

Shire of Exmouth

# ORDINARY COUNCIL MEETING

# MINUTES



25 June 2020

### CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 25 June 2020 are a true and accurate record of the proceedings contained therein.

.....  
**Matthew Niikkula**  
Shire President

.....  
*23/07/2020*

Dated

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# MINUTES

Our Vision To be a prosperous and sustainable community living in harmony with our natural environment.

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Our Purpose To responsibly provide governance for the whole community in the best interest of current and future generations.

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Our Strategic Objectives

- Diversify and grow our economy in a manner that provides year-round employment opportunities
- To protect and value our unique natural and built environment as we grow our economy.
- To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- To provide open transparent, accountable leadership working in collaboration with our community.

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## 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.00pm.

The Shire President acknowledged the aboriginal people both past and present, as the traditional custodians of the land on which we meet.

The Shire President advised in adhering to both the *Local Government Act 1995*, and the Shire of Exmouth Meeting Procedures Local Law 2015, it is an offense to record the proceedings of this meeting and asked the gallery to switch off any recording devices, including phones.

He advised the meeting will be recorded by the Executive Secretary for the purpose of compiling an accurate record of the minutes only; and the recording will be erased once they are confirmed.

## 2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor M (Matthew) Niikkula	Shire President
Councillor B (Ben) Dixon	Deputy Shire President
Councillor H (Heather) Lake	
Councillor M (Mark) Lucas	
Councillor A (Anne) McCarrol	
Mr C Woods	Chief Executive Officer
Mr M Richardson	Executive Manager Development Services
Mr M Bird	Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services
Ms Head	Minute Clerk

<b>GALLERY</b>	Nil
<b>APOLOGIES</b>	Councillor G (Gary) Mounsey
<b>LEAVE OF ABSENCE</b>	Nil

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4. PUBLIC QUESTIONS TIME**

Nil

**5. DECLARATIONS OF INTEREST**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 28 May 2020 be confirmed as a true and correct record of proceedings.

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**COUNCIL RESOLUTION**

**ITEM 7**

**Res No: 01-0620**

**MOVED: Cr McCarrol**

**SECONDED: Cr Lucas**

**That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 28 May 2020 be confirmed as a true and correct record of proceedings.**

**CARRIED 5/0**

**8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS**

Councillor Dixon	<ul style="list-style-type: none"> <li>• Attended the cooking of BBQ lunch for staff involved in rubbish collection run.</li> <li>• Attended CEO Performance Review Committee meetings on 9 and 11 June.</li> </ul>
Councillor Lake	<p>CEO Performance Review Committee</p> <ul style="list-style-type: none"> <li>• Met several times over the past month with CEO Performance Review Committee members; Deputy President, Ben Dixon and President Matt Niikkula. The review is an annual process.</li> <li>• During these meetings the comments of the CEO, Cameron Woods and those from other councillors were noted to</li> </ul>

	<p>formulate a performance review report and future employment remuneration package for the CEO.</p> <p>Council Conference with the Deputy Prime Minister, Michael McCormack and Local MP Vince Catania, MLA for North West Central</p> <ul style="list-style-type: none"> <li>• Joined fellow Councillors and the CEO to participate in an zoom session to discuss the acquisition of infrastructure funding for various projects in the Shire, including funds for the improvement of our main roads.</li> </ul> <p>Crevalle Way Park working group.</p> <ul style="list-style-type: none"> <li>• Conducted a few final visits to the Crevalle Way Park, to view the latest progress of the removal of the COVID restriction barrier around play equipment and the landscaping of the area with shade trees.</li> <li>• The opening of the park is about to be scheduled as the bulk of the major works are now complete.</li> </ul>
Councillor Lucas	<ul style="list-style-type: none"> <li>• Acknowledged the cleanliness of the town centre</li> </ul>
Councillor McCarrol	<ul style="list-style-type: none"> <li>• Attended the cooking of BBQ lunch for staff involved in rubbish collection run.</li> </ul>

## 9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

After a VERY stressful and tense few months, across the world, the country, the state and our own Shire due to the COVID-19 Pandemic, we finally seem to be seeing some light at the end of the tunnel.

For Exmouth, what was shaping up to be the biggest visitor season on record quickly turned into chaos, despair and catastrophe as we scrambled to lock down our town and protect our community against the looming threat of infection taking hold.

But now, due to strong action by both our Federal and State Governments, as well as diligent rule abiding by all West Australians, we are emerging from this incredible inconvenience much earlier than had originally been anticipated. From this Saturday, the WA State Government will activate stage 4 of restriction easing allowing even more ability for our important tourism sector to thrive once again.

I said early on during this Pandemic, Exmouth copped a full punch in the face with the timing of lockdowns and restrictions. Having just emerged from our quiet months eagerly anticipating a huge injection of visitors for the Easter break, only to be faced with the very real prospect of enduring a further 6 months of minimal trade, effectively creating an 18 month off season. I also firmly believed that due to the quality of the Ningaloo offer and the desire for Australian's in lockdown to get out and travel, Exmouth will bounce back harder and faster than most other destinations as severely affected.

Sure enough, Intra-state borders were lifted, a road map of easing restrictions was laid out and the bookings started rolling in. The July school holidays are set to be booming, with practically any and all accommodation fully booked and stage 4 relaxation allowing every operator and establishment to pretty much trade as close to normal as anyone could have dreamt only a few short months ago.

Exmouth is ready to welcome our visitors and let them experience the best location in the State. We are all excited and hopeful that the next 6 months allow enough trade for all our local operators to recover and once again enjoy why they choose to live work and play here.

Western Australia is leading the way in getting back to normal, but, as we have seen over the past week in other states, a relapse can happen very quickly, and, as Identified early on, our lack of facilities and isolation would expose our community to dire consequences from even the smallest outbreak associated with a “second wave” of infection.

The Shire staff, led by the CEO have done an outstanding job from the very start in adapting, leading and communicating. The sheer amount of behind the scene, hidden workload that has been undertaken along the way to enable our local community to understand and adhere to the different rules and changing expectations is to be commended and, on behalf of Council and our town, would like to say thank you to the entire Shire Team.

I feel that the flow of trusted information regularly being delivered to our community throughout this crisis is something we should all be proud of, and something we should endeavour to keep up in the coming weeks and months.

Our town will be at total capacity in just over a week, and it is up to us all, locals and visitors alike to continue doing the right things that have allowed this season to go ahead.

## **10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

## 11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

### 11.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

File Reference:	PE.EC.0
Reporting Officer:	Shire President
Responsible Officer:	CEO Performance Review Committee
Date of Report:	23 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL Chief Executive Annual Performance Review Report June 2020</li> <li>2. CONFIDENTIAL Proposed CEO TRP 2021</li> </ol>

#### PURPOSE

A role of Council is to annually review the Chief Executive Officer's (CEO) performance and set the current years Key Performance Indicators (KPI's) and remuneration in accordance with the *Local Government Act 1995* section 5.38 and the Salaries and Wages Tribunal (SAT) determination.

This report confirms the 2019/20 performance of the CEO and sets the measurable performance indicators and the remuneration for the 2020/21 financial year.

#### BACKGROUND

At the Ordinary Council Meeting on the 25<sup>th</sup> July 2019 the following resolution was passed regarding the CEO's Performance Review Assessment:

<b>COUNCIL RESOLUTION</b>		<b>ITEM 15.1</b>
<b>Res No:</b>	<b>13-0719</b>	
<b>MOVED:</b>	<b>Cr Mounsey</b>	
<b>SECONDED:</b>	<b>Cr Lake</b>	
<b><i>That Council, in accordance with legislative, contractual and policy obligations, ENDORSE:</i></b>		
<ol style="list-style-type: none"> <li><b><i>1. The Chief Executive Officer's annual performance rating;</i></b></li> <li><b><i>2. The Key Performance Indicators for the 2019/20 appraisal period;</i></b> <b><i>and</i></b></li> <li><b><i>3. The variation to the Chief Executive Officers' total reward package as outlined in the confidential report (attachment 1).</i></b></li> </ol>		
<b>CARRIED 4/0</b>		

## COMMENT

Agreement was reached between the CEO and Performance Review Committee to undertake the process without contracting an independent external facilitator, as per part (d) of Council Policy 1.19 – CEO Performance Review. The intention was to reduce consultant costs and to be more responsive in the timeframe due to the ongoing COVID-19 Pandemic.

The Committee completed the review as stipulated in the terms of reference and has provided to Council (CONFIDENTIAL Attachments 1 and 2) the outcomes of the process in order to support the recommendations.

The Committee Chair undertook the secretariat duties and the assessment was successfully completed.

It is envisaged an “All of Council” approach will be undertaken in July 2020 to workshop the 2020/21 Key Performance Indicators with the Chief Executive Officer, and present them for consideration at the July 2020 Ordinary Council Meeting.

