

Shire of Goomalling



COUNCIL MEETING MINUTES

November 2021

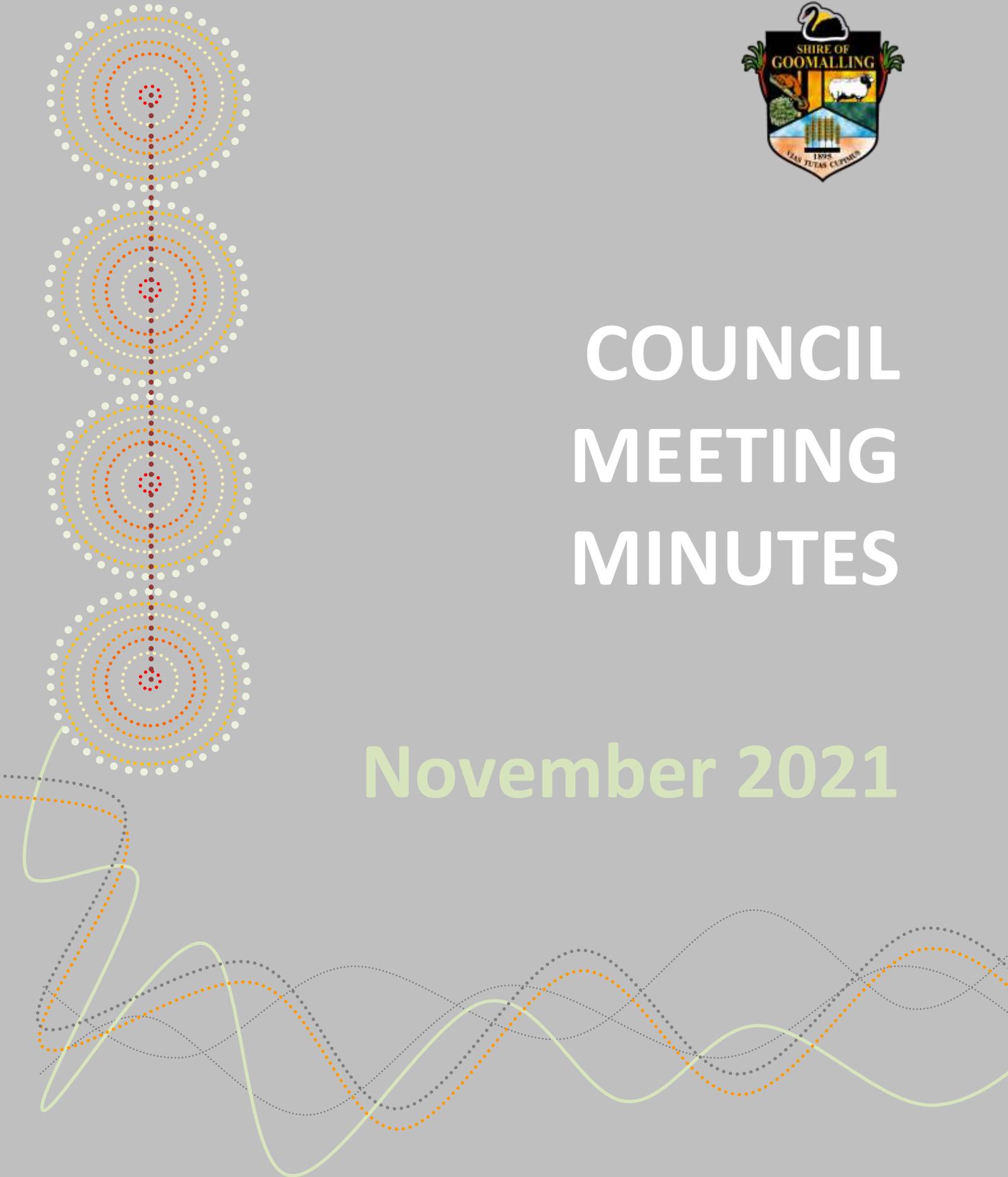




TABLE OF CONTENTS

Item No	Description	Page No
1.	DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS	3
2.	RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE	3
3.	DECLARATION OF FINANCIAL / IMPARTIALITY / PROXIMITY INTEREST	3
4.	PUBLIC QUESTION TIME	3
5.	APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE	3
6.	CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING	4
	6.1 Ordinary Meeting of Council – 20 October 2021	
7.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	4
8.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	4
9.	OFFICERS' REPORTS	
	9.1 Schedule of Accounts – July 2021	5-6
	9.2 Monthly Financial Reports – July 2021	7-31
	9.3 Application of Common Seal – Certificate of Appreciation	32-33
	9.4 Review of Policies	34-62
	9.5 Zoning 8 Forrest Street, Goomalling	63-64
10.	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	65
11.	NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL	
	11.1 Review of Rental Fees	65-67
	11.2 Write-off Debtor Account	68-69
	11.3 State Council Agenda	70-112
12.	MATTERS BEHIND CLOSED DOORS	113
13.	INFORMATION BULLETIN	113
14.	MEETING CLOSURE	113



NYOONGAR ACKNOWLEDGEMENT

We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar Ballardong people as the custodians of the greater Goomalling/Koomal area and that their cultural and heritage beliefs are still important to the living Nyoongar Ballardong people today.

NOTICE OF MEETING

Meeting No. 10 of 2021 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 17 November 2021 beginning at 5.18 pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

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

2.1. Attendance

Council	President & Chairperson	Cr Barry Haywood
	Vice President	Cr Julie Chester
	Councillor	Cr Mark Ashton
	Councillor	Cr Christine Barratt
	Councillor	Cr Casey Butt
	Councillor	Cr Roland Van Gelderen
	Councillor	Cr Brendon Wilkes
Administration	Chief Executive Officer	Mr Peter Bentley
	Finance Manager	Miss Natalie Bird

2.2. Apologies

Apologies were received from the Works Manager Mr David Long for today's meeting.

2.3. Approved Leave of Absence

3. DECLARATION OF:

- FINANCIAL INTEREST
 - Cr Butt declared a financial interest in the late item 11.1
- MEMBERS IMPARTIALITY INTEREST
- PROXIMITY INTEREST

4. PUBLIC QUESTION TIME

5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE



6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

6.1 Ordinary Meeting of Council held Wednesday 20 October 2021

RESOLUTION 423

Moved Cr Barratt, seconded Cr Butt that the minutes of Ordinary Meeting of Council held on Wednesday 20 October 2021, be confirmed as a true and correct record of proceedings.

***CARRIED 7/0
Simple Majority***

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- Shire President and the CEO attended AROC meeting in Toodyay
- Shire President and the Works Manager attended a Roads meeting in Toodyay
- Shire President and the CEO attended a meeting with the Konnongorring community
- Shire President attended the LEMC meeting in Goomalling
- Cr Barratt attended Remembrance Day Service
- Cr Wilkes attended Mortlock Sports Council Meeting
- Cr Chester & Cr Butt attended the Cuppa with a Councillor
- Cr Chester attended the LHAG Meeting

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

PRESIDENT _____

DATE _____



9. OFFICERS' REPORTS

9.1 SCHEDULE OF ACCOUNTS PAID 1 OCTOBER to 31 OCTOBER 2021

File Reference	Not applicable
Disclosure of Interest	Nil
Applicant	Not Applicable
Previous Item Numbers	No Direct
Date	8 November 2021
Author	Kylie Burling, Accounts Payable
Authorising Officer	Natalie Bird, Finance Manager
Attachments <ol style="list-style-type: none"> 1. Schedule of Payments - October 2021 2. Corporate Credit Card Statements – September 2021 	

Summary

FUND VOUCHERS AMOUNT

EFT 3525 to 3611	\$478,441.43
Direct Debits 8479 to 8482	\$189,427.25
Cheques 15274 to 15285	\$30,637.28
Payroll JNL 6543 & 6547	\$93,759.00
Super DD13511 & 13546	\$15,569.20
TOTAL	\$807,834.16

Voting Requirements

Simple Majority



OFFICERS' RECOMMENDATION

That the Council:

Approve vouchers from the Municipal Fund and Trust Fund as detailed:

EFT 3525 to 3611	\$478,441.43
Direct Debits 8479 to 8482	\$189,427.25
Cheques 15274 to 15285	\$30,637.28
Payroll JNL 6543 & 6547	\$93,759.00
Super DD13511 & 13546	\$15,569.20
TOTAL	\$807,834.16

RESOLUTION 424

Moved Cr Van Gelderen, seconded Cr Barratt that Council endorse Officer's recommendation.

***CARRIED 7/0
Simple Majority***

PRESIDENT _____

DATE _____



9.2 FINANCIAL REPORT FOR OCTOBER 2021

File Reference	Not Applicable
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	8 November 2021
Author	Natalie Bird, Finance Manager
Authorising Officer	Natalie Bird, Finance Manager
Attachments 1. Monthly Financial Report to 31 October 2021	

Summary

In accordance with the *Local Government (Financial Management) Regulations 1996*, to follow is the presentation of the Monthly Financial Reports to Council.

Background

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

Statutory Environment

Local Government Act 1995 – Section 6.4 (as amended)

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

Policy Implications

No specific policy regarding this matter.

Financial Implications

Ongoing management of Council funds

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

4.1.4	Provide reporting processes in a transparent, accountable and timely manner
-------	---

Voting Requirements

Simple Majority



OFFICERS' RECOMMENDATION

That the Council:

1. Receive the Monthly Financial Report to 31 October 2021

RESOLUTION 425

Moved Cr Van Gelderen, seconded Cr Wilkes that Council endorse Officer's recommendation.

***CARRIED 7/0
Simple Majority***

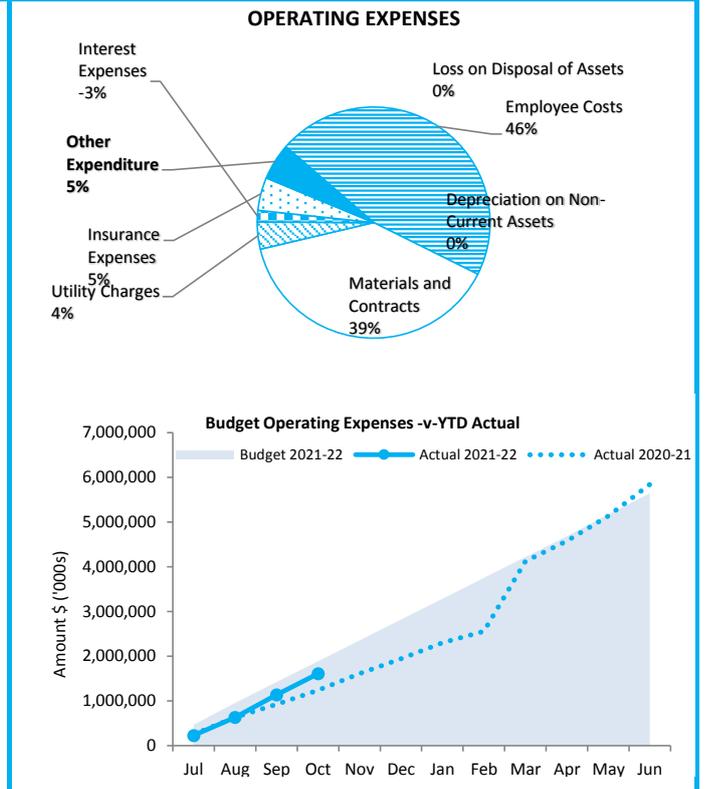
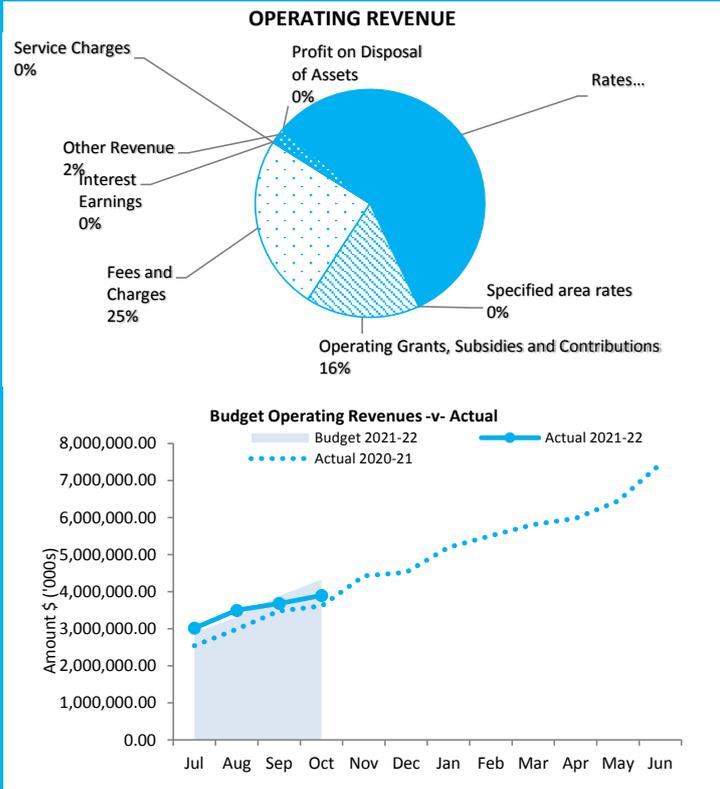
SHIRE OF GOOMALLING
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending 31 October 2021

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

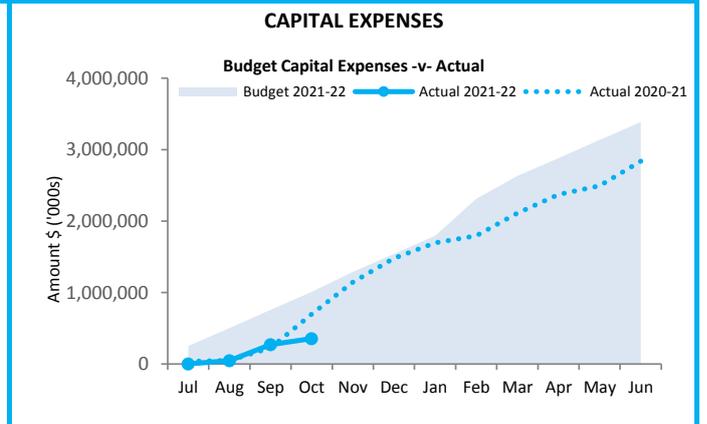
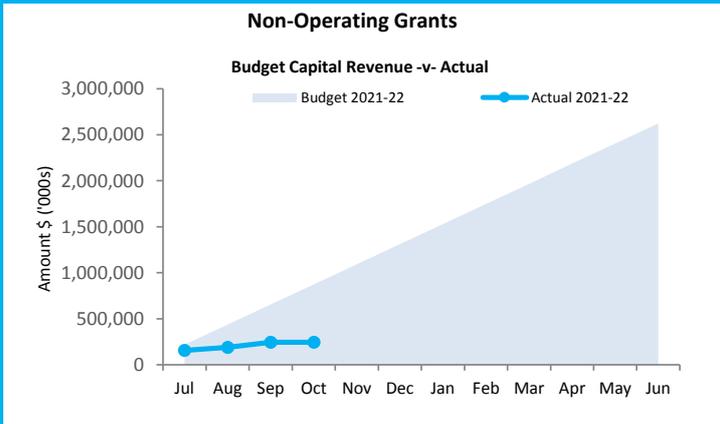
TABLE OF CONTENTS

Statement of Financial Activity by Program	5
Statement of Financial Activity by Nature or Type	7
Note 1 Statement of Financial Activity Information	8
Note 2 Cash and Financial Assets	9
Note 3 Receivables	10
Note 4 Stock	11
Note 5 Payables	12
Note 6 Rate Revenue	13
Note 7 Disposal of Assets	14
Note 8 Capital Acquisitions	15-16
Note 9 Borrowings	17-18
Note 10 Cash Reserves	19
Note 11 Other Current Liabilities	20
Note 12 Operating grants and contributions	21
Note 13 Non operating grants and contributions	22
Note 14 Explanation of Material Variances	23

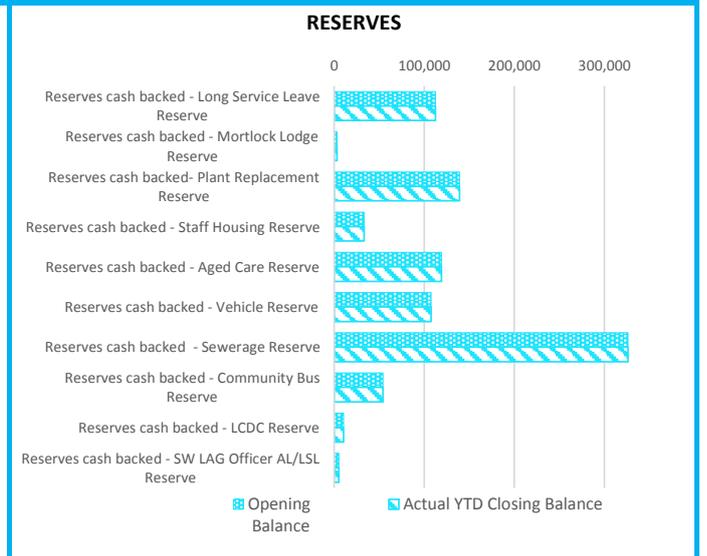
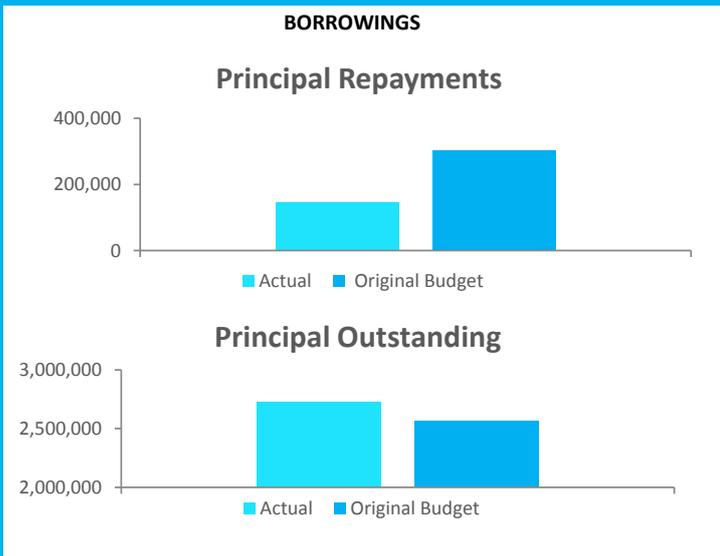
OPERATING ACTIVITIES



INVESTING ACTIVITIES



FINANCING ACTIVITIES



Funding surplus / (deficit) Components

Funding surplus / (deficit)

	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	(\$0.27 M)	(\$0.25 M)	(\$0.25 M)	\$0.00 M
Closing	(\$0.05 M)	\$2.85 M	\$1.42 M	(\$1.43 M)

Refer to Statement of Financial Activity

Cash and cash equivalents

	\$2.38 M	% of total
Unrestricted Cash	\$1.45 M	60.8%
Restricted Cash	\$0.93 M	39.2%

Refer to Note 2 - Cash and Financial Assets

Payables

	\$0.02 M	% Outstanding
Trade Payables	\$0.00 M	
Over 30 Days		0.0%
Over 90 Days		0%

Refer to Note 5 - Payables

Receivables

	\$0.13 M	% Collected
Rates Receivable	\$0.68 M	72.7%
Trade Receivable	\$0.13 M	
Over 30 Days		79.9%
Over 90 Days		73.6%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$1.14 M	\$3.16 M	\$1.94 M	(\$1.22 M)

Refer to Statement of Financial Activity

Rates Revenue

YTD Actual	\$2.30 M	% Variance
YTD Budget	\$2.06 M	11.7%

Refer to Note 6 - Rate Revenue

Operating Grants and Contributions

YTD Actual	\$0.53 M	% Variance
YTD Budget	\$0.34 M	54.5%

Refer to Note 13 - Operating Grants and Contributions

Fees and Charges

YTD Actual	\$0.82 M	% Variance
YTD Budget	\$0.58 M	42.2%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.63 M)	(\$0.00 M)	(\$0.12 M)	(\$0.11 M)

Refer to Statement of Financial Activity

Proceeds on sale

YTD Actual	\$0.10 M	%
Adopted Budget	\$0.12 M	(12.7%)

Refer to Note 7 - Disposal of Assets

Asset Acquisition

YTD Actual	\$0.36 M	% Spent
Adopted Budget	\$3.42 M	(89.6%)

Refer to Note 8 - Capital Acquisition

Non-Operating Grants

YTD Actual	\$0.24 M	% Received
Adopted Budget	\$2.62 M	(90.7%)

Refer to Note 8 - Capital Acquisition

Key Financing Activities

Amount attributable to financing activities

Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.28 M)	(\$0.05 M)	(\$0.15 M)	(\$0.10 M)

Refer to Statement of Financial Activity

Borrowings

Principal repayments	\$0.15 M
Interest expense	\$0.03 M
Principal due	\$2.73 M

Refer to Note 9 - Borrowings

Reserves

Reserves balance	\$0.91 M
Interest earned	\$0.00 M

Refer to Note 11 - Cash Reserves

Lease Liability

Principal repayments	\$0.00 M
Interest expense	\$0.00 M
Principal due	\$0.03 M

Refer to Note 10 - Lease Liabilities

This information is to be read in conjunction with the accompanying Financial Statements and notes.

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 31 OCTOBER 2021

STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME AND OBJECTIVES

ACTIVITIES

GOVERNANCE

To provide a decision making process for the efficient allocation of resources

To include the activities of members of Council and the administration support available to the Council for the provision of governance of the district. Other costs relate to assisting elected members and ratepayers on matters which do not concern specific Council services.

GENERAL PURPOSE FUNDING

To collect revenue to allow for the provision of services.

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY

To provide services to help ensure a safer and environmentally conscious community.

Supervision and enforcement of various local laws relating to fire prevention, animal control, community crime prevention and other aspects of public safety including emergency services.

HEALTH

To provide an operational framework for environmental and community health.

Inspection of food premises and food control. Provision of Medical Surgery and Doctor. Also noise control and waste disposal compliance

EDUCATION AND WELFARE

To provide services to disadvantaged persons including the elderly, children and youth.

Maintenance of child minding centre, playgroup centre, senior citizens centre. Provision and maintenance of youth services.

HOUSING

To provide and maintain housing for staff, aged and community housing projects operated by Joint Venture with the Department of Housing.

Staff housing, provision of general rental accommodation to the public when not required by staff.

COMMUNITY AMENITIES

To provide necessary services as required by the community.

Rubbish collection and recycling, operation of disposal sites, administration, maintenance & operation of the Shire Townsite Sewerage Scheme. Administration of the Shire of Goomalling Town Planning Scheme. Administration, maintenance & operation of the Goomalling public cemeteries, public toilets & the Goomalling Community Bus.

RECREATION AND CULTURE

To establish & effectively manage infrastructure and resources which will help the social wellbeing of the community.

Maintenance and operation of public halls, swimming pool, sporting pavilions, parks and gardens, recreation centre, sports playing surface areas and reserves including football oval, hockey oval, tennis courts, bowling greens. Contribution to the operation of the Goomalling Public Library, museums and cultural facilities.

TRANSPORT

To provide safe, effective and efficient transport services to the community.

Construction and maintenance of streets, roads, footpaths, drainage & signs. Maintenance and operation of street lights, works depot and aerodrome. Cleaning of streets and provision and maintenance of street trees. Purchase, maintenance and operation of plant.

ECONOMIC SERVICES

To help promote the Shire and its economic wellbeing.

Tourism and area promotion including the maintenance and operation of the Shire of Goomalling Caