



MINUTES

For the Council Meeting held on

Thursday 18 April, 2019

Commencing at 5.00 p.m.

In the Hopetoun Community Centre, Hopetoun.



SHIRE OF RAVENSTHORPE

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Ravensthorpe Shire Council for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Ravensthorpe Shire Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity that act 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 Ravensthorpe Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Ravensthorpe Shire Council. The Ravensthorpe Shire Council warns that anyone who has an application lodged with the Ravensthorpe 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 Ravensthorpe Shire Council in respect of the application.

A handwritten signature in black ink, appearing to read "Gavin Pollock", is written over a horizontal line.

Gavin Pollock
Chief Executive Officer

19/4/2019

65 Morgans Street Ravensthorpe WA 6346
Tel (08) 98390000; Fax (08) 98381282
E-mail: - shire@ravensthorpe.wa.gov.au



Shire of Ravensthorpe Notice of Ordinary Council Meetings

In accordance with the Local Government Act 1995 and Administration Regulation 12 (I) it, is hereby notified that as from January 2019 to December 2019, Ordinary Council meetings of the Shire of Ravensthorpe will be held as follows:

DATE		LOCATION	TIME
January 2019	No meetings Scheduled		
18 February 2019	Council Forum	Ravensthorpe Council Chambers	1pm
21 February 2019	Council Meeting	Ravensthorpe Council Chambers	5pm
18 March 2019	Council Forum	Ravensthorpe Council Chambers	1pm
21 March 2019	Council Meeting	Munglinup Community Centre	5pm
15 April 2019	Council Forum	Ravensthorpe Council Chambers	1pm
18 April 2019	Council Meeting	Hopetoun Community Centre	5pm
14 May 2019	Council Meeting	Ravensthorpe Council Chambers	6pm
18 June 2019	Council Meeting	Hopetoun Community Centre	6pm
16 July 2019	Council Meeting	Ravensthorpe Council Chambers	6pm
20 August 2019	Council Meeting	Hopetoun Community Centre	6pm
17 September 2019	Council Meeting	Hopetoun Community Centre	6pm
15 October 2019	Council Meeting	Ravensthorpe Council Chambers	6pm
21 October 2019	Special Council Meeting – Elections	Ravensthorpe Council Chambers	6pm
19 November 2019	Council Meeting	Hopetoun Community Centre	6pm
17 December 2019	Council Meeting	Ravensthorpe Council Chambers	6pm

Ratepayers and residents are welcome to attend the council meetings and participate in the Public Question time session which are held at the beginning of each Council Meeting.

**Gavin Pollock
Chief Executive Officer**

ORDINARY MEETING OF COUNCIL
HELD IN THE HOPETOON COMMUNITY CENTRE, HOPETOON
ON 18 APRIL 2019, AT 5PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE**

MEMBERS: Cr Keith Dunlop (Shire President)
Cr Julianne Belli (Deputy Shire President)
Cr Kerry Dickinson
Cr Ian Goldfinch
Cr Thomas Major
Cr Graham Richardson
Cr Peter Smith

STAFF: Gavin Pollock (Chief Executive Officer)
Graham Steel (Director Technical Services)
Helen Coleman (Executive Assistant)

APOLOGIES:
Les Mainwaring (A/Director of Corporate and Community Services)

ON LEAVE OF ABSENCE: Nil.

ABSENT: Nil.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST

Cr I Goldfinch be granted leave from 1 May 2019 to 20 June 2019 inclusive.

Moved: Cr Richardson Seconded: Cr Smith

**Res: 29/19
Carried 7/0**

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

Moved: Cr Smith Seconded: Cr Dickinson

Res: 30/19

Chief Executive Officer tabled petition and letters of support related to Planning Application from Darrin and Belinda McHarg. Shire President received these and Councillors noted.

