



SHIRE OF BEVERLEY NOTICE OF MEETING

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, 136 Vincent Street Beverley, on Tuesday 24 November 2020. Due to COVID-19 restrictions the number of visitors is restricted. It is preferred that you email any questions (up to 3) for Council to execassist@beverley.wa.gov.au by 12 noon, 24 November 2020. Answers to your questions will be emailed the following day. If you must attend in person, please arrive at 2.50pm to register.

Program

3.00pm – 5.00pm Ordinary Meeting

A handwritten signature in black ink, appearing to read "S. Gollan", written over a horizontal line.

Stephen Gollan
Chief Executive Officer

20 November 2020

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Beverley warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Beverley for any act, omission or statement or intimation occurring during a Council meeting.



24 November 2020

ORDINARY MEETING

AGENDA

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1. OPENING

The Chairperson to declare the meeting open.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 Members Present

Cr DW Davis Shire President
Cr CJ Pepper Deputy President
Cr P Gogol
Cr CJ Lawlor
Cr SW Martin
Cr TF McLaughlin
Cr TWT Seed
Cr DC White

2.2 Staff In Attendance

Mr SP Gollan Chief Executive Officer
Mr BS de Beer Manager of Planning and Development Services
Mrs A Lewis Executive Assistant

2.3 Observers And Visitors

2.4 Apologies and Approved Leave of Absence

Approved Leave:

Cr DL Brown
Mr SK Marshall Deputy Chief Executive Officer
Mr SP Vincent Manager of Works

2.5 Applications for Leave of Absence

3. DECLARATIONS OF INTEREST

Item 12.2 – Mr Stephen Gollan

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. CONDOLENCES

The Shire of Beverley flew the flag at half-mast, as a mark of respect to:

UGLE Shane Darren 1 November 2020

7. CONFIRMATION OF MINUTES

7.1 Minutes Of The Ordinary Council Meeting Held 27 October 2020

OFFICER'S RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held Tuesday 27 October 2020 be confirmed.

8. TECHNICAL SERVICES

Nil

9. PLANNING SERVICES

Nil

10. BUILDING SERVICES & ENVIRONMENTAL HEALTH SERVICES

Nil

11. FINANCE

11.1 Monthly Financial Report

SUBMISSION TO: Ordinary Council Meeting 24 November 2020
REPORT DATE: 18 November 2020
APPLICANT: N/A
FILE REFERENCE: N/A
AUTHOR: S.K. Marshall, Deputy Chief Executive Officer
ATTACHMENTS: October 2020 Financial Reports

SUMMARY

Council to consider accepting the financial report for the period ending 31 October 2020.

BACKGROUND

There is a statutory requirement that the Local Government is to prepare, each month, a statement of financial activity reporting on sources and applications of its funds and to present the statement to Council.

Council adopted a budget variance reporting parameter of 10% on budgeted items of \$10,000 or greater at the July 2020 Ordinary Meeting, item 11.3.

COMMENT

The monthly financial reports for the period ending 31 October 2020 have been provided and include:

- Financial Activity Statement;
- Statement of Net Current Assets;
- Statement of Financial Position; and
- Supplementary information, including;
 - Operating Statement by Nature and Type;
 - Road Maintenance Report; and
 - Investment of Surplus Funds Report.

STATUTORY ENVIRONMENT

Section 6.4(1) of the *Local Government Act* provides that a local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amount of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

FINANCIAL IMPLICATIONS

All revenue and expenditure, unless disclosed in the notes to material variances, are as per the 2020/21 Budget.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

AF004 – Investing Surplus Funds

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the monthly financial report for the month of October 2020 be accepted and material variances be noted.

**SHIRE OF BEVERLEY
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDING
31 October 2020**

Description	Budget 2020/21	YTD Budget 2020/21	YTD Actual 2020/21	YTD Variance	Notes To Material Variances
Operating Revenue					
General Purpose Funding	3,260,334.00	2,915,386.00	2,916,101.42	715.42	
Governance	1,100.00	0.00	4,188.02	4,188.02	
Law, Order & Public Safety	299,857.00	75,239.00	81,661.69	6,422.69	
Health	300.00	64.00	200.00	136.00	
Education & Welfare	0.00	0.00	0.00	0.00	
Housing	137,492.00	51,708.00	45,692.04	(6,015.96)	
Community Amenities	206,278.00	191,889.00	194,087.04	2,198.04	
Recreation & Culture	895,083.00	619,117.00	1,047,652.58	428,535.58	Drought Communities Program funding for YAA \$420,000
Transport	2,559,656.00	326,326.00	330,355.62	4,029.62	
Economic Activities	119,676.00	38,722.00	115,946.82	77,224.82	Drought Communities Program funding for Onsite Accommodation \$80,000
Other Property & Services	43,100.00	13,664.00	16,189.36	2,525.36	
Total Operating Revenue	7,522,876.00	4,232,115.00	4,752,074.59	519,959.59	
Operating Expenditure					
General Purpose Funding	(173,512.00)	(51,468.00)	(59,705.98)	(8,237.98)	
Governance	(254,954.00)	(111,329.00)	(107,740.88)	3,588.12	
Law, Order & Public Safety	(417,800.00)	(123,240.00)	(130,285.99)	(7,045.99)	
Health	(171,727.00)	(55,366.00)	(57,805.29)	(2,439.29)	
Education & Welfare	(98,098.00)	(32,114.00)	(32,750.97)	(636.97)	
Housing	(213,750.00)	(78,306.00)	(74,653.25)	3,652.75	
Community Amenities	(669,796.00)	(237,317.00)	(239,419.93)	(2,102.93)	
Recreation & Culture	(1,512,753.00)	(471,681.00)	(476,013.84)	(4,332.84)	
Transport	(2,563,701.00)	(908,099.00)	(902,385.83)	5,713.17	
Economic Activities	(479,909.00)	(137,104.00)	(137,209.28)	(105.28)	
Other Property & Services	(15,081.00)	(7,385.00)	14,468.01	21,853.01	PWOH & POC allocation timing versus expenditure.
Total Operating Expenditure	(6,571,081.00)	(2,213,409.00)	(2,203,503.23)	9,905.77	
Net Operating	951,795.00	2,018,706.00	2,548,571.36	529,865.36	
Capital Income					
Self Supporting Loan - Principal Repayment	17,288.00	0.00	0.00	0.00	
Proceeds from Sale of Assets	267,364.00	67,364.00	64,545.46	(2,818.54)	
New Loan Raised	2,000,000.00	0.00	0.00	0.00	
Total Capital Income	2,284,652.00	67,364.00	64,545.46	(2,818.54)	