## CONSULTATION

WALGA was previously consulted in relation to the CEO Annual Performance Review Process.

## STATUTORY ENVIRONMENT

Local Government Act 1995, Part 5, Division 4, s 5.38 and Division 2, s5.23 (2)

## POLICY IMPLICATIONS

Policy 1.19 Chief Executive Officer Performance Review

## FINANCIAL IMPLICATIONS

N/A

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

## VOTING REQUIREMENTS

Simple Majority

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## COMMITTEE RECOMMENDATION

## ITEM 11.1

That the CEO Performance Review Committee recommends to Council, in accordance with legislative, contractual and policy obligations, to receive and ENDORSE:

1. The Chief Executive Officers’ annual performance review report (CONFIDENTIAL Attachment 1);
2. The Chief Executive Officers’ total reward package for 2020/21 as outlined in (CONFIDENTIAL Attachment 2) and



3. Workshop the 2020/21 KPI's with the Chief Executive Officer for consideration at the July 2020 Ordinary Council Meeting.

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**COUNCIL RESOLUTION**

**ITEM 11.1**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lucas**

**Councillor Dixon requested to speak against the motion.**

**The Shire President advised the report would be moved to agenda item 15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS due the confidential nature of the attachments.**

## 12. REPORTS OF OFFICERS

### EXECUTIVE SERVICES

#### 12.1.1 ANNUAL REVIEW – COUNCIL POLICY MANUAL

File Reference:	CM.PO.6
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	8 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Reviewed Council Policy Manual

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#### **PURPOSE**

The Council Policy Manual is required to be reviewed on an annual basis. This report provides Council with the policy review and providing recommendations regarding policy that requires rescinding or modifying, creation of a new policy and noting those without change.

#### **BACKGROUND**

The objectives of the Council's Policy Manual are:

- To provide Council with a formal written record of all policy decisions;
- To provide staff with precise guidelines in which to act in accordance with Council's wishes;
- To enable staff to act promptly in accordance with Council's requirements, but without continual reference to Council;
- To enable Councillors to adequately handle enquiries from electors without undue reference to staff or Council;
- To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- To enable ratepayers to obtain immediate advice on matters of Council Policy.

An annual review (financial year) of all Council policies is undertaken to adhere to the Shire of Exmouth Compliance Calendar, which is the basis of the Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries annually.

The last annual review was endorsed by Council at the Ordinary Council Meeting held 22 November 2018:

**COUNCIL RESOLUTION**

**ITEM 12.1.2**

**Res No: 08-1219**

**That Council ENDORSE the:**

- 1. Following modified Council policies:**
  - 2.1 – Asset Capitalisation**
  - 2.2 – Interest Free Loans to Clubs and Organisations**
  - 2.6 – Investment Policy**
  - 2.7 – Procurement Policy**
  - 2.11 – Use of Corporate Credit Cards**
  - 2.13 – Risk Management Policy**
  - 2.15 – Information Management – IT Systems Security**
  
- 2. Review of the following policies which require no change:**
  - 2.3 – Common Seal**
  - 2.4 – Leases and Licences**
  - 2.5 – Reserve Funding Policy**
  - 2.8 – Distribution and Display of Promotional and Advertising Material at Council Offices or Buildings**
  - 2.9 – Disposal of Surplus Council Furniture and Equipment**
  - 2.10 – Debt Recovery**
  - 2.12 – Regional Price Preference**
  - 2.14 – Asset Management Policy**
  - 2.16 – Record Management Policy**
  - 2.17 – Related Party Disclosures**

**CARRIED 6/0**

Subsequent minor reviews have been approved by Council since the previous annual review. The table below provides a summary of these:

<b>Policy No.</b>	<b>Policy Name</b>	<b>Action</b>	<b>Details (Include OCM date &amp; Council Dec No.)</b>
4.2	CSRFF Small Grant Policy	New Policy	OCM 28/02/19 Council Decision 09-0219
4.3	Economic Development	New Policy	OCM 28/02/19 Council Decision 10-0219
6.1 6.3 6.4 6.5 6.6 6.7 6.9, 6.11 6.12 6.13 6.14 6.16 6.17 6.18 6.19 6.20 6.21, 6.22 6.23.	Home Occupation Ancillary Accommodation Caretakers Dwelling Bed and Breakfast Accommodation Outbuildings Murat Road Development Guidelines Use of Sea Containers Parking Holiday Accommodation Temporary Workers Accommodation Design Guidelines for Exmouth Marina Village Precinct A Design Guidelines for Exmouth Marina Village Precinct A Design Guidelines for lot 11 and 12 Market Street Town Planning Fees District Water Management Strategy Design Guidelines for Exmouth Marina Village Precinct B Design Guidelines for Exmouth Marina Village Precinct C Sand and Dust Control Second hand Buildings and Second hand Building Materials	Rescinded	OCM 28/02/19 Council Decision 08-0219
2.16	Records Policy	New Policy	OCM 28/03/19

			Council Decision 07-0919
4.1	Sponsorship Policy	Modified	OCM 02/05/19 Council Decision 03-0419
6.8	Signs	Modified	OCM 27/06/19 Council Decision 05-0619
2.17	Related Party Disclosures	New Policy	OCM 27/06/19 Council Decision 07-0619
1.16	Ex-Factor Allowance (Cost of Living Assistance)	Rescinded	OCM 25/07/19 Council Decision 03-0719
6.24 6.25	Container Deposit Scheme Infrastructure Exmouth Boat Harbour Development Plan	New Policy New Policy	OCM 22/08/19 Council Decision 03-0819 Council Decision 04-0819
1.13 1.21	Acting Chief Executive Officer Appointment of Acting Chief Executive Officer	Rescinded New Policy	OCM 24/10/19 Council Decision 05-1019
6.10 6.15 6.2	Landscaping Construction of Shed/Barn Style dwellings Colour Palette for Developments	Rescinded Rescinded Modified	OCM 28/11/19 Council Decision 06-1119
2.1 2.2 2.6 2.7 2.11 2.13 2.15	Asset Capitalisation Interest Free Loans to Clubs and Organisations Investment Policy Procurement Policy Use of Corporate Credit Cards Risk Management Policy Information Management – IT Systems Security	Modified	OCM 19/12/19 Council Decision 08-1219  CORPORATE SERVICES DIRECTORATE COMPLETE REVIEW
2.18	Financial Hardship Policy – COVID-19	New Policy	SCM 23/04/20 Council Decision 02-0420
8.4	Emergency Overflow Camping Grounds	Modified	SCM 23/04/20 Council Decision 03-0420
1.22	Electronic Meetings (Council and Committee)	New Policy	SCM 23/04/20 Council Decision 08-0420
6.8 6.8	Signs Advertising Signage, Town Centre Public Space Permit, And Outdoor Eating Permit Policy	Rescinded New Policy (using same policy number)	OCM 28/05/20 Council Decision 08-0520
6.9	Itinerant Trading	New Policy	OCM 28/05/20 Council Decision 09-0520

## COMMENT

The process associated with this Council Policy Manual review has been separated into four sections for Council consideration:

1. *Rescind* redundant policies;
2. Adopt *modified* policies;
3. Adopt *new* policies; and
4. *Note* policies reviewed and no changes recommended.

In addition to the above, minor updates to position titles, Act and legislation references, grammatical and formatting errors have also been made to ensure the manual remains current.

**Table 1 – Proposed Rescinded Policies**

It is recommended that the following redundant policies are rescinded and removed from the Council Policy Manual. The justification is outlined in Table 1 below:

<b>Policy</b>	<b>Title</b>	<b>Justification</b>
5.1	Building Permit Fees	These fees are statutory and set by the Building Commission, therefore Council policy is not required.
5.3	Building Control – Verandahs and Awnings over Streets	A building policy is not required as any work upon local government property requires development approval in the first instance.
7.1	Multi Use Paths within the Exmouth Town site.	To be replaced with a 10-year Pathway Master Plan which will identify a strategic framework of pathway development based on population density, demographics, high traffic areas and access to important community hubs i.e. CBD schools, hospital, recreational areas etc. Current policy is committing Council to works not necessarily of the greatest value to its community
7.6	Crossovers and Verges – within Townsite	Replaced by new policy
7.7	Crossover – Commercial and Outside Townsite	Replaced by new policy
7.9	Lighting - Street, Footpaths, Recreation and Other Areas	The legislative obligation to provide street lighting is managed by Horizon Power and Western Power State Policy. Local government is required to use their process for any new installations or modification to State network.  The management of street lighting associated with new sub-divisions is done via Western Australian Planning Commission development conditions.  Other lighting requirements for incidental Shire infrastructure can be facilitated via Council and the capital works programme.
8.1	Vandalism – Reward for Conviction	Policy has not been used since its adoption in 2012.
8.2	Cyclone Clean-up	Policy in current form is no longer consistent with its original intent

**Table 2 – Proposed Modified Policies**

It is recommended that the following Policies are modified. The justification is outlined in Table 2 below:

<b>Policy</b>	<b>Title</b>	<b>Justification</b>
1.2	Use of Council Logo	Reference to branding style guide to be removed.
1.6	Council Briefing Sessions	Updated commencement time of briefing session from 3pm to <i>'prescribed time'</i> .
1.7	Legal Representation Costs Indemnification	Update purpose to include <i>"councillors and employees of the Shire of Exmouth"</i>
1.8	Public Relations – Press Release	Rewording only: <i>"with approval of the Chief Executive Officer...."</i> to replace <i>'Subject to the authorisation of the Chief Executive Officer.....'</i>
1.12	Council Vehicle Fleet	Remove category 2 in vehicle categories table; notation to specific car makes; Deputy CEO position and the log book requirement for officers who are allocated a Shire vehicles full time.
1.14	Council Employees Housing	Edit reference to Residential Tenancy Act – amend to 1987
1.15	Relocation Expenses	Remove sentence – <i>"The CEO may approve reasonable requests for alternate arrangements in lieu of reimbursement of removal expenses to assist with resettlement if the dollar value does not exceed \$6000."</i>
1.17	Fitness for Work – Drug and Alcohol	<p>Change sentence under the <i>Alcohol Standard</i> heading                      From:  <i>'if a confirmed result is returned with a BAC reading of 0.02% or less the person will not be in breach of...</i>                      To:  <i>'if a confirmed result is returned with a BAC Reading of less than 0.02% the person will not be in breach of ..."</i>.                      This change aligns with CASA and our updated Fitness for work Procedure in December 2019.</p> <p>Add under Types of Drug and Alcohol Testing:  <i>'Daily (BAC) Testing'</i>.</p> <p>Add under Testing Agency at end of last sentence:  <i>'or authorised representative of the Shire'</i>.</p>
1.19	CEO Performance Review	<p>Update paragraph:  <i>All Councillors seeking appointment to the CEO review panel are encouraged to undertake the relevant CEO performance review training course provided by WALGA.</i>                      To:  <i>As a minimum the Chair of the CEO Performance Review Committee is to undertake the relevant CEO performance review training course provided by WALGA.</i></p>

1.20	Responsible Service of Alcohol	Incorrect policy numbers referred: to be updated.
2.2	Interest Free Loans to Clubs and Organisations	Incorrect reserve name: update from Community Development Reserve Fund to <i>Community Interest Free Loans Reserve</i>
2.3	Common Seal	Update list of 'documents to be sealed' current policy only refers to transfer of land. Common Seal Register to details to include the council decision reference number.
2.4	Leases and Licences	Public liability; increase to \$20 million. Move the paragraph titled ' <i>Essential Differences between Lease and Licences</i> ' before the ' <i>Guiding Principles</i> ' paragraph to provide the reader with a better understanding of the differences prior to reading the policy. <b>Commercial lease</b> tenure - minimum of 10 years with a further option of 10 years amended to read: <i>"The <u>maximum</u> lease term will be 10 years with a further option of up <u>to</u> 10 years.</i> <b>Not for Profit incorporated organisation lease</b> tenure – minimum lease term will be 10 years with a further option of 10 years amended to read: <i>'The <u>maximum</u> lease term will be <u>5</u> years with a further option of up <u>to</u> 5 years.'</i>
2.12	Regional Price Preference Policy	Inclusion of map and definition of Prescribed Area - <i>The local government area of Shire of Exmouth.</i>
4.1	Sponsorship Policy	Addition of dot point under Economic heading Add- <i>Applicants for MESP must demonstrate (explain) how their event has the potential to deliver significant Council outcomes to the Shire of Exmouth.</i> Update position title.
4.2	Community Sports and Recreation Facilities Funding (CSRFF) Small Grant Policy	Update department details - Department of Local Government, Sport and Cultural Industries (DLGSCI); DSP = DLGSCI throughout document. Add Eligibility criteria to read ' <i>Have discussed their project with Shire and DLGSCI Officers</i> '.
5.5	Temporary Accommodation (Caravans)	A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim of keeping the policy clear and separating out the requirements of those who are seeking temporary accommodation with family and friends while visiting Exmouth from those seeking approval to reside in a caravan park while constructing a dwelling. Simplifies policy and provides clearer guidance, previously located under item 2. Ensure camps are not located where they may encroach on vehicle access areas or neighbouring properties. Ensure tents are located in an area where there is reduced visual impact.
7.3	Guidelines and Specifications for the	Revision of policy and included additional reference documents:

	Design and Construction of Storm Water Drainage Systems	<i>Exmouth Floodplain Study 2007</i> <i>District Water Management Study V11049</i>
7.5	Verge Enhancement	Deleted redundant references to “Executive Manager Engineering Services” and “Town Site Tree Policy”. Included Clause 3 concerning tree removal to replace reference to “Town Site Tree Policy”. Removed the requirement to plant two trees on the verge. Added applications outside of the policy could be assessed case by case. Definitions reformatted but same context
7.8	Alterations or Damage to Council Street Infrastructure	Deleted redundant references to “Executive Manager Engineering Services”. Added “drawings” as an accompaniment to the application for alterations. Included street trees as assets to be protected by the policy. Edited grammar regarding non-compliance with Shire specification for easier reading. Context of policy remains unchanged.
7.10	Private Works	Included paragraph “A site inspection of the proposed works is undertaken by an authorised Shire officer”. Grammar amended in paragraph regarding cost estimation to read “A formal cost estimation is prepared by the authorised officer and written advice is received from the customer agreeing to the work and price.”

**Table 3 – Proposed New Policy**

It is recommended that the following new policies are adopted. The justification is outlined in Table 3 below:

<b>Policy</b>	<b>Title</b>	<b>Justification</b>
5.7	Temporary Accommodation (Construction of a dwelling)	A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim separating out the requirements of those who are approval to reside in a caravan while constructing a dwelling.
7.6	Vehicle Crossover	Combine the two existing Vehicle Crossover policies for simplification and inclusion of standards



**Table 4 - Unchanged Policy**

It is recommended that the following policies outlined in Table 4 are noted. These policies have been reviewed and considered relevant to the working of Council and its staff in their existing format. No amendments have been made.

<b>Policy</b>	<b>Title</b>
1.1	Senior Employees
1.3	Fauna/Flora Emblems
1.4	Citizenship Ceremonies
1.5	Election of Committees and Representatives
1.9	Provision, Usage and Disposal of Digital Equipment
1.10	Honorary Freeman
1.11	Councillor Complaints Policy
1.18	Code of Conduct for Employee, Elected Members and Committee Members
1.21	Appointment of Acting Chief Executive Officer
1.22	Electronic Meetings (Council and Committee Meetings)
2.1	Asset Capitalisation
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2.18	Financial Hardship Policy - COVID-19
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5.2	Refund of Building Permit Fees
5.4	Water Tanks – Building Control
5.6	Smoke Free Outdoor
6.2	Colour Palette for Developments
6.8	Advertising Signs, Town Centre Public Space & Outdoor Eating Permit
6.9	Itinerant Trading
6.24	Container Deposit Scheme Infrastructure
6.25	Exmouth Boat Harbour Development Plan
7.2	Use of Shire Resources for Community Works
7.4	Specification for the Design and Construction of Roads, Footpaths and Car Parks
7.11	Responsibilities at School – Pedestrian and Vehicle Facilities
8.3	Camping on Exmouth Recreation Ground
8.4	Emergency Overflow Camping Grounds
8.5	Multiple Dogs

**CONSULTATION**

The policies have been considered by Shire staff relevant to administering the policy and Councillors.

## STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the *Local Government Act 1995* states that one of the roles of a Council is to determine the Local Government’s policies.

## POLICY IMPLICATIONS

If Council approve the officer recommendations then the Shire of Exmouth Council Policy Manual will be amended.

## FINANCIAL IMPLICATIONS

Nil

## ALTERNATE OPTIONS

Council may consider to amend, decline, retain or adopt any combination of policies within the report rather than support the recommendations provided by the reporting officer.