Carried 7/0

7. CONFIRMATION OF MINUTES**7.1 COUNCIL MEETINGS – 21 MARCH AND 28 MARCH, 2019**

COUNCIL DECISION	ITEM 7.1
Moved: Cr Goldfinch Seconded: Cr Smith	Res: 31/19
That the minutes of the meeting of ordinary council held on 21 March, 2019 and the minutes of the special council meeting of 28 March 2019 be confirmed as a true and correct record of proceedings.	
	Carried 7/0

8. SUSPENSION OF STANDING ORDERS

Nil

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

Nil

10. REPORTS OF OFFICERS**10.1 A/DIRECTOR OF CORPORATE AND COMMUNITY SERVICES****10.1.1 SCHEDULE OF ACCOUNT PAYMENTS – MARCH 2019**

File Reference:	GR.ME.8
Location:	Shire of Ravensthorpe - Administration
Applicant:	Internal
Author:	Helen Coleman – Executive Assistant
Authorising Officer:	Les Mainwaring – Acting Director of Corporate and Community Services
Date:	10 April 2019
Disclosure of Interest:	Nil
Attachments:	10.1.1.1 Schedule of Payments to 28 February 2019 10.1.1.2 Credit Card Transactions to 31 January 2019
Previous Reference:	Nil

Summary:

This item presents the schedule of payments for Council approval in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Background:

Period 1/7/2018 – 31/3/2019

Month	Cheques	EFT Pymts	Direct Debits	Credit Card	Trust	Total Creditors	Payroll
Jul	1,367	2,442,344	90,290	12,115	950		174,327
Aug	37,082	2,032,888	225,672	5,618	688	2,301,948	212,428
Sep	10,479	887,060	53,711	5,559	2,617	959,426	173,926
Oct	10,076	1,922,570	115,844	8,636	2,049	2,059,175	123,007
Nov	13,107	1,535,900	83,928	6,003	1,815	1,640,752	161,814
Dec	4,095	1,420,883	97,019		833	1,522,831	238,074
Jan	11,899	493,318	48,486	4,145	580	558,427	171,237
Feb	9,940	886,889	211,726	2,817	540	1,111,912	184,652
Mar	1,155	2,560,559	106,713	2,185	1,350	2,671,962	251,635
Apr						0	
May						0	
Jun						0	
Total	99,201	14,182,409	1,033,390	47,077	11,422	15,373,499	1,691,100
17/18	327,905	18,507,404	209,587	65,010	317,445	19,427,351	2,601,283

Comment:

This schedule of accounts as presented, submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costing's and the amounts shown have been paid.

Consultation:

Bev Webb – Consultant Finance Officer.

Statutory Environment:

Regulation 13 (1) – (3) of the *Local Government (Financial Management) Regulations*

Policy Implications:

N/A.

Financial Implications:

This item address Council's expenditure from Trust and Municipal funds which have been paid under delegated authority.

Strategic Implications:

N/A.

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Moved: Cr Belli

Seconded: Cr Richardson

Res: 32/19

Recommendation:

That Council endorse;

That pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, the payment of accounts for the month of March 2019 be noted.

Carried 7/0

10.1.2 MONTHLY FINANCIAL REPORT –31 MARCH 2019

File Reference:	GR.ME.8
Location:	Shire of Ravensthorpe - Administration
Applicant:	Internal
Author:	Bev Webb – Consultant Finance Officer
Authorising Officer:	Les Mainwaring – Acting Director of Corporate and Community Services
Date:	10 April 2019
Disclosure of Interest:	Nil
Attachments:	10.1.2.1 – Monthly Financial Reports for March 2019
Previous Reference:	Nil

Summary:

In accordance with the *Local Government Financial Management Regulations (1996)*, Regulation 34, a local government is to prepare a monthly Statement of Financial Activity for approval by Council.

Background:

Council is requested to review the March 2019 Monthly Financial Reports.

Comment:

The March 2019 Monthly Financial Report is presented for review.

Consultation:

Chief Executive Officer.

Statutory Environment:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 apply.

Policy Implications:

Nil.

Financial Implications:

All expenditure has been approved via adoption of the 2018/19 Annual Budget, or resulting from a Council Motion for a budget amendment.

Strategic Implications: Strategic Community Plan 2014 – 2024

Theme 4 – Civic Leadership: 4.2 High quality corporate governance, accountability & compliance.