**SHIRE OF BEVERLEY
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDING
31 October 2020**

Description	Budget 2020/21	YTD Budget 2020/21	YTD Actual 2020/21	YTD Variance	Notes To Material Variances
Capital Expenditure					
Land and Buildings	(2,061,000.00)	(654,000.00)	(661,906.91)	(7,906.91)	
Plant and Equipment	(802,475.00)	(156,475.00)	(150,004.98)	6,470.02	
Office Furniture and Equipment	(15,000.00)	0.00	0.00	0.00	
Road Construction	(4,669,434.00)	(133,820.00)	(138,995.71)	(5,175.71)	
Other Infrastructure	(105,835.00)	0.00	0.00	0.00	
Land Under Control	0.00	0.00	0.00	0.00	
Loans - Principal Repayments	(137,937.00)	(29,747.00)	(29,746.72)	0.28	
Total Capital Expenditure	(7,791,681.00)	(974,042.00)	(980,654.32)	(6,612.32)	
Net Capital	(5,507,029.00)	(906,678.00)	(916,108.86)	(9,430.86)	
Adjustments					
Depreciation Written Back	2,313,194.00	776,040.00	785,342.24	9,302.24	
Movement in Leave Reserve Cash Balance	0.00	0.00	0.00	0.00	
Movement in Non-Current Loan Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current SSL Income	0.00	0.00	0.00	0.00	
Movement in Non-Current Investments	0.00	0.00	0.00	0.00	
Movement in Non-Current LSL Provision	0.00	0.00	0.00	0.00	
Movement in Non-Current Deferred Pensioner Rates	0.00	0.00	0.00	0.00	
(Profit)/Loss on Disposal of Assets Written Back	(2,364.00)	13,636.00	17,657.19	4,021.19	
Loss on Revaluation of Non-Current Assets Written Back	0.00	0.00	0.00	0.00	
Rounding	0.00	0.00	0.00	0.00	
Add Funding From					
Transfer (To)/From Reserves	817,971.00	0.00	0.00	0.00	
Opening Surplus/(Deficit)	1,426,433.00	1,426,433.00	1,426,433.44	0.44	
Total Adjustments	4,555,234.00	2,216,109.00	2,229,432.87	13,323.87	
CLOSING SURPLUS/(DEFICIT)	0.00	3,328,137.00	3,861,895.37	533,758.37	

SHIRE OF BEVERLEY STATEMENT OF NET CURRENT ASSETS FOR THE PERIOD ENDING 31 October 2020		
Description	YTD Actual 2019/20	YTD Actual 2020/21
Current Assets		
Cash at Bank	904,115.25	3,249,362.82
Cash - Unrestricted Investments	711,099.95	410,634.54
Cash - Restricted Reserves	2,582,024.26	2,582,024.26
Cash on Hand	300.00	300.00
Accounts Receivable	416,886.40	723,579.84
Prepaid Expenses	0.00	0.00
Self Supporting Loan - Current	17,288.32	17,288.32
Inventory - Fuel	9,344.99	11,110.82
Total Current Assets	4,641,059.17	6,994,300.60
Current Liabilities		
Accounts Payable	(432,823.43)	(350,602.93)
Loan Liability - Current	(137,938.08)	(108,191.36)
Annual Leave Liability - Current	(198,907.44)	(198,907.44)
Long Service Leave Liability - Current	(153,203.22)	(153,203.22)
Doubtful Debts	0.00	0.00
Total Current Liabilities	(922,872.17)	(810,904.95)
Adjustments		
Less Restricted Reserves	(2,582,024.26)	(2,582,024.26)
Less Self Supporting Loan Income	(17,288.32)	(17,288.32)
Add Leave Reserves - Cash Backed	169,620.94	169,620.94
Add Loan Principal Expense	137,938.08	108,191.36
Total Adjustments	(2,291,753.56)	(2,321,500.28)
NET CURRENT ASSETS	1,426,433.44	3,861,895.37

SHIRE OF BEVERLEY
STATEMENT OF FINANCIAL POSITION
AS AT
31 October 2020

Description	Actual 2019/20	YTD Actual 2020/21	Movement
Current Assets			
Cash and Cash Equivalents	4,197,539.46	6,242,321.62	2,044,782.16
Accounts Receivable	399,091.49	723,579.84	324,488.35
Contract Asset - Current	17,794.91	0.00	(17,794.91)
Prepaid Expenses	0.00	0.00	0.00
Self Supporting Loan - Current	17,288.32	17,288.32	0.00
Inventory	9,344.99	11,110.82	1,765.83
Total Current Assets	4,641,059.17	6,994,300.60	2,353,241.43
Current Liabilities			
Accounts Payable	(432,823.43)	(350,602.93)	82,220.50
Contract Liability - Current	0.00	0.00	0.00
Loan Liability - Current	(137,938.08)	(108,191.36)	29,746.72
Lease Liability - Current	0.00	0.00	0.00
Annual Leave Liability - Current	(198,907.44)	(198,907.44)	0.00
Long Service Leave Liability - Current	(153,203.22)	(153,203.22)	0.00
Doubtful Debts	0.00	0.00	0.00
Total Current Liabilities	(922,872.17)	(810,904.95)	111,967.22
Non-Current Assets			
Non-Current Debtors	125,188.45	125,188.45	0.00
Non-Current Investments	53,415.80	53,415.80	0.00
Land and Buildings	20,958,439.69	21,395,474.32	437,034.63
Plant and Equipment	2,099,798.37	2,068,931.09	(30,867.28)
Furniture and Equipment	110,244.48	105,012.13	(5,232.35)
Infrastructure	60,366,533.32	60,048,961.03	(317,572.29)
Self Supporting Loan - Non Current	25,253.18	25,253.18	0.00
Total Non-Current Assets	83,738,873.29	83,822,236.00	83,362.71
Non-Current Liabilities			
Loan Liability - Non Current	(1,379,225.02)	(1,379,225.02)	0.00
Lease Liability - Non Current	0.00	0.00	0.00
Annual Leave - Non Current	0.00	0.00	0.00
Long Service Leave Liability - Non Current	(67,240.88)	(67,240.88)	0.00
Total Non Current Liabilities	(1,446,465.90)	(1,446,465.90)	0.00
Net Assets	86,010,594.39	88,559,165.75	2,548,571.36

**SHIRE OF BEVERLEY
STATEMENT OF FINANCIAL POSITION
AS AT
31 October 2020**

Description	Actual 2019/20	YTD Actual 2020/21	Movement
Equity			
Accumulated Surplus	(43,427,040.81)	(45,975,612.17)	(2,548,571.36)
Reserves - Cash Backed	(2,582,024.26)	(2,582,024.26)	0.00
Reserve - Revaluations	(40,001,529.32)	(40,001,529.32)	0.00
Total Equity	(86,010,594.39)	(88,559,165.75)	(2,548,571.36)