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

## VOTING REQUIREMENTS

Absolute Majority

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## OFFICER’S RECOMMENDATIONS

**ITEM 12.1.1**

### RECOMMENDATION 1

That Council **RESCIND** the following policies:

Policy	Title	Justification
5.1	Building Permit Fees	These fees are statutory and set by the Building Commission, therefore Council policy is not required.
5.3	Building Control – Verandahs and Awnings over Streets	A building policy is not required as any work upon local government property requires development approval in the first instance.
7.1	Multi Use Paths within the Exmouth Town site.	To be replaced with a 10-year Pathway Master Plan which will identify a strategic framework of pathway development based on population density, demographics, high traffic areas and access to important community hubs i.e. CBD schools, hospital, recreational areas etc. Current policy is committing Council to works not necessarily of the greatest value to its community
7.6	Crossovers and Verges – within Townsite	Replaced by new policy

7.7	Crossover – Commercial and Outside Townsite	Replaced by new policy
7.9	Lighting - Street, Footpaths, Recreation and Other Areas	<p>The legislative obligation to provide street lighting is managed by Horizon Power and Western Power State Policy. Local government is required to use their process for any new installations or modification to State network.</p> <p>The management of street lighting associated with new sub-divisions is done via Western Australian Planning Commission development conditions.</p> <p>Other lighting requirements for incidental Shire infrastructure can be facilitated via Council and the capital works programme.</p>
8.1	Vandalism – Reward for Conviction	Policy has not been used since its adoption in 2012.
8.2	Cyclone Clean-up	Policy in current form is no longer consistent with its original intent

## **RECOMMENDATION 2**

That Council **ADOPT** the following *modified* policies:

<b>Policy</b>	<b>Title</b>	<b>Justification</b>
1.2	Use of Council Logo	Reference to branding style guide to be removed.
1.6	Council Briefing Sessions	Updated commencement time of briefing session from 3pm to ' <i>prescribed time</i> '.
1.7	Legal Representation Costs Indemnification	Update purpose to include " <i>councillors and employees of the Shire of Exmouth</i> "
1.8	Public Relations – Press Release	Rewording only: " <i>with approval of the Chief Executive Officer....</i> " to replace 'Subject to the authorisation of the Chief Executive Officer.....'
1.12	Council Vehicle Fleet	Remove category 2 in vehicle categories table; notation to specific car makes; Deputy CEO position and the log book requirement for officers who are allocated a Shire vehicles full time.
1.14	Council Employees Housing	Edit reference to Residential Tenancy Act – amend to 1987
1.15	Relocation Expenses	Remove sentence – "The CEO may approve reasonable requests for alternate arrangements in lieu of reimbursement of removal expenses to assist with resettlement if the dollar value does not exceed \$6000."
1.17	Fitness for Work – Drug and Alcohol	<p>Change sentence under the <i>Alcohol Standard</i> heading</p> <p>From:</p> <p><i>'if a confirmed result is returned with a BAC reading of 0.02% or less the person will not be in breach of...</i></p> <p>To:</p> <p><i>'if a confirmed result is returned with a BAC Reading of less than 0.02% the person will not be in breach of ...</i>".</p>

		<p>This change aligns with CASA and our updated Fitness for work Procedure in December 2019.</p> <p>Add under Types of Drug and Alcohol Testing: 'Daily (BAC) Testing'.</p> <p>Add under Testing Agency at end of last sentence: 'or authorised representative of the Shire'.</p>
1.19	CEO Performance Review	<p>Update paragraph: <i>All Councilors seeking appointment to the CEO review panel are encouraged to undertake the relevant CEO performance review training course provided by WALGA.</i></p> <p>To: <i>As a minimum the Chair of the CEO Performance Review Committee is to undertake the relevant CEO performance review training course provided by WALGA.</i></p>
1.20	Responsible Service of Alcohol	Incorrect policy numbers referred: to be updated.
2.2	Interest Free Loans to Clubs and Organisations	Incorrect reserve name: update from Community Development Reserve Fund to <i>Community Interest Free Loans Reserve</i>
2.3	Common Seal	<p>Update list of 'documents to be sealed' current policy only refers to transfer of land.</p> <p>Common Seal Register to details to include the council decision reference number.</p>
2.4	Leases and Licences	<p>Public liability; increase to \$20 million.</p> <p>Move the paragraph titled '<i>Essential Differences between Lease and Licenses</i>' before the '<i>Guiding Principles</i>' paragraph to provide the reader with a better understanding of the differences prior to reading the policy.</p> <p><b>Commercial lease</b> tenure - minimum of 10 years with a further option of 10 years amended to read: <i>"The <u>maximum</u> lease term will be 10 years with a further option of up <u>to</u> 10 years.</i></p> <p><b>Not for Profit incorporated organisation lease</b> tenure – minimum lease term will be 10 years with a further option of 10 years amended to read: <i>'The <u>maximum</u> lease term will be <u>5</u> years with a further option of up <u>to</u> 5 years.'</i></p>
2.12	Regional Price Preference Policy	Inclusion of map and definition of Prescribed Area - <i>The local government area of Shire of Exmouth.</i>
4.1	Sponsorship Policy	<p>Addition of dot point under Economic heading</p> <p>Add- <i>Applicants for MESP must demonstrate (explain) how their event has the potential to deliver significant Council outcomes to the Shire of Exmouth.</i> Update position title.</p>

4.2	Community Sports and Recreation Facilities Funding (CSRFF) Small Grant Policy	Update department details - Department of Local Government, Sport and Cultural Industries (DLGSCI); DSP = DLGSCI throughout document. Add Eligibility criteria to read ' <i>Have discussed their project with Shire and DLGSCI Officers</i> '.
5.5	Temporary Accommodation (Caravans)	A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim of keeping the policy clear and separating out the requirements of those who are seeking temporary accommodation with family and friends while visiting Exmouth from those seeking approval to reside in a caravan park while constructing a dwelling. Simplifies policy and provides clearer guidance, previously located under item 2. Ensure camps are not located where they may encroach on vehicle access areas or neighbouring properties. Ensure tents are located in an area where there is reduced visual impact.
7.3	Guidelines and Specifications for the Design and Construction of Storm Water Drainage Systems	Revision of policy and included additional reference documents: Exmouth Floodplain Study 2007 District Water Management Study V11049
7.5	Verge Enhancement	Deleted redundant references to “Executive Manager Engineering Services” and “Town Site Tree Policy”. Included Clause 3 concerning tree removal to replace reference to “Town Site Tree Policy”. Removed the requirement to plant two trees on the verge. Added applications outside of the policy could be assessed case by case. Definitions reformatted but same context
7.8	Alterations or Damage to Council Street Infrastructure	Deleted redundant references to “Executive Manager Engineering Services”. Added “drawings” as an accompaniment to the application for alterations. Included street trees as assets to be protected by the policy. Edited grammar regarding non-compliance with Shire specification for easier reading. Context of policy remains unchanged.
7.10	Private Works	Included paragraph “A site inspection of the proposed works is undertaken by an authorised Shire officer”. Grammar amended in paragraph regarding cost estimation to read “A formal cost estimation is prepared by the authorised officer and written advice is received from the customer agreeing to the work and price.”

**RECOMMENDATION 3**

That Council ADOPT the following *new* policies:

<b>Policy</b>	<b>Title</b>	<b>Justification</b>
5.7	Temporary Accommodation (Construction of a dwelling)	A review was conducted on Policy 5.5 – Temporary Accommodation (Caravans) with the aim separating out the requirements of those who are approval to reside in a caravan while constructing a dwelling.
7.6	Vehicle Crossover	Combine the two existing Vehicle Crossover policies for simplification and inclusion of standards

#### **RECOMMENDATION 4**

Council ACCEPT the review of the following policies which remain *unchanged*:

<b>Policy</b>	<b>Title</b>
1.1	Senior Employees
1.3	Fauna/Flora Emblems
1.4	Citizenship Ceremonies
1.5	Election of Committees and Representatives
1.9	Provision, Usage and Disposal of Digital Equipment
1.10	Honorary Freeman
1.11	Councillor Complaints Policy
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6.8	Advertising Signs, Town Centre Public Space & Outdoor Eating Permit
6.9	Itinerant Trading
6.24	Container Deposit Scheme Infrastructure
6.25	Exmouth Boat Harbour Development Plan

7.2	Use of Shire Resources for Community Works
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8.4	Emergency Overflow Camping Grounds
8.5	Multiple Dogs

**COUNCIL RESOLUTION**

**ITEM 12.1.1**

**Res No: 02-0620**

**MOVED: Cr Lake**

**SECONDED: Cr Dixon**

**RECOMMENDATION 1**

**That Council RESCIND the following policies:**

<b>Policy</b>	<b>Title</b>	<b>Justification</b>
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7.6	<b>Crossovers and Verges – within Townsite</b>	<b>Replaced by new policy</b>
7.7	<b>Crossover – Commercial and Outside Townsite</b>	<b>Replaced by new policy</b>
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		<p><b>performance review training course provided by WALGA.</b></p> <p>To:</p> <p><b>As a minimum the Chair of the CEO Performance Review Committee is to undertake the relevant CEO performance review training course provided by WALGA.</b></p>
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		<p>seeking approval to reside in a caravan park while constructing a dwelling.</p> <p>Simplifies policy and provides clearer guidance, previously located under item 2.</p> <p>Ensure camps are not located where they may encroach on vehicle access areas or neighbouring properties.</p> <p>Ensure tents are located in an area where there is reduced visual impact.</p>
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7.6	<b>Vehicle Crossover</b>	Combine the two existing Vehicle Crossover policies for simplification and inclusion of standards