Sustainability Implications:

- **Environmental:**

Not applicable to this specific recurring report.

- **Economic:**

Not applicable to this specific recurring report.

- **Social:**

Not applicable to this specific recurring report.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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Voting Requirements:

Simple Majority

Moved: Cr Goldfinch

Seconded: Cr Smith

Res: 33/19

Recommendation:

That Council receive the March 2019 Monthly Financial Report as presented.

Carried 7/0

10.2 MANAGER OF PLANNING AND DEVELOPMENT
Nil.

10.3 DIRECTOR OF TECHNICAL SERVICES
Nil.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 POLICY AMENDMENT AND COUNCIL MEETING DATES FOR 2019

File Reference: GR.ME.8 and CM.PO.1
Location: Shire of Ravensthorpe – Administration
Applicant: Internal
Author: Chief Executive Officer
Authorising Officer: Chief Executive Officer
Date: 4 April 2019
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

Council to consider amending Policy G 1 - Meetings of Council – Ordinary Council Meetings so the Ordinary Meeting of Council can be changed from the third (3) Thursday of each month to being held on the third (3) Tuesday of each month and remove the need for an agenda settlement forum on the Monday prior to the Ordinary Meeting of Council.

Council consider changing and setting the following proposed dates for the Ordinary Meetings of Council in 2019:

Existing Ordinary Meeting of Council Dates:

Thursday - 16 - May 2019
Thursday - 20 - June 2019
Thursday - 18 - July 2019
Thursday - 15 - August 2019
Thursday - 19 - September 2019
Thursday - 17 - October 2019
Thursday - 21 - November 2019
Thursday - 19 - December 2019

New Ordinary Meeting of Council Dates Proposed:

Tuesday - 14 - May 2019
Tuesday - 18 - June 2019
Tuesday - 16 - July 2019
Tuesday - 20 - August 2019
Tuesday - 17 - September 2019
Tuesday - 15 - October 2019
Tuesday - 19 - November 2019
Tuesday - 17 - December 2019

Background:

Following discussions with Council and the Executive Team it was felt that moving the Ordinary Meetings of Council from Thursdays to Tuesday could have many operational benefits.

Comment:

Normally Council don't hold an ordinary Council meeting in January unless urgent business is required to be addressed and this would not be changed within the policy. The Monday agenda settlement forum would be removed and cancelled with a Corporate Discussion session being programmed every two weeks before the Tuesday Ordinary Meetings of Council. By changing the meeting date it will not change the already set meeting locations.

Consultation:

Shire Councillors and Executive Team.

Statutory Environment:***Local Government (Administration) Regulations 1996*****12. Meetings, public notice of (Act s. 5.25(1)(g))**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

Local Government Act 1995, Part 5**Division 2 — Council meetings, committees and their meetings and electors' meetings****Subdivision 1 — Council meetings****5.3. Ordinary and special council meetings**

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,
in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

Policy Implications:

Policy G 1 - Meetings of Council – Ordinary Council Meetings will need to be amended to reflect the endorsed resolution and included as part of the Policy Manual Review for 2019.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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Voting Requirements:

Simple Majority.

Moved: Cr Belli

Seconded: Cr Dickinson

Res: 34/19

Recommendation:

That Council endorse;

1. **The Chief Executive Officer amending the wording of Policy G 1 - Meetings of Council so the Ordinary Meetings of Council are now held on the third (3) Tuesday of each month, except for January and remove the need for the agenda settlement forum on the Monday prior to the Ordinary Meetings of Council.**
2. **Setting the following new Ordinary Council Meeting dates and commencement time to 6pm for 2019;**
 - Tuesday - 14 - May 2019**
 - Tuesday - 18 - June 2019**
 - Tuesday - 16 - July 2019**
 - Tuesday - 20 - August 2019**
 - Tuesday - 17 - September 2019**
 - Tuesday - 15 - October 2019**
 - Tuesday - 19 - November 2019**
 - Tuesday - 17 - December 2019**
3. **The Chief Executive Officer advertising the change to Policy G 1 - Meetings of Council and the new Ordinary Council Meeting dates for 2019.**

Carried 7/0

10.4.2 CHRISTMAS AND NEW YEAR'S OFFICE CLOSURE

File Reference:	CS.PL.4
Location:	Shire of Ravensthorpe – Administration
Applicant:	Internal
Author:	Chief Executive Officer
Authorising Officer:	Chief Executive Officer
Date:	4 April 2019
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary:

Council to consider a shutdown of both the Ravensthorpe and Hopetoun Shire Administration Centre's over the Christmas and New Year period being from 12 noon on Friday 20 December 2019 to Sunday 5 January 2020 (inclusive).