SHIRE OF BEVERLEY OPERATING STATEMENT BY NATURE & TYPE FOR THE PERIOD ENDING 31 October 2020		
Description	Budget 2020/21	YTD Actual 2020/21
Income		
Rates	2,669,880.00	2,794,628.06
Operating Grants, Subsidies and Contributions	2,271,419.00	350,483.45
Profit On Asset Disposal	12,000.00	0.00
Service Charges	0.00	0.00
Fees & Charges	523,761.00	310,904.26
Interest Earnings	103,888.00	11,391.46
Other Revenue	60,500.00	66,456.51
Non-Operating Grants, Subsidies and Contributions	9,238,188.00	1,219,480.37
Total Income by Nature & Type	14,879,636.00	4,753,344.11
Expenditure		
Employee Costs	(2,134,739.00)	(662,155.42)
Materials & Contracts	(1,840,463.00)	(500,787.71)
Utilities	(208,638.00)	(57,246.60)
Depreciation On Non-Current Assets	(1,691,589.00)	(785,342.24)
Interest Expenses	(34,504.00)	(7,074.11)
Insurance Expenses	(168,227.00)	(200,659.58)
Other Expenditure	(81,975.00)	(48,447.75)
Loss On Asset Disposal	(8,000.00)	(17,657.19)
Loss on Revaluation of Non-Current Assets	0.00	0.00
Total Expenditure by Nature & Type	(6,168,135.00)	(2,279,370.60)
Allocations		
Reallocation Codes Expenditure	421,192.00	74,597.85
Reallocation Codes Income	0.00	0.00
Total Allocations	421,192.00	74,597.85
Net Operating by Nature & Type	9,132,693.00	2,548,571.36

**SHIRE OF BEVERLEY
ROAD MAINTENANCE REPORT
FOR THE PERIOD ENDING
31 October 2020**

Job #	Job Description	YTD Actual 2020/21
	Rural Road Maintenance	
RR001	Aikens Rd (RoadID: 51) (Maintenance)	3,435.95
RR002	Athol Rd (RoadID: 26) (Maintenance)	9,084.54
RR003	Avoca Rd (RoadID: 98) (Maintenance)	1,124.11
RR004	Balkuling Rd (RoadID: 32) (Maintenance)	1,652.59
RR005	Balkuling North Rd (RoadID: 177) (Maintenance)	0.00
RR006	Bally-Bally Countypeak Rd (RoadID: 25) (Maintenance)	4,553.26
RR007	Bally-Bally Rd (RoadID: 9) (Maintenance)	6,378.77
RR008	Barrington Rd (RoadID: 13) (Maintenance)	0.00
RR009	Batemans Rd (RoadID: 78) (Maintenance)	0.00
RR010	Batys Rd (RoadID: 60) (Maintenance)	2,649.36
RR011	Bellrock Rd (RoadID: 158) (Maintenance)	103.13
RR012	Bennetts Rd (RoadID: 91) (Maintenance)	0.00
RR013	Beringer Rd (RoadID: 29) (Maintenance)	5,521.95
RR014	Bethany Rd (RoadID: 148) (Maintenance)	1,229.10
RR015	Billabong Rd (RoadID: 179) (Maintenance)	0.00
RR016	Blackburn Rd (RoadID: 46) (Maintenance)	1,309.51
RR017	Bremner Rd (RoadID: 6) (Maintenance)	640.21
RR018	Buckinghams Rd (RoadID: 94) (Maintenance)	1,272.64
RR019	Bushhill Road (RoadID: 183) (Maintenance)	361.54
RR020	Butchers Rd (RoadID: 20) (Maintenance)	3,275.44
RR021	Cannon Hill Rd (RoadID: 176) (Maintenance)	416.13
RR022	Carrs Rd (RoadID: 47) (Maintenance)	1,146.90
RR023	Cattle Station Road (RoadID: 181) (Maintenance)	0.00
RR024	Caudle Rd (RoadID: 140) (Maintenance)	0.00
RR025	Chocolate Hills Rd (RoadID: 138) (Maintenance)	0.00
RR026	Clulows Rd (RoadID: 16) (Maintenance)	12,486.94
RR027	Collins Rd (RoadID: 66) (Maintenance)	1,653.84
RR028	Cookes Rd (RoadID: 61) (Maintenance)	0.00
RR029	Corberding Rd (RoadID: 43) (Maintenance)	578.77
RR030	County Peak Rd (RoadID: 96) (Maintenance)	102.77
RR031	Dale Kokeby Rd (RoadID: 10) (Maintenance)	2,833.61
RR032	Dalebin North Rd (RoadID: 24) (Maintenance)	5,649.66
RR033	Deep Pool Rd (RoadID: 82) (Maintenance)	0.00
RR034	Dobaderry Rd (RoadID: 102) (Maintenance)	11,054.48
RR035	Dongadilling Rd (RoadID: 18) (Maintenance)	9,204.65
RR036	Drapers Rd (RoadID: 79) (Maintenance)	601.09
RR037	East Lynne Rd (RoadID: 52) (Maintenance)	2,470.73