**RECOMMENDATION 4**

Council **ACCEPT** the review of the following policies which remain ***unchanged***:

<b>Policy</b>	<b>Title</b>
<b>1.1</b>	<b>Senior Employees</b>
<b>1.3</b>	<b>Fauna/Flora Emblems</b>
<b>1.4</b>	<b>Citizenship Ceremonies</b>
<b>1.5</b>	<b>Election of Committees and Representatives</b>
<b>1.9</b>	<b>Provision, Usage and Disposal of Digital Equipment</b>
<b>1.10</b>	<b>Honorary Freeman</b>
<b>1.11</b>	<b>Councillor Complaints Policy</b>
<b>1.18</b>	<b>Code of Conduct for Employee, Elected Members and Committee Members</b>
<b>1.21</b>	<b>Appointment of Acting Chief Executive Officer</b>
<b>1.22</b>	<b>Electronic Meetings (Council and Committee Meetings)</b>
<b>2.1</b>	<b>Asset Capitalisation</b>
<b>2.5</b>	<b>Reserves Funding Policy</b>
<b>2.6</b>	<b>Investment Policy</b>
<b>2.7</b>	<b>Procurement Policy</b>
<b>2.8</b>	<b>Distribution and Display of Promotional and Advertising Material at Council Offices or Buildings</b>
<b>2.9</b>	<b>Disposal of Surplus Council Furniture and Equipment</b>
<b>2.10</b>	<b>Debt Recovery</b>
<b>2.11</b>	<b>Use of Corporate Credit Card</b>
<b>2.13</b>	<b>Risk Management Policy</b>
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<b>2.17</b>	<b>Related Party Disclosures</b>
<b>2.18</b>	<b>Financial Hardship Policy - COVID-19</b>
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<b>6.24</b>	<b>Container Deposit Scheme Infrastructure</b>
<b>6.25</b>	<b>Exmouth Boat Harbour Development Plan</b>
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<b>7.4</b>	<b>Specification for the Design and Construction of Roads, Footpaths and Car Parks</b>
<b>7.11</b>	<b>Responsibilities at School – Pedestrian and Vehicle Facilities</b>
<b>8.3</b>	<b>Camping on Exmouth Recreation Ground</b>
<b>8.4</b>	<b>Emergency Overflow Camping Grounds</b>
<b>8.5</b>	<b>Multiple Dogs</b>

**CARRIED by ABSOLUTE MAJORITY 5/0**

*The Chief Executive Officer congratulated the Executive Secretary for her role in the Council Policy Review.*

## 12.1.2 ANNUAL REVIEW – DELEGATION REGISTER

File Reference:	GV.AU 2
Reporting Officer:	Executive Secretary
Responsible Officer:	Chief Executive Officer
Date of Report:	11 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Revised Delegation Register

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### PURPOSE

That Council consider the adoption of the Shire of Exmouth’s revised delegation register in accordance with the requirements of section 5.46(2) of the *Local Government Act 1995*.

### BACKGROUND

Local Governments are empowered under a number of sections of State Government legislation (Acts and Regulations) to perform certain duties and exercise certain powers.

In many instances legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Governments to perform duties, but often the Act or Regulations (particularly the *Local Government Act 1995*) defaults to the Local Government Council with the ability to delegate some of its powers and duties to the CEO or to Committees in order to expedite the effective operations and implementation of the Shire’s functions.

A requirement of Council delegating its authority is that a ‘Delegations Register’ is to be maintained and reviewed annually.

Therefore, the purpose of this report is to review the list of delegations to the CEO and sub-delegation of duties to other nominated officers within the organisation.

This fulfils the Local Government’s statutory obligation for delegations to be in writing and it is a useful management, communication and training tool for:

- Elected Members and senior staff by providing oversight of decision-making authorities.
- Delegates by providing reference to the extent of delegated authority assigned to them.
- Local Government’s operations; the register be expanded to record authorities delegated or assigned to the Local Government by State Government entities.
- Community: by informing the Community regarding who makes decisions in what circumstances.

An annual review (financial year) of all the Delegation Register is undertaken to adhere to the Shire of Exmouth Compliance Calendar, which is the basis of the annual Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries.

The Delegation Register is to formalise the Council's "day to day" functions/operations through empowerment of staff to operate efficiently, effectively and productively in the interest of good governance.

## **COMMENT**

The Shires delegation register is required to be reviewed each financial year and presented to Council for adoption in accordance with the *Local Government Act 1995*. The delegation register was last reviewed by Council in May 2019.

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**COUNCIL RESOLUTION      ITEM 12.1.1**

**Res No:                      02-0419**

***That Council ADOPT the revised Delegation Register May 2019, as presented to this report in Attachment 1.***

**CARRIED 5/0**

Since the last review the Western Australian Local Government Association (WALGA) released the WALGA Decision Making in Practice Toolkit which includes various guides and templates to assist Local Governments to:

- navigate decision making powers and duties under Western Australian Law, and
- ensure the most appropriate decision-making pathway is applied.

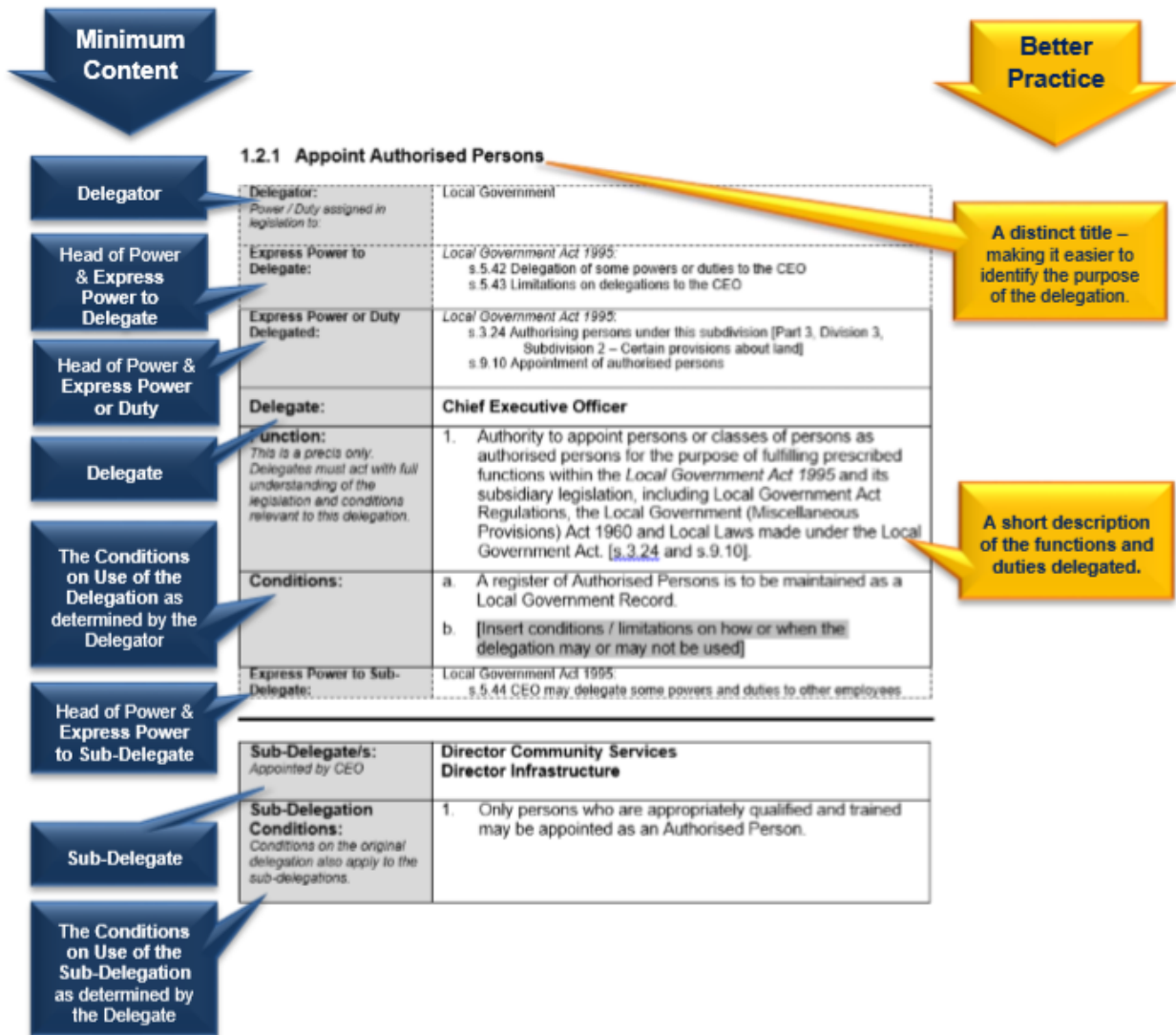
The Shire's Delegation Register (Attachment 1) was reviewed and based on WALGA's new delegations' template.

The format of the register has been changed significantly to organise the Instruments of Delegation under their relevant Head of Power (*Local Government Act 1995*). This provides an easier way to manage and navigate through the delegations.

This extract below, from WALGAs *Decision Making in Practice* guide provides a clearer understanding of the template.

### 2.6.2 Instrument of Delegation – Template

This example Delegation, is based upon the WALGA Template Delegation.



A summary of changes as a result of this review are listed below:

Delegation	New	Delete	Reason
Ningaloo Tourism Advisory Group Committee	✓		New committee of Council with delegated authority
Shire President COVID 19 Relief Fund Committee	✓		New committee of Council with delegated authority
Public Notice of Council and Committee Meetings		✓	Detailed in the Regulations section 12
Executing of Documents and Affixing of Common Seal		✓	Detailed in the Act 9.49
Cemeteries Act 1986 – Authorised Person		✓	Covered in Local Law
Making a Cash Advance to Person		✓	Detailed in the Act 5.102
Reimbursement of Expenses incurred by an employee		✓	Detailed in the Act 5.101(2)
Reimbursement of Expenses incurred by a Councillor		✓	Detailed in the Act 5.98(2b)
Issue Licence to deposit Material on street and excavate on land abutting a street		✓	Section referred to Building Act 2011 166(3)(g) omitted from Act. Building Surveyor confirmed not required.
Exemption from the requirement to pay a fee – trading in thoroughfares and public places		✓	Covered in sponsorships, Donations, Waiver of Fees
Revocation of temporary road closure		✓	Included with road closures delegation
Bonds for uncompleted works		✓	Policy covers this delegation
Infringements and Directions Notices		✓	incorporated in delegation 11.1.6
<b>Local Government Act 1995</b>			<p>The proposed new delegations have been identified following a review of the <i>WALGA Template Delegations Register</i> by Executive Managers and key operational staff who are responsible for these functions.</p> <p>The template, published by WALGA is a part of the <i>WALGA Decision Making in Practice Toolkit</i>, which has become an invaluable reference document in this review.</p>
• Response to Applications for Public Works	✓		
• Destruction of Electoral Papers	✓		
• Acting Chief Executive Officer	✓		
<b>Building Act 2011</b>			
• Representing Local Governments in Court	✓		
• Inspection and Copies of Building Records	✓		
• Referrals and Issuing Certificates	✓		
• Private Pool Barrier - Alternative and Performance Solutions	✓		
• Smoke Alarms – Alternative Solutions	✓		
• Appointment of Authorised Persons (Swimming Pool Inspections)	✓		
<b>Food Act 2008</b>			
• Determine Compensation	✓		
• Debt Recovery and Prosecutions	✓		
• Food Business List – Public Access	✓		
<b>Cat Act 2011</b>			
• Cat Registrations	✓		
• Infringement Notices – Extensions and Withdrawals	✓		
<b>Dog Act 1976</b>			
• Refuse or Cancel Registration	✓		
• Kennel Establishments	✓		
• Declare Dangerous Dog	✓		
• Referring to the Bush Fire Act 1954	✓		
• Prosecution of Offences	✓		
<b>Planning and Development Act 2005</b>			
• Illegal Development	✓		
• Subdivision Amalgamation	✓		
• Enforcement of Powers	✓		
• Development Applications	✓		
• Structure Plans and Local Development Plans	✓		
<b>Freedom of Information Act 1992</b>			

• Decisions made under the Freedom of Information Act 1992	✓	
• Structure Plans and Local Development Plans	✓	
<b>Liquor Control Act 1998</b>	✓	
• Compliance certificates	✓	
<b>Statutory Authorisation and Delegations to Local Government from State Government Entities:</b>		
<b>Planning and Development Act 2005</b>		
• Instrument of Authorisation – Sign Development Applications for Crown Land as Owner	✓	
<b>Environmental Protection Act 1986</b>		
• Noise Control – Environmental Protection Notice	✓	
• Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	✓	
• Noise Management Plans – Construction Sites	✓	

## CONSULTATION

WALGA Governance Officers  
 Executive Management Team  
 Environmental Health Officer  
 Building Surveyor  
 Manager Works  
 Coordinator Compliance and Emergency Services

## STATUTORY ENVIRONMENT

The Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities, while Section 5.46 (2) requires an annual review of delegations by Council.

Sections 5.18 and 5.46(1) of the *Local Government Act 1995* require the CEO to maintain a Register of Delegations made under that Act.

Regulation 29 of the *Local Government (Administration) Regulations 1996* requires the Delegation Register to be available for public inspection, with most Local Government’s publishing the Delegation Register on their website.

The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing.

The Chief Executive Officer is also permitted under the Act to place conditions on any sub delegation passed onto another Shire employee.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil



## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.  
4.2 A local government that is respected and accountable.

## **VOTING REQUIREMENTS**

Absolute Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.1.2**

That Council adopt the revised Delegation Register, shown in Attachment 1, to ensure compliance with the *Local Government Act 1995*.

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### **COUNCIL RESOLUTION**

**ITEM 12.1.2**

**Res No: 03-0620**

**MOVED: Cr Lucas**

**SECONDED: Cr McCarrol**

**That Council adopt the revised Delegation Register, shown in Attachment 1, to ensure compliance with the *Local Government Act 1995*.**

**CARRIED by ABSOLUTE MAJORITY 5/0**

*The Chief Executive Officer commend the Executive Secretary on her work with the review of the Delegation Register.*

## **COMMERCIAL AND COMMUNITY**

### **12.3.1 AMENDMENT– EXMOUTH SQUASH CLUB APPLICATION FOR INTEREST FREE LOAN**

File Reference:	CM.PO 9
Reporting Officer:	Executive Manager Commercial and Community
Responsible Officer:	As above
Date of Report:	16 March 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL - Application for Shire of Exmouth Interest Free Loan

#### **PURPOSE**

That Council consider an amendment to previous Council Resolution 09-0320 altering the specified interest free loan amount from \$23,100 to \$22,000.

#### **BACKGROUND**

At the 26 March 2020 Ordinary Council Meeting Council approved amended Resolution Number 09-0320 granting an interest free loan of \$23,100 to the Exmouth Squash Club.

#### **COUNCIL RESOLUTION**

**ITEM 12.3.2**

**Res No: 09-0320**

**MOVED: Cr Lucas**

**SECONDED: Cr Mounsey**

**That Council APPROVE:**

- 1. Increasing the amount previously endorsed of \$16,500 via resolution number 11-0819 by an amount of \$5,500 to total \$22,000 to meet its one third funding commitment to the Exmouth Squash Club playing surface replacement project, and**
- 2. The granting of an interest free loan of \$22,000 to the Exmouth Squash Club as per Policy conditions.**

**Cr Niikkula: MOVED amended motion: The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions.**

**SECONDED: Cr Mounsey**

**That Council:**

- 1. Increasing the amount previously endorsed of \$16,500 via resolution number 11-0819 by an amount of \$5,500 to total \$22,000 to meet its one third**

***funding commitment to the Exmouth Squash Club playing surface replacement project, and***

- 2. The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions.***

***CARRIED by ABSOLUTE MAJORITY 6/0***

The amended motion relating to increasing the interest free loan amount from \$22,000 to \$23,100 was based on Officer advice to consolidate the administration fee of \$1,100 charged by the Shire to the Club into the total loan amount. The Officer advice at the time however was not correct and the loan amount should have remained as \$22,000 with the administration fee treated separately from a financial accounting perspective.

As per Policy 2.2 Interest Free Loans to Clubs and Organisations, the administration fee of 5% of the approved loan amount on any new applications may be paid up front or paid in instalments over the term of the loan but should be treated separately from the loan amount.

### **COMMENT**

The previously approved Council Resolution Res No: 09-0320 requires amendment to comply with good financial accounting practices.

### **CONSULTATION**

Exmouth Squash Club

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Policy 4.2 Community Sports and Recreation Facilities Funding (CSRFF) Small Grant  
Policy 2.2 Interest Free Loans to Clubs and Organisations

### **FINANCIAL IMPLICATIONS**

If approved the new loan amount to the Exmouth Squash Club will be reduced from \$23,100 to \$22,000 and this amount will be transferred from the Community Interest Free Loan Reserve.

### **RISK MANAGEMENT**

Nil

### **ALTERNATE OPTIONS**

Nil

### **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022:

- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
  - 3.2 Promote facilities/services that enhance public health and safety.

3.3 Champion self-supporting community clubs and associations.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

4.3 To be a champion for our community

## **VOTING REQUIREMENTS**

Absolute Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.3.1**

That Council:

1. RESCIND part 2 of Resolution Number 09-320 being *"The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions"*, and
2. APPROVE the granting of an interest free loan of \$22,000 to the Exmouth Squash Club as per Policy conditions.