Background:

The Christmas and New Year closure allows staff to book holidays, travel and spend time with family and friends. Traditionally this time of year sees most staff wanting to take leave and staff numbers are at very low level. With a blocked out operation closure staff can return after the break refreshed and resume full operation and services as per normal.

Comment:

During the abovementioned period there are 3 public holidays with staff being required to take approved leave for the additional days.

A roster will be developed to ensure coverage is provided by Senior Staff and the Leading Hands so contact can be made by phone as per a roster with one or more being in town if required at short notice. Some members of the outside staff will be working in Ravensthorpe and Hopetoun during the closure period and will be available out of hours if required.

Fire weather warnings and harvest ban SMS's can be sent remotely by the Community Emergency Services Officer in conjunction with Fire Control Officer's.

The emergency services and police will be notified of all key personnel contact details during the period. This information will also be provided in the Information Bulletin. The public will be notified of contactable number via the Shire communication avenues, the Shire of Ravensthorpe Website and Facebook page.

Consultation:

Chief Executive Officer, Director of Technical Services and Acting Director Corporate & Community Services.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
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Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1

has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority.

Moved: Cr Major**Seconded: Cr Richardson****Res: 35/19****Recommendation:**

1. That Council endorse the Chief Executive Officer closing both the Ravensthorpe and Hopetoun Shire Administration Office's at 12 noon on Friday 20 December 2019 to Sunday 5 January 2020 inclusive and reopen Monday 6 January 2020.

2. That staffing requirements and contact details are put into place for the closure period to deal with any emergency issues that may arise.

Carried 7/0

10.4.3 POLICY MANUAL REVIEW 2019

File Reference:	CM.PO.1
Location:	Shire of Ravensthorpe – Administration
Applicant:	Nil
Author:	Chief Executive Officer
Authorising Officer:	Chief Executive Officer
Date:	4 April 2019
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary:

For Council to review its current Policy Manual and make the following changes;

1. Change all wording referencing the Manager of Corporate and Community Services to Director of Corporate and Community Services and change all wording referencing the Manager of Engineering to Director of Technical Services.
2. Amend Policy - A 16 Vehicle Policy by adding the wording of Technical Officer to the Vehicle Selection Table in section 4 Airport. Section 4 would then apply to the Airport Officer, Engineering Technical Officer and Administration Technical Officer.

Background:

Council has reviewed portions of the Policy Manual periodically with a full review last occurring in 2018.

Comment:

This is the first stage of the review process is to ensure the policy wording reflects the correct wording for the Senior Staffing position and complements the current Shire operations. The next stage will see the remaining policy's supported with operational procedures and objectives included in each of the existing policies.

While the need to review all policies in depth is acknowledged, there is a requirement to review the Policy manual as a whole document on an annual basis hence this review.

Consultation:

Executive Team.

Statutory Environment:

Section 2.7(2)(b) of the *Local Government Act 1995* provides that one of the functions of a council is to determine the local government's policies.

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.

[Section 2.7 amended: No. 17 of 2009 s. 4.]

Consultation:

Shire Councillors and Executive Team.

Policy Implications:

Policy G 1 - Meetings of Council – Ordinary Council Meetings will need to be amended to reflect any endorsed resolution from the Ordinary Meeting of Council held on the 18 April 2019.

The Policy Manual will be current and reflect new senior officer position titles with the next full Policy Review not required until April 2020.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
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Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority.