**SHIRE OF BEVERLEY
ROAD MAINTENANCE REPORT
FOR THE PERIOD ENDING
31 October 2020**

Job #	Job Description	YTD Actual 2020/21
RR038	Edison Mill Rd (RoadID: 5) (Maintenance)	22,989.72
RR039	Ewert Rd (RoadID: 27) (Maintenance)	5,585.41
RR040	Fergusons Rd (RoadID: 64) (Maintenance)	723.47
RR041	Fishers Rd (RoadID: 75) (Maintenance)	1,706.62
RR042	Glencoe Rd (RoadID: 33) (Maintenance)	7,918.55
RR043	Gors Rd (RoadID: 30) (Maintenance)	0.00
RR044	Greenhills South Rd (RoadID: 36) (Maintenance)	0.00
RR045	Heals Rd (RoadID: 95) (Maintenance)	2,425.70
RR046	Hills Rd (RoadID: 76) (Maintenance)	15.03
RR047	Hobbs Rd (RoadID: 40) (Maintenance)	2,125.18
RR048	Jacksons Rd (RoadID: 57) (Maintenance)	823.75
RR049	Jacobs Well Rd (RoadID: 15) (Maintenance)	9,288.71
RR050	Jas Rd (Maintenance)	0.00
RR051	Johnsons Rd (RoadID: 73) (Maintenance)	725.47
RR052	Jones Rd (RoadID: 48) (Maintenance)	1,306.80
RR053	K1 Rd (RoadID: 85) (Maintenance)	2,828.74
RR054	Kennedys Rd (RoadID: 92) (Maintenance)	0.00
RR055	Kevills Rd (RoadID: 69) (Maintenance)	0.00
RR056	Kieara Rd (RoadID: 55) (Maintenance)	556.07
RR057	Kilpatrick Rd (RoadID: 74) (Maintenance)	1,665.90
RR058	Kokeby East Rd (RoadID: 4) (Maintenance)	177.32
RR059	Kokendin Rd (RoadID: 11) (Maintenance)	21,495.05
RR060	Lennard Rd (RoadID: 58) (Maintenance)	0.00
RR061	Little Hill Rd (RoadID: 180) (Maintenance)	0.00
RR062	Luptons Rd (RoadID: 22) (Maintenance)	3,334.51
RR063	Maitland Rd (RoadID: 39) (Maintenance)	0.00
RR064	Mandiakon Rd (RoadID: 87) (Maintenance)	0.00
RR065	Manns Rd (RoadID: 59) (Maintenance)	0.00
RR066	Manuels Rd (RoadID: 37) (Maintenance)	3,384.15
RR067	Mawson Rd (RoadID: 100) (Maintenance)	11,186.15
RR068	Mawson North Rd (RoadID: 167) (Maintenance)	1,068.50
RR069	Mcdonalds Rd (RoadID: 54) (Maintenance)	347.75
RR070	Mckellars Rd (RoadID: 93) (Maintenance)	0.00
RR071	Mclean Rd (RoadID: 84) (Maintenance)	770.29
RR072	Millers Rd (RoadID: 49) (Maintenance)	0.00
RR073	Mills Rd (RoadID: 80) (Maintenance)	0.00
RR074	Morbinning Rd (RoadID: 1) (Maintenance)	4,992.33
RR075	Murrays Rd (RoadID: 71) (Maintenance)	1,909.68
RR076	Negus Rd (RoadID: 50) (Maintenance)	0.00

**SHIRE OF BEVERLEY
ROAD MAINTENANCE REPORT
FOR THE PERIOD ENDING
31 October 2020**

Job #	Job Description	YTD Actual 2020/21
RR077	Northbourne Rd (RoadID: 28) (Maintenance)	49.88
RR078	Oakdale Rd (RoadID: 17) (Maintenance)	6,632.85
RR079	Patten Rd (RoadID: 53) (Maintenance)	1,322.30
RR080	Petchells Rd (RoadID: 38) (Maintenance)	4,909.57
RR081	Piccadilly Rd (RoadID: 70) (Maintenance)	0.00
RR082	Pike Rd (RoadID: 45) (Maintenance)	1,872.83
RR083	Potts Rd (RoadID: 14) (Maintenance)	0.00
RR084	Qualandary Rd (RoadID: 19) (Maintenance)	3,554.15
RR085	Rickeys Rd (RoadID: 35) (Maintenance)	5,405.89
RR086	Rickeys Siding Rd (RoadID: 137) (Maintenance)	4,564.82
RR087	Rifle Range Rd (RoadID: 56) (Maintenance)	2,229.26
RR088	Rigoll Rd (RoadID: 157) (Maintenance)	1,970.87
RR089	Rogers Rd (RoadID: 62) (Maintenance)	388.68
RR090	Rossi Rd (RoadID: 156) (Maintenance)	242.16
RR091	Rumble Rd (Maintenance)	0.00
RR092	Schillings Rd (RoadID: 65) (Maintenance)	546.35
RR093	Shaw Rd (RoadID: 184) (Maintenance)	1,334.15
RR094	Sheahans Rd (RoadID: 90) (Maintenance)	0.00
RR095	Simmons Rd (RoadID: 101) (Maintenance)	99.77
RR096	Sims Rd (RoadID: 155) (Maintenance)	0.00
RR097	Ski Rd (RoadID: 83) (Maintenance)	1,084.17
RR098	Smith Rd (RoadID: 72) (Maintenance)	127.81
RR099	Southern Branch Rd (RoadID: 41) (Maintenance)	1,090.36
RR100	Spavens Rd (RoadID: 44) (Maintenance)	178.51
RR101	Springhill Rd (RoadID: 23) (Maintenance)	49.39
RR102	Steve Edwards Drv (RoadID: 173) (Maintenance)	780.88
RR103	St Jacks Rd (RoadID: 34) (Maintenance)	2,182.27
RR104	Talbot West Rd (RoadID: 12) (Maintenance)	132.98
RR105	Thomas Rd (RoadID: 31) (Maintenance)	2,876.59
RR106	Top Beverley York Rd (RoadID: 8) (Maintenance)	79.21
RR107	Turner Gully Rd (RoadID: 169) (Maintenance)	219.45
RR108	Vallentine Rd (RoadID: 21) (Maintenance)	2,583.57
RR109	Walgy Rd (RoadID: 42) (Maintenance)	624.79
RR110	Walkers Rd (RoadID: 86) (Maintenance)	760.12
RR111	Wansbrough Rd (RoadID: 77) (Maintenance)	985.85
RR112	Warradale Rd (RoadID: 67) (Maintenance)	5,260.24
RR113	Waterhatch Rd (RoadID: 2) (Maintenance)	255.66
RR114	Westdale Rd (RoadID: 166) (Maintenance)	2,707.34
RR115	Williamsons Rd (RoadID: 63) (Maintenance)	547.47

