. STAFF – Deputy Chief Executive Officer – Late Item

Officer's Recommendation:

020/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	12.2
<div data-bbox="882 629 1248 698"><p><u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Mills</p></div> <p data-bbox="228 734 649 768">That the following item, namely:</p> <p data-bbox="228 801 1362 871"><i>12.2.1 Financial Statement for Period 31 December 2020, 31 January 2021 and 28 February 2021</i></p> <p data-bbox="228 904 805 938">Is accepted as a late item onto this Agenda.</p> <div data-bbox="882 972 1040 1041"><p>CARRIED: VOTED: 6/0</p></div>	

12.2 REPORTS OF OFFICERS

Corporate Services

12.2.1 Financial Statement for Period 31 December 2020, 31 January 2021 and 28 February 2021

Agenda Reference:	201107
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	24 March 2021
Author:	Rajinder Sunner-Deputy Chief Executive Officer
Attachment (s):	10.8A – Monthly Financial Report 31 December 2020 10.8B – Monthly Financial Report 31 January 2021 10.8C – Monthly Financial report 28 February 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 31 December 2020, 31 January 2021 and 28 February 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:

Refer to Financial/Resources Implications.

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 compiled 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*
- (c) *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*
- (e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing —*

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*
- (c) *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*

- (c) *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 28 February 2021 is \$3,111,298. Total cash is made up of Unrestricted cash \$1,249,812 and Restricted cash \$1,865,486 backed by various reserves.

Rates Debtors as at 28 February 2021 \$230,182. We have collected 89.96% of our outstanding Rates as at 28 February 2021.

Operating revenue as at 28 February 2021 is \$3,149,624. The breakdown of the Operating revenue; Rates 65%, Operating grants subsidies and contributions 27%, Fees and Charges 6% and Other revenue 2%.

Operating expenses as at 28 February 2021r is \$3,339,159. The breakdown of the Operating expenses; Employee Costs 29%, Materials and Contracts 23%, Depreciation 37%, Insurance Expense 5%, Utility Charges 4% and Others 2%.

Net Current Assets – excluding cash reserves and non-current provisions.

31 December 2019	\$2.65M
31 December 2020	\$1.66M
31 January 2020	\$2.19M
31 January 2021	\$1.27M
29 February 2020	\$1.8M
28 February 2021	\$1.28M

Under ASB 1058, the timing of income recognition will depend on whether a transaction give rise to a performance obligation, liability or contribution. One of the reason there is big difference in comparative figures to last year – Net Current Assets.

All tied funding is now treated as contract liability instead of an income. In the past grants funding was brought into income and will flow through Net Current Assets. Now all tied Grants Funding are treated as a contract liability (Balance Sheet) and once the work is completed than recognise as an income.

Regional Road Group (RRG), Roads to Recovery (RTR), Drought Community Program (DCP) and Local Roads and Community Infrastructure Program (LRCIP) are now treated under AASB 1058 – Contract Liability.

FAGS funding is exempt from AASB 1058.

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:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

021/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 12.2.1
<div style="text-align: right;"><u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Lane</div> <p>That Council accepts the monthly financial report for the period ending 31 December 2020, 31 January 2021 and 28 February 2021.</p> <div style="text-align: right;">CARRIED: VOTED: 6/0</div>

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil

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

Nil

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday 28 April 2021 @ 5pm.

16. CONFIDENTIAL ITEMS

Nil

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 2.39pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____

Presiding Officer

Date: 28 April 2021