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### **COUNCIL RESOLUTION**

**ITEM 12.3.1**

**Res No: 04-0620**

**MOVED: Cr Dixon**

**SECONDED: Cr McCarrol**

**That Council:**

1. **RESCIND** part 2 of Resolution Number 09-320 being *"The granting of an interest free loan of \$23,100 to the Exmouth Squash Club as per Policy conditions"*, and
2. **APPROVE** the granting of an interest free loan of \$22,000 to the Exmouth Squash Club as per Policy conditions.

**CARRIED by ABSOLUTE MAJORITY 5/0**

## **12.3.2 NATIONAL REDRESS SCHEME (PARTICIPATION OF WA LOCAL GOVERNMENTS)**

File Reference:	GR.SL.14
Reporting Officer:	Manager Community, Sport and Recreation
Responsible Officer:	Executive Manager Commercial & Community
Date of Report:	17 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. National Redress Scheme DLGSC Information Paper

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### **PURPOSE**

That Council

- Note the background information and the WA Government’s decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Exmouth to participate in the National Redress Scheme;
- Formally endorse the Shire of Exmouth’s participation as part of the WA Government’s declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

### **BACKGROUND**

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission’s Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission’s recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Exmouth) will be required to consider leading practice approaches to child safeguarding separately in the future.

### National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution <sup>1</sup>. (<sup>1</sup>Section 111(1)(b))

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

### **COMMENT**

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and

- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Exmouth's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Exmouth formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Exmouth will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire of Exmouth to formally decide not to participate in the Scheme (either individually or as part of the State’s declaration).

Should the Shire of Exmouth formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Exmouth include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector’s position on the Scheme (noting the Commonwealth’s preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State’s coverage of costs and administrative support, with the Shire of Exmouth having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Exmouth.

### **Considerations for the Shire of Exmouth**

Detailed below is a list of considerations for the Shire of Exmouth to participate in the Scheme:

#### 1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire of Exmouth will receive a Redress application. A Service Agreement will only be executed if the Shire of Exmouth receives a Redress application.

The Shire of Exmouth needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

#### 2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

#### 3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Exmouth will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

#### 4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a ‘disposal freeze’ initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The



Shire of Exmouth's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

#### 5. Redress Decisions

The Council for the Shire of Exmouth should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Exmouth do not have any influence on the decision made and there is no right of appeal.

### **CONSULTATION**

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State’s National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State’s decision, in particular to cover the costs / payments to the survivor, has considered the feedback provided by local governments during the consultation detailed above.

## **FINANCIAL IMPLICATIONS**

The State’s decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR’s, which is on an ‘as requested’ basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor’s circumstances. All requested DPR’s will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

## **RISK MANAGEMENT**

The WA State Government’s decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

- Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
  - 3.2 Promote facilities/services that enhance public health and safety.
  - 3.3 Champion self-supporting community clubs and associations.
- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
  - 4.2 A local government that is respected and accountable.
  - 4.3 To be a champion for our community

The Shire of Exmouth in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

## **VOTING REQUIREMENTS**

Simple Majority

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### **OFFICER'S RECOMMENDATION**

**ITEM 12.3.2**

That Council APPROVES:

1. The participation of the Shire of Exmouth in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
2. The granting of authority to the Shire of Exmouth to execute a service agreement with the State, if a Redress application is received;
3. That a confidential report will be provided if a Redress application is received by the Shire of Exmouth.

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### **COUNCIL RESOLUTION**

**ITEM 12.3.1**

**Res No: 05-0620**

**MOVED: Cr Lake**

**SECONDED: Cr Lucas**

That Council APPROVES:

1. **The participation of the Shire of Exmouth in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
2. **The granting of authority to the Shire of Exmouth to execute a service agreement with the State, if a Redress application is received;**
3. **That a confidential report will be provided if a Redress application is received by the Shire of Exmouth.**

**CARRIED 5/0**

*The following reports were recommended and moved enbloc 12.4.1, 12.4.2, 12.4.3, 12.5.1*

## **CORPORATE SERVICES**

### **12.4.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2020**

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 31 May 2020

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#### **PURPOSE**

That Council accepts the financial report for the financial period ending 31 May 2020.

#### **BACKGROUND**

The provisions of the *Local Government Act 1995* and associated Regulations require a monthly financial report is presented at an ordinary meeting within 2 months of the period end date.

#### **COMMENT**

As at 30 April, operating revenue is above target by \$1,544,254 (15.13%) due receiving partial transitional funds for the Visitor Centre and an advanced payment of 20/21 financial assistance grant.

Operating expenditure is under budget by \$1,275,812 (8.82%) due to timing of maintenance programmes, mainly related to pest control, sanitation, urban stormwater, marine infrastructure, Ningaloo Centre, aviation, roads and footpaths. Community programmes and events are under budget.

The capital program is currently under budget \$628,167 due to timing of projects. Major road works have commenced on Murat Road. Yardie Creek Road works were completed in March. New reptile exhibits and disabled ramp have been installed in the Ningaloo Centre. Other projects that have been completed include upgrades to the Shire Hall, irrigation sewerage ponds, vehicle replacement, staff housing, Bundegi toilets, maintenance of the Old Administration Building and installation of lighting at Town beach. Two canter trucks were received in May and are awaiting the delivery of the rubbish truck. Townsite road seal project, Learmonth Airport landside remodel and carpark reseal works were completed in May. Footpath and pedestrian crossovers are expected to be completed in June.

Outstanding rates are \$523,584. Rate notices were issued on 30 July 2019, with the final instalment being due on 8 April 2020. The Shire has collected 89.2% of total rates outstanding, which is below

the same time last year (92.1%). As at 31 May 2020, Council had received Hardship Applications for 50 properties totalling for \$139,182.

General Debtors is \$701,590 with \$575,365 being for airport operations.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Sections 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.

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

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.  
 4.1 To provide proactive, collaborative and transparent leadership  
 4.2 A local government that is respected and accountable.

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.4.1**

That Council RECEIVES the Financial Report for the financial period ending 31 May 2020.

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### COUNCIL RESOLUTION

**ITEM 12.4.1**

**Res No:** 06-0620

**MOVED:** Cr Niikkula

**SECONDED:** Cr Lucas

**That Council RECEIVES the Financial Report for the financial period ending 31 May 2020.**

**CARRIED 5/0**

## 12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 MAY 2020

File Reference:	FM.FI.0
Responsible Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	15 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 31 May 2020

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### PURPOSE

That Council receives payments made since the previous Ordinary Council Meeting.

### BACKGROUND

It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

### COMMENT

Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement.

#### May Payments

Municipal Fund	totalling \$1,272,060.22 Incorporating cheques, direct debits, electronic payments and credit cards.
Trust Fund	totalling \$0
Total Payments:	\$1,272,060.22

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

Payments are to be made in accordance with Part 6, Division 4 of the *Local Government Act 1995* and as per the *Local Government (Financial Management) Regulations 1996*. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

### POLICY IMPLICATIONS

Staff are required to ensure that they comply under Council Policy 2.7 – Purchasing Policy and 2.12 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments.

## FINANCIAL IMPLICATIONS

Payments are made under delegated authority and are within defined and approved budgets. Payment is made within agreed trade terms and in a timely manner.

## STRATEGIC IMPLICATIONS

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

## VOTING REQUIREMENTS

Simple Majority

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### OFFICER'S RECOMMENDATION

**ITEM 12.4.2**

That Council pursuant to Sections 6.7 and 6.9 of the Local Government Act 1995 RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of May 2020 (*totalling \$1,272,060.22*).

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### COUNCIL RESOLUTION

**ITEM 12.4.2**

**Res No: 07-0620**

**MOVED: Cr Niikkula**

**SECONDED: Cr Lucas**

**That Council pursuant to Sections 6.7 and 6.9 of the Local Government Act 1995 RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of May 2020 (*totalling \$1,272,060.22*).**

**CARRIED 5/0**

**12.4.3 RESERVE MOVEMENTS**

File Reference:	FM.RF.1
Reporting Officer:	Executive Manager Corporate Services
Responsible Officer:	As above
Date of Report:	17 June 2020
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	Nil

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**PURPOSE**

That Council approve the following reserve movements:

1. Transfer \$48,140 to Marina Canal Reserve,
2. Transfer \$200,000 and any other funding that may be received from the transition of the Visitor Centre to the Shire of Exmouth to the Tourism Development Fund,
3. Transfer \$436,188 to the Land Acquisition Reserve.

**BACKGROUND**

Council have reserves set up for the preservation of assets and long-term plans that need to be funded in future. These reserves are commonly funded by surplus movements and other funding being received by Council for a specific purpose.

**COMMENT**

Properties within the Marina zoned area are charged a Marina Specified Area rate. The proceeds of the rate are to be applied in full on environmental monitoring and maintenance of the canal waterway, dredging and entrance channel navigation including both onshore and offshore, cost of clearing the sand traps, maintaining the main breakwaters including all breakwaters and groynes surrounding and protecting the Outer Harbour and other preservation works in accordance with the Exmouth Marina Village agreement between Minister for Transport, Landcorp and Shire of Exmouth. Council raised \$48,140 for the Marina Canal in specified area rates and proposes to add this to the Marina Canal Reserve.

The Ningaloo Visitor Centre endorsed the voluntary cancellation of their association and the transfer of remaining assets to a Shire Committee of Council. All assets are to be transferred to a dedicated Destination Development Reserve fund to be administered and controlled by the Ningaloo Tourism Advisory Group Committee. The Committee was established by the Shire in accordance with section 5.8 of the *Local Government Act 1995* and is governed by the terms of reference agreed upon with the Shire of Exmouth.

Council established a dedicated Reserve labelled "Tourism Development Fund" as part of the adoption of the 2019/20 budget. The purpose of this Reserve *"is to fund the development and implementation of initiatives (including but not limited to infrastructure, marketing, events and tourism experiences) to achieve the strategic tourism and economic development objectives of the Shire*



*of Exmouth.*” Council received \$200,000 of these funds, which will be transferred to the Tourism Development Fund. They have indicated that they might make another payment this financial year, which will also be required to be moved to this reserve.

Council initiated acquisition of the land in Heron Way for special rural residential sub-division comprising of 11 Lots of varying sizes. Lots 1 & 10 were sold in 2019/20 and 6 Lots remain unsold. The proceeds of these sales will be used for future land acquisitions that may be required in future. The proceeds from these two properties of \$436,188 is recommended to be added to the Land Acquisition and Disposal Reserve.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **POLICY IMPLICATIONS**

Ningaloo Tourism Advisory Group Terms of Reference

## **FINANCIAL IMPLICATIONS**

These movements will reduce the surplus and increase the restricted funds to be used in future financial years by \$684,328. Marina Canal Reserve will increase by \$48,140. Tourism Development fund will increase by \$200,000. Land acquisition and disposal reserve will increase by \$436,188.

## **RISK MANAGEMENT**

Nil

## **ALTERNATE OPTIONS**

Nil

## **STRATEGIC IMPLICATIONS**

This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.2 A local government that is respected and accountable.

## **VOTING REQUIREMENTS**

Absolute Majority

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**OFFICER’S RECOMMENDATION**

**ITEM 12.4.3**

That Council APPROVE the following reserve movements:

1. Transfer \$48,140 to the Marina Canal Reserve;
2. Transfer \$200,000 and any other funding that may be received from the transition of the Visitor Centre to the Shire of Exmouth to the Tourism Development Fund;
3. Transfer \$436,188 to the Land Acquisition Reserve; and
4. That any end of year surplus not required be directed to reserves for the preservation of assets.

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**COUNCIL RESOLUTION**

**ITEM 12.4.3**

**Res No:                   08-0620**

**MOVED:                 Cr Niikkula**

**SECONDED:           Cr Lucas**

**That Council APPROVE the following reserve movements:**

- 1. Transfer \$48,140 to the Marina Canal Reserve;**
- 2. Transfer \$200,000 and any other funding that may be received from the transition of the Visitor Centre to the Shire of Exmouth to the Tourism Development Fund;**
- 3. Transfer \$436,188 to the Land Acquisition Reserve; and**
- 4. That any end of year surplus not required be directed to reserves for the preservation of assets.**

**CARRIED 5/0**

## **ITEMS FOR INFORMATION ONLY**

### **12.5.1 ITEMS FOR INFORMATION ONLY**

#### **PURPOSE**

To advise Council of the information items listed below.

#### **VOTING REQUIREMENTS**

Simple Majority

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#### **OFFICER'S RECOMMENDATION**

#### **ITEM 12.5.1**

That Council note the following information items:

#### Register of Documents Stamped with the Shire of Exmouth Common Seal

The documents, as listed below, that have been stamped with the Common Seal of the Shire of Exmouth since the last meeting.

<b>DATE</b>	<b>DOCUMENT</b>
Nil	

#### Building Decisions Issued

A summary of the building permits and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 31 May 2020.

<b>App #</b>	<b>Date Received</b>	<b>Lot</b>	<b>Property Address</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
20/28	01/05/20	1	1 Truscott Crescent	Commercial ablution block	Approved	04/05/20
20/29	07/05/20	1	1 Truscott Crescent	New construction steel framed modular camp kitchen	Approved	18/05/20
20/30	07/05/20	1	1 Truscott Crescent	New steel framed recreation block - Area 3	Approved	18/05/20
20/31	08/05/20	1	1 Truscott Crescent	New construction quad ensuite x 2 (Area 1)	Approved	14/05/20
20/32	12/05/20	104	7 Snapper Loop	New construction steel framed free-standing carport	Approved	26/05/20
20/33	13/05/20	552	55 Nimitz Street	Roof replacement	Approved	14/05/20
20/34	15/05/20	102	441 Murat Road	Alterations to existing building - shop and storage	Approved	20/05/20
20/35	21/05/20	1281	10 Seawolf Place	Addition to existing building	Approved	10/06/20
20/36	21/05/20	404	22 Madaffari Drive	Retaining walls, landscaping and fencing	Approved	28/05/20
20/37	27/05/20	300	2 Truscott Crescent	Ningaloo Centre - TAFE - enclosing existing store/ shed	Approved	02/06/20
20/38	29/05/20	130	55 Skipjack Circle	New construction free-standing alfresco	Approved	10/06/20

Planning Decisions Issued

A summary of the planning decisions issued under delegation or outstanding up to 31 May 2020.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA32/19	13/03/19		Scheme Amendment 1 to LPS4		Deferred	07/06/19
DA26/20	01/05/20	181	23 Cobia Close	Single House	Approved	05/05/20
DA27/20	01/05/20	20	140 Madaffari Drive	PLANNING ADVICE development of DUPLEX on various lots in the Marina	Issued	01/05/20
DA28/20	04/05/20	130	55 Skipjack Circle	Proposed patio addition to rear	Approved	05/05/20
DA29/20	07/05/20			Proposed enclosure of existing open fronted external storage area (TAFE).	Approved	15/05/20
DA30/20	08/05/20	768	19 Ingleton Street	Carport	Deferred	26/05/20
DA31/20	12/05/20	440	18 Osprey Way	Proposed new single house, incidental outbuilding, pool, fence, garage to vacant Lot	Approved	03/06/20
DA32/20	25/05/20	366	4 Corella Court	Proposed incidental inground pool addition to single house.	Approved	10/06/20
DA33/20	26/05/20	70	8 Bennett Street	WAPC Referral - Subdivision of Lot 70 (8) Bennett Street	Issued	03/06/20
DA34/20	27/05/20		Murat Road	Signage on the Exmouth Cultural Arts Centre building	Processing	27/05/20

Permits Issued Under the *Local Government Act 1995*, Local Government Property Local Law

App #	Date Received	Description.	Decision	Permit issued
PE08	19/05/20	Ultimate Watersport - 20 sq m Town Beach 25/05 - 31/10/2020	Issued	22/05/20
PE09	26/05/20	Rawlings Taekwondo - weekly Tue and Thur 06/06-31/12/2020	Issued	27/05/20
PE10	29/05/20	Inhala Yoga classes - Lefroy Street Park – 31/05, 21/06, 19/07, 16/08 and 13/09 2020	Issued	29/05/20

**OFFICER'S RECOMMENDATION****ITEM 12.5.1**

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions Issued up to 31 May 2020; and
- Planning Decisions Issued up to 31 May 2020.

**COUNCIL RESOLUTION****ITEM 12.5.1**

**Res No:** 09-0620

**MOVED:** Cr Niikkula

**SECONDED:** Cr Lucas

**That Council note the following information items:**

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to 31 May 2020; and**
- **Planning Decisions Issued up to 31 May 2020.**

**CARRIED 5/0**

**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil

## 15. **MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS**

The Shire President advised Report 11.1 – CEO Performance Review will be discussed behind closed doors and **MOVED** the motion to do so at **4.22pm**; he also requested all officers leave the room.

**SECONDED:**                **Cr Dixon**

**CARRIED 5/0**

### 11.1 **CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW**

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**COUNCIL RESOLUTION**

**ITEM 11.1**

Council returned from behind closed doors at **5.00pm** and accepted the following AMENDED MOTION

**Res No:**                **10-0620**

**That Council notes the CEO Performance Review Committee recommendation and resolves to ENDORSE:**

- 1. The Chief Executive Officers' annual performance review report (Attachment 1)**
- 2. Defer decision Chief Executive Officers' total reward package for 2020/21 as outlined in (Attachment 2) until further negotiation between the CEO Performance Review Committee and CEO, and bring to the July OCM.**
- 3. Workshop the 2020/21 KPI's with the CEO for consideration at the July 2020 OCM.**

**CARRIED 5/0**

**16. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5.04pm.