**SHIRE OF BEVERLEY
ROAD MAINTENANCE REPORT
FOR THE PERIOD ENDING
31 October 2020**

Job #	Job Description	YTD Actual 2020/21
RR116	Woods Rd (RoadID: 68) (Maintenance)	0.00
RR117	Woonderlin Rd (RoadID: 175) (Maintenance)	0.00
RR118	Wyalgima Rd (RoadID: 154) (Maintenance)	0.00
RR119	Yenyening Lakes Rd (RoadID: 7) (Maintenance)	13,008.50
RR120	York-Williams Rd (RoadID: 3) (Maintenance)	985.16
RR121	Young Rd (RoadID: 81) (Maintenance)	0.00
RR777	Contract Road Side Spraying	23,800.00
RR888	Tree Lopping - Rural Roads (Maintenance)	0.00
RR999	Rural Roads Various (Maintenance)	23,039.02
WANDRRA	Disaster Recovery Works	0.00
Sub Total	Rural Road Maintenance	318,625.39
	Town Street Maintenance	
TS001	Barnsley St (RoadID: 162) (Maintenance)	450.94
TS002	Bartram St (RoadID: 114) (Maintenance)	1,074.53
TS003	Brockman St (RoadID: 129) (Maintenance)	92.52
TS004	Brooking St (RoadID: 122) (Maintenance)	1,411.72
TS005	Broun St (RoadID: 144) (Maintenance)	0.00
TS006	Chestillion Ct (RoadID: 139) (Maintenance)	0.00
TS007	Chipper St (RoadID: 126) (Maintenance)	1,335.16
TS008	Council Rd (RoadID: 149) (Maintenance)	2,003.39
TS009	Courtney St (RoadID: 153) (Maintenance)	0.00
TS010	Dawson St (RoadID: 106) (Maintenance)	733.77
TS011	Delisle St (RoadID: 120) (Maintenance)	0.00
TS012	Dempster St (RoadID: 111) (Maintenance)	902.20
TS013	Duffield St (RoadID: 160) (Maintenance)	0.00
TS014	Edward St (RoadID: 107) (Maintenance)	0.00
TS015	Elizabeth St (RoadID: 131) (Maintenance)	0.00
TS016	Ernest Drv (RoadID: 135) (Maintenance)	0.00
TS017	Forrest St (RoadID: 103) (Maintenance)	4,835.75
TS018	George St North (RoadID: 161) (Maintenance)	0.00
TS019	George St South (RoadID: 145) (Maintenance)	0.00
TS020	Grigson St (RoadID: 172) (Maintenance)	2,085.80
TS021	Hamersley St (RoadID: 130) (Maintenance)	24.32
TS022	Harper St (RoadID: 109) (Maintenance)	1,173.30
TS023	Hope St (RoadID: 115) (Maintenance)	616.68

SHIRE OF BEVERLEY ROAD MAINTENANCE REPORT FOR THE PERIOD ENDING 31 October 2020		
Job #	Job Description	YTD Actual 2020/21
TS024	Hopkin St (RoadID: 128) (Maintenance)	0.00
TS025	Horley St (RoadID: 127) (Maintenance)	0.00
TS026	Hunt Rd (Maintenance)	3,445.74
TS027	Husking St (RoadID: 117) (Maintenance)	0.00
TS028	Hutchinson St (RoadID: 168) (Maintenance)	0.00
TS029	John St (RoadID: 105) (Maintenance)	2,495.51
TS030	Langsford St (RoadID: 152) (Maintenance)	1,211.85
TS031	Lennard St (RoadID: 113) (Maintenance)	0.00
TS032	Ludgate St (RoadID: 143) (Maintenance)	481.15
TS033	Lukin St (RoadID: 104) (Maintenance)	6,053.58
TS034	Mcneil St (RoadID: 141) (Maintenance)	0.00
TS035	Monger St (RoadID: 116) (Maintenance)	0.00
TS036	Morrison St (RoadID: 112) (Maintenance)	0.00
TS037	Nicholas St (RoadID: 123) (Maintenance)	1,686.83
TS038	Prior Pl (RoadID: 174) (Maintenance)	0.00
TS039	Queen St (RoadID: 110) (Maintenance)	121.28
TS040	Railway Pde (RoadID: 147) (Maintenance)	0.00
TS041	Railway St (RoadID: 146) (Maintenance)	81.63
TS042	Richardson St (RoadID: 124) (Maintenance)	92.52
TS043	Seabrook St (RoadID: 118) (Maintenance)	969.48
TS044	Sewell St (RoadID: 119) (Maintenance)	0.00
TS045	Shed St (RoadID: 136) (Maintenance)	0.00
TS046	Short St (RoadID: 121) (Maintenance)	903.78
TS047	Smith St (RoadID: 108) (Maintenance)	201.96
TS048	Taylor St (RoadID: 165) (Maintenance)	0.00
TS049	Vincent St (RoadID: 125) (Maintenance)	1,272.34
TS050	Wright St (RoadID: 150) (Maintenance)	0.00
TS051	Great Southern Hwy (Maintenance)	0.00
TS555	Road Sign Updates	6,030.00
TS888	Tree Lopping - Town Streets (Maintenance)	446.83
TS999	Town Streets Various (Maintenance)	7,519.40
Sub Total	Town Streets Maintenance	49,753.96
Total	Road Maintenance	368,379.35

SHIRE OF BEVERLEY						
INVESTMENT OF SURPLUS FUNDS						
AS AT 31 October 2020						
Account #	Account Name	Amount Invested (\$)	Total	Term	Interest Rate	Maturation
3398616	Reserve Funds Bendigo					
	Long Service Leave	30,568.82				
	Airfield Emergency	39,947.40				
	Plant	367,262.63				
	Emergency Services	28,570.08				
	Building	288,997.04				
	Recreation Ground	432,413.73				
	Cropping Committee	159,095.42				
	Avon River Development	25,840.81				
	Annual Leave	139,052.12				
	Community Bus	37,842.40				
	Infrastructure	513,660.51				
	Senior Housing	152,773.30				
	Mainstreet Development	306,000.00				
	Avondale Mach Museum	60,000.00	2,582,024.26	6 mnths	0.70%	22/12/2020
3490209	Term Deposit Bendigo	410,634.54	410,634.54	3 mnths	0.35%	12/01/2021
	Total		2,992,658.80			

11.2 Accounts Paid by Authority

SUBMISSION TO: Ordinary Council Meeting 24 November 2020
REPORT DATE: 17 November 2020
APPLICANT: N/A
FILE REFERENCE: N/A
AUTHOR: S.K. Marshall, Deputy Chief Executive Officer
ATTACHMENTS: October 2020 – List of Accounts (under separate cover)

SUMMARY

Council to consider authorising the payment of accounts.

BACKGROUND

The following list represents accounts paid by authority for the month of October 2020.

COMMENT

Unless otherwise identified, all payments have been made in accordance with Council's 2020/21 Budget.

STATUTORY ENVIRONMENT

Regulation 12 of the Local Government (Financial Management) Regulations provides that:

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

Regulation 13 of the Local Government (Financial Management) Regulations provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;
- and
- (b) the date of the meeting of the Council to which the list is to be presented.

- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

FINANCIAL IMPLICATIONS

Unless otherwise identified, all payments have been made in accordance with Council's 2020/21 Budget.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Authority to Purchase – All acquisitions should be in accordance with budget provisions or to a maximum specified cost.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the List of Accounts as presented, be received:

(1) **Municipal Fund** – Account 016-540 259 838 056

Cheque vouchers

05 October 2020	1793-1794	(2)	\$	14,842.47	(authorised by DCEO S Marshall and Cr D White)
19 October 2020	1795-1798	(4)	\$	28,757.09	(authorised by CEO S Gollan and DCEO S Marshall)
23 October 2020	1799-1799	(1)	\$	9,336.89	(authorised by CEO S Gollan and DCEO S Marshall)

Total of cheque vouchers for October 2020 incl \$ 3,622.02 previously paid

EFT vouchers

05 October 2020	EFT 6232-6253	(22)	\$	62,929.81	(authorised by DCEO S Marshall and Cr D White)
09 October 2020	EFT 6255-6274	(20)	\$	176,105.03	(authorised by DCEO S Marshall and Cr D White)
14 October 2020	EFT 1-36	(36)	\$	52,861.37	(authorised by CEO S Gollan and DCEO S Marshall)
19 October 2020	EFT 6276-6311	(36)	\$	148,236.19	(authorised by CEO S Gollan and DCEO S Marshall)
23 October 2020	EFT 6312-6333	(22)	\$	51,590.46	(authorised by CEO S Gollan and DCEO S Marshall)
30 October 2020	EFT 6338-6345	(8)	\$	31,523.01	(authorised by CEO S Gollan and DCEO S Marshall)
28 October 2020	EFT 1-37	(37)	\$	56,944.24	(authorised by CEO S Gollan and Cr)

Total of EFT vouchers for October 2020 incl \$ 578,076.63 previously paid.

(2) **Trust Fund** – Account 016-259 838 128

Cheque vouchers

Nil vouchers

Total of cheque vouchers for October 2020 incl \$ 0.00 previously paid.

EFT vouchers

05 October 2020	EFT 6228-6231	(4)	\$	780.00	(authorised by DCEO S Marshall and Cr D White)
09 October 2020	EFT 6254-6254	(1)	\$	50.00	(authorised by DCEO S Marshall and Cr D White)
19 October 2020	EFT 6275-6275	(1)	\$	23,106.51	(authorised by CEO S Gollan and DCEO S Marshall)
30 October 2020	EFT 6337-6337	(1)	\$	50.00	(authorised by CEO S Gollan and DCEO S Marshall)

Total of EFT vouchers for October 2020 incl \$ 23,986.51 previously paid.

(3) **Direct Debit** Payments totalling \$ 85,631.12 previously paid.

(4) **Credit Card** Payments totalling \$ 821.31 previously paid.

11.3 Unbudgeted Expense: Cel-Fi Mobile Boosters for Fire Control Officers

SUBMISSION TO: Ordinary Council Meeting 24 November 2020
REPORT DATE: 17 November 2020
APPLICANT: Community Emergency Services Manager
FILE REFERENCE: ADM 0499
AUTHOR: S.P. Gollan, Chief Executive Officer
ATTACHMENTS: Nil

SUMMARY

As requested by the Bush Fire Advisory Committee, Council to consider the purchase of the Cel-Fi Mobile Boosters to be installed in all Fire Control Officer vehicles. The request is an unbudgeted expense, to be funded through the Emergency Services Reserve.

BACKGROUND

At the Bush Fire Advisory Committee meeting held Thursday 13 October 2020, the following was reported in the minutes:

Discussions were held regarding the importance of effective communications amongst Fire Control Officers (FCO).

The Chief, Deputy and the CESM all have mobile phone signal boosters in their vehicles assisting with phone reception in Beverley's many mobile phone black spots.

These signal booster cost approximately \$1400 per vehicle but have proved effective in extending communications when they are desperately needed during fire emergencies.

Moved: Bill Cleland

Seconded; Andrew Shaw

That Council investigate the supply and installation of Cel-Fi-GO mobile phone signal booster devices into every Fire Control Officers primary fire response vehicle.

CARRIED 7/0

COMMENT

At the 27 October 2020 Council Meeting, the BFAC minutes were received which included the above resolution request. Council agreed in principle and requested a budget item with exact costings be presented at the November Council meeting.

The Community Emergency Services Manager sought a quote as per the purchasing policy which is \$9527.68 including 7 x Cel-Fi GO Trucker Edge Packs, 1 x aerial and installation to 8 vehicles. A local Beverley business will be used if Council agree to the purchase.

STATUTORY ENVIRONMENT

Local Government Act 1995:

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

FINANCIAL IMPLICATIONS

\$9527.68 inc GST, Unbudgeted expense to be funded from the Emergency Services Reserve.

STRATEGIC IMPLICATIONS

Goal 9: We have a healthy and safe community.

Strategy 9.4: We facilitate and support emergency services planning, Emergency services are well resourced and prepared.

POLICY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council authorise the unbudgeted expense of \$9527.68 through the Emergency Services Reserve Fund for the purchase and installation of Cel-Fi GO boosters to the Fire Control Officer vehicles.

11.4 Local Roads and Community Infrastructure Program Extension

SUBMISSION TO: Ordinary Council Meeting 24 November 2020
REPORT DATE: 6 November 2020
APPLICANT: Shire of Beverley
FILE REFERENCE: ADM 0591
AUTHOR: S.P. Gollan, Chief Executive Officer
ATTACHMENTS: Budget (Confidential Under Separate Cover)

SUMMARY

Council to consider applying for and allocating new Local Roads and Community Infrastructure (LRCI) Program Extension funding to the Vincent Street Streetscape Project.

BACKGROUND

In May 2020 Council was offered \$340,469.00 under an Australian Government Grant initiative called the LRCI Program. The program was for shovel ready projects that support employment and local economic stimulus where possible. The projects currently being undertaken by Council with the LRCI funding are:

Town Hall Floor and Lobby	\$150,000.00
Town Hall AV Upgrade	\$15,000.00
Platform Theatre Painting	\$20,000.00
Lesser Hall Courtyard	\$25,000.00
Courthouse Reroofing	\$70,000.00
Platform Theatre Turf	\$10,469.00 (50/50 matching)
Recreation Ground Playground Extension	\$40,000.00
Courthouse Swipe Cards	\$10,000.00

On 30 October 2020 the Shire received formal notice that under the LRCI Program Extension the Shire of Beverley will receive an additional funding allocation of \$273,192.00. The funding will be available from 1 January 2021, with the program being extended until the end of 2021.

As with the previous program, the Shire is still required to apply through a formal process to meet the program guidelines which are currently being developed. The guidelines will be available in the coming weeks however the Government have encouraged Councils to identify their new projects to maximise the opportunity.

COMMENT

The Vincent Street Streetscape Project meets all the guidelines that staff are expecting in that it is a road project, it is shovel ready, it supports employment during construction and post construction it will encourage increased use of all infrastructure and services located on Vincent Street. This will improve the level of economic activity within Beverley. The main street will also be an all-inclusive and visitor friendly town which will improve regional economic activity as people visit the Avon area.

The current ***indicative budget**** for the Vincent Street project is provided under separate cover.

*indicative budget is considered confidential until the tender process for civil works and underground power is complete and actual costs known.