Moved: Cr Richardson

Seconded: Cr Smith

Res: 36/19

Recommendation:

That Council endorse;

- 1. The Policy Manual Review for 2019 and request the Chief Executive Officer to change all wording within the Policy Manual referencing the Manager of Corporate and Community Services to Director of Corporate and Community Services and change all wording referencing the Manager of Engineering to Director of Technical Services.**
- 2. Amending Policy - A 16 Vehicle Policy by adding the wording of Technical Officer to the Vehicle Selection Table in section 4 Airport. Section 4 will now apply to the Airport Officer, Engineering Technical Officer and Administration Technical Officer.**
- 3. Policy - G 1 - Meetings of Council being amended to reflect any endorsed resolution from the Ordinary Meeting of Council held on the 18 April 2019.**

Carried 7/0

10.4.4 DELEGATION REGISTER REVIEW 2019

File Reference:	GR.LR.10
Location:	Shire of Ravensthorpe – Administration
Applicant:	Nil
Author:	Chief Executive Officer
Authorising Officer:	Chief Executive Officer
Date:	10 April 2019
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary:

For Council to review its current Delegation Register and make the following changes;

1. Change all wording referencing the Manager of Corporate and Community Services to Director of Corporate and Community Services and change all wording referencing the Manager of Engineering to Director of Technical Services.

Background:

The *Local Government Act* only provides for delegation by Council to the Chief Executive Officer – who in turn is able to delegate to another senior employee.

Section 48 of the *Bush Fires Act* provides for the delegation of all functions to the CEO.

Council undertook a review of its delegations in October 2018.

Comment:

This review process is to ensure the delegation wording reflects the correct wording for the Senior Staffing position and complements the current Shire operations.

While the need to review all delegations in depth is acknowledged, there is a requirement to review the Delegation Register as a whole document on an annual basis hence this review.

Consultation:

Shire President, Deputy Shire President and the Executive Team.

Statutory Environment:

Section 5.42 of the *Local Government Act* provides that:

- (1) A local government may delegate (by Absolute Majority) to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.43 provides that a local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;

- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

Section 5.44 provides that:

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) "conditions" includes qualifications, limitations or exceptions.

Section 5.45 provides that:

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

Section 5.46(2) of the *Local Government Act* provides that:

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Section 17(7) of the *Bush Fires Act* provides that:

- (a) subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised *CALM Act* officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —
 - (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (ii) imposing a further period of prohibited burning times.

- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.

Section 17(8) provides that where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —

- (a) the local government —
- (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
 - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
- (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
- (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
- (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
- (i) rescind or modify the variation as directed in the notice; and
 - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.

Section 17(10) provides that a local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

Section 18(5) provides that:

- (a) Subject to paragraph (b) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district—
- (i) vary the restricted burning times in respect of that year in the district or a part of the district by—
 - (A) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (B) imposing a further period of restricted burning times;or
 - (ii) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (b) A variation shall not be made under this subsection if that variation would have the effect of—
- (i) shortening the restricted burning times by; or
 - (ii) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under this subsection, be part of the restricted burning times for that zone in that year.

Section 48 of the *Bush Fires Act* provides that:

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.

- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1)—
- (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to sub delegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

Policy Implications: The requested changes are to complement the new staff structure as reflected in the 2019 Annual Policy Review.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Medium (9)
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Medium (9)
Risk Action Plan (Controls or Treatment Proposed)	Medium (9)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1

has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority.

Moved: Cr Belli

Seconded: Cr Smith

Res: 37/19

Recommendation:

That Council endorse;

The Delegation Register Review for 2019 and request the Chief Executive Officer to change all wording within the Delegation Register referencing the Manager of Corporate and Community Services (MCCS) to Director of Corporate and Community Services (DCCS) and change all wording referencing the Manager of Engineering (MES) to Director of Technical Services (DTS).

Carried 7/0

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

12.1 ELECTED MEMBERS

Nil.

12.2 OFFICERS

Nil.

13. MATTERS BEHIND CLOSED DOORS

Nil.

14. CLOSURE OF MEETING 5.19pm.

These minutes were confirmed at the meeting of the 18 June 2019

Signed:  _____

(Presiding Person at the meeting of which the minutes were confirmed.)

Date: 18 June 2019