Shire Staff have identified from the Community Consultation that three of the most important aspects of the Vincent Street project are to underground the power, fix the footpaths and change the curbing. The \$273,192.00 could be allocated towards the footpath expense reducing required loan funds. The Vincent Street footpath is regularly complained about as an uneven surface. Using the LRCI funds against the footpath would alleviate the issue and appease community members.

Alternatively, Council may like to allocate the \$273,192.00 to the completion of the Town Square so it can be finished within the same time frame of the main project. This would compliment the Beverley 2022 celebrations.

STATUTORY ENVIRONMENT

N/A

FINANCIAL IMPLICATIONS

As per the indicative budget under separate cover.

STRATEGIC IMPLICATIONS

This project aligns with the Shire's Strategic Community Plan 2017 – 2027:

Goal 4 - Vincent Street is activated and aesthetically improved.

Strategy 4.1 - Following consultation and planning with businesses, key stakeholders and the community develop a main street activation plan.

Vincent street upgraded (from Hunt Rd to Lukin St) with underground power, semi mountable kerbing and place activation.

POLICY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council apply for Local Roads and Community Infrastructure Extension Program funding and use it towards the Vincent Street Streetscape Project.

12. ADMINISTRATION

12.1 Use of the Common Seal

SUBMISSION TO: Ordinary Council Meeting 24 November 2020
REPORT DATE: 18 November 2020
APPLICANT: N/A
FILE REFERENCE: ADM 0265
AUTHOR: S.P. Gollan, Chief Executive Officer
ATTACHMENTS: Nil

SUMMARY

Council to endorse the use of the Common Seal.

BACKGROUND

Allocation of the Common Seal requires accompanying signatures of both the Shire President (or Deputy) and Chief Executive Officer (or person acting in that position).

COMMENT

The Common Seal has been recently attached to the following documents:

1. Swimming Pool Services Contract, between Shire of Beverley and Contract Aquatic Services.
2. Employment Contract, between Stephen Gollan and Shire of Beverley.
3. Memorandum of Understanding, Recycled Water Supply, between the Water Corporation and Shire of Beverley.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 9, Division 3, Execution of documents states:

- (1) A document is duly executed by a local government if -
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of –
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer,
each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on

behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan

Goal 12 – Council leads the organisation and engages with community in an accountable and professional manner.

POLICY IMPLICATIONS

Delegation EO-D010

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council note and endorse the use of the Common Seal having been attached to:

1. Swimming Pool Services Contract, between Shire of Beverley and Contract Aquatic Services.
2. Employment Contract, between Stephen Gollan and Shire of Beverley.
3. Memorandum of Understanding, Recycled Water Supply, between the Water Corporation and Shire of Beverley.

12.2 Draft Local Government (Administration) Amendment Regulations (No.2) 2020

SUBMISSION TO: Ordinary Council Meeting 24 November 2020
REPORT DATE: 17 November 2020
APPLICANT: Shire of Beverley
FILE REFERENCE: ADM 0286
AUTHOR: S.P. Gollan, Chief Executive Officer
INTEREST: Author declares an interest as employed as CEO
ATTACHMENTS: Draft LG (Admin) Amendment Regs 2020 and
LG (Admin) Amendment Regs 2020 explanatory notes

SUMMARY

Council is requested to provide feedback for the proposed *Draft Local Government (Administration) Amendment Regulations 2020* – Model standards for CEO recruitment, performance and termination.

BACKGROUND

The *Local Government Legislation Amendment Act 2019* introduced numerous amendments to the *Local Government Act 1995*, including the yet to commence insertion of new sections introducing model standards for CEO recruitment, performance and termination.

In March 2019, the Department of Local Government, Sport and Cultural Industries (DLGSC) invited WALGA and other parties to participate in the CEO Recruitment, Performance Review and Termination Working Group to develop Model Standards. The Department discontinued the Working Group in May 2019 and released a Consultation paper without endorsement by the Working Group in October 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop and endorse Model Standards for further sector consultation and identified several concerns with the proposals in the Consultation paper.

Throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process. The Department has now released the draft *Local Government (Administration) Amendment Regulations (No.2) 2020*, to prescribe the Model Standards, together with Explanatory Notes.

The consultation period was initially set at Friday 13 November 2020. This did not give many Councils the opportunity to provide feedback. WALGA have now been successful with an extension to the feedback period to Sunday 6 December 2020.

The documentation for the review of the CEO Standards and Model Code of Conduct was posted to all Councillors on Wednesday 4 November 2020.

COMMENT

WALGA notes that the Working Group was not reconvened, and the Draft Regulations include several elements that were highlighted as matters of concern by the sector.

WALGA provides the following information as their initial concerns:

1. Requirement to re-advertise CEO positions after 10 years of continuous service

WALGA Comment

*Section 5.39(2)(b) of the Local Government Act 1995 already limits CEO contracts to a maximum of five (5) years and Councils have general competence powers to consider whether to renew the incumbent's contract or advertise the position. Suggesting that a Council **MUST** re-advertise the position of a CEO after ten (10) years is likely to prove unworkable or counterproductive in any case as:*

Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with section 5.40 of the Local Government Act 1995 'Principles affecting Local Government employees' due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants.

Officer Comment

Agree with WALGA comments as if the incumbent applies for the position, there could be perceived bias in the selection process due to the panel knowing the candidate.

There will be situations where a Council has a very good working relationship with the CEO, the CEO has been performing well and Council wants to offer the CEO a third term. In such situations, if the current CEO is offered a third term following advertising, unsuccessful applicants are likely to be cynical about the process and it could generate claims of patronage, particularly if unsuccessful applicants are more qualified and credentialed (although they would have less directly relevant experience).

Further, the most frequently asked questions by people considering applying for a position are – is someone currently acting in the position? And – how long have they been acting? Both of these questions demonstrate potential applicant concerns about 'wasting their time' in applying.

If a Council is completely satisfied with the performance of a current CEO and would like to reappoint the person, other applicants are likely to feel that their time has been wasted and that the legislative requirement has provided false optimism.

Under these circumstances, Councils will risk allegations of non-compliance with section 5.40 of the Act which requires appointments to be based on merit and equity and which makes nepotism or patronage illegal.

WALGA Comment

May result in CEOs actively seeking alternative employment as the ten (10) year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government.

Officer Comment

If a CEO is having the annual performance review and is performing well, and then the position has to be re-advertised, this will cause angst to the incumbent and may see an already well performing CEO lost to the organisation as they would rather not be put through the selection process for their own job.

The proposal significantly diminishes the general competence powers of Councils in relation to critical decisions around ongoing relationships with an existing CEO.

A letter from the Department states that the recommendation is "intended to ensure local government are testing the market". This makes no sense as a Council has the power to 'test the market' whenever a contract ends.

More tellingly, the letter also notes "it could also facilitate a mechanism for Councils not to renew contracts and ... avoid them having to make hard decisions. This won't necessarily apply in all circumstances; however, it could assist some Councils".

This appears to be the underlying rationale for the legislative proposal and it is a completely inappropriate response to an issue. If Councils are unwilling to fulfil their roles and make hard decisions, they should be given training and assisted to build capacity in decision making; not have the hard decision removed.

It should also be noted that quite a number of Councils have been willing to make hard decisions in relation to the continuing employment of CEOs over recent years, so it is hard to understand where the rationale is coming from.

The proposed legislation also highlights the problem of a 'one size fits all' approach, with all local governments affected significantly by provisions which "could assist some Councils".

CEOs set organisation culture and values. Uncertainty about who will be the future CEO as a CEO approaches 10 years with a local government will inevitably cause unrest and unease amongst the staff and distract from high quality work performance.

CEO's will, almost certainly, become risk averse as they approach 10 years with a local government and know they have to contend with a full public selection process. This risk averse approach is broadly acknowledged as providing the best opportunity to become the successful candidate. However, the implications are that the whole local government will become more risk averse and less able to provide good governance to the people of the district.

WALGA Comment

Where a CEO is re-employed as a consequence of re-advertising after the ten (10) year period, this process has incurred unnecessary costs and time waste for the LG, distracting from achieving its strategic objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal.

Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment. This is a far more appropriate and adapted mechanism to address a perceived issued of 'contracts for life', by ensuring that the performance of CEO's whether long serving or newly appointed, is appropriately assessed and managed.

Officer Comment

The cost to advertise a CEO position can easily exceed \$30,000 in addition to the time to undertake interviews and select a successful candidate. This is an unnecessary cost placed on local governments whose Councils are completely satisfied with their CEO's performance and want the person to continue.

The recruitment process not only involves dollar costs but a significant time commitment. Where a Council is completely satisfied with the performance of the CEO, the time commitment to undertake an 'unnecessary' selection process will distract a local government from its core function of serving the community.

It will also have a disproportionately negative effect on regional local governments', as CEOs working in regional local governments will generally move in from outside

of the district with their families. These families integrate into the community. Reapplying for a job under such circumstances will not only create stress for the CEO but also for families and, in turn, the broader community into which the family is integrated.

2. Independent Panel Member

WALGA Comment

Clause 8 of the Draft Regulations requires the selection panel to include at least one person who is neither a council member nor an employee of the local government. There is no guidance on the skills, experience or knowledge of the independent person, or their role on the panel. This has the potential to pose significant risk to the local government, as there are inadequate controls on the conduct of such a person (i.e. they will not be captured by a Code of Conduct as Panel is not a committee of Council). WALGA supports the ongoing use of an independent qualified and licensed recruitment consultant to provide guidance (as opposed to active participation) in both the recruitment process and to assist with obligations to finalise the employment of a CEO.

Officer Comment

There is no rationale with this amendment. Council are elected by the community to provide good governance to the district. The requirement to have an independent member appointed to the panel serves no benefit.

It should be up to the individual Council to determine if they wish to engage the services of an independent, qualified and licensed recruitment consultant to assist them with the recruitment process for a new CEO.

3. Transparency and procedural fairness – Schedule 2

WALGA Comment

The consultation draft emphasised that it is essential that the recruitment process is transparent and appropriately documented. The selection panel is 'established' under Cl.8 of Schedule 2 of the Draft Regulations, with no reference to the formation of a Committee of Council under Section 5.8 of the Act. Cl.9(4) of Schedule 2 includes a reference to the selection panel acting in accordance with the principles of S5.40 of the Act. Similarly Cl.14 requires the local government to ensure confidentiality of information provided, rather than imposing this responsibility equally on the selection panel, or individual members.

If the selection panel were established as a committee in accordance with s.5.8 of the Act, the requirements relating to the calling and convening of meetings, keeping of minutes and agendas, confidentiality, declaration of conflicts of interest and application of the Code of Conduct would apply.

The Draft Regulations will delete current r.18C, requiring a local government to approve a process for the selection and appointment of a CEO. Schedule 2 does not include a similar requirement for the selection panel to follow a process decided upon by the Council. This removes Council from important input in, or oversight of, the process by which the selection panel assesses the candidates and makes recommendations.

Officer Comment

The selection panel should be established as a committee so that records are kept and code of conduct applies. The deletion of r.18c removes Councils input into the

selection process and is not supported as this is one of Council's main roles; to employ a CEO.

4. Council decision making authority

WALGA Comment

Schedule 2, Cl.9(2)(a) requires the selection panel to recommend one or more applicants it considers suitable, with Cl.9(2)(b) requiring that it advise Council if it considers no applicants are suitable. In the second event, Cl.10 requires the local government to carry out a new recruitment process. Bypassing Council in this decision-making process appears to directly conflict with Sec 5.36(2) of the Act, where it is the Council that determines if a person is or is not suitably qualified to be employed as CEO.

Officer Comment

Disagree with the above amendments. One of Council's main, and most important, roles is the employing of a CEO. This responsibility has to remain with Council determining who is to be employed as their CEO.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Administration) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

Goal 12: Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

1. Does not support:
 - a) The requirement to re-advertise CEO positions after ten (10) years of continuous service;
 - b) The introduction of an independent panel member for the CEO recruitment process;
 - c) The establishment of a selection panel unless it is formed as a Committee of Council; and
 - d) The Bypassing of Council in the decision making process for the determination of the suitability of a candidate for the CEO position.
2. Directs the Chief Executive Officer to provide the above feedback to WALGA by Friday 4 December 2020.

13. CONFIDENTIAL ITEMS

13.1 Meeting Closed to the Public

OFFICER RECOMMENDATION

That the meeting be closed to the public and staff for Council to consider and discuss the contract for the Provision of Medical Services to the Shire of Beverley.

13.2 Contract for the Provision of Medical Services

SUBMISSION TO: Ordinary Council Meeting 24 November 2020
REPORT DATE: 17 November 2020
APPLICANT: N/A
FILE REFERENCE: ADM 0045
AUTHOR: S.P. Gollan, Chief Executive Officer
ATTACHMENTS: Confidential Contract (under separate cover)

SUMMARY

Council to consider the Contract for the Provision of Medical Services to the Shire of Beverley be executed.

13.3 Meeting Open to the Public

OFFICER RECOMMENDATION

That the meeting re-open the to the public and announce any decisions made.

14. NEW BUSINESS ARISING BY ORDER OF THE MEETING

New Business of an urgent matter only arising by order of the meeting.

15. CLOSURE

The Chairman to declare the meeting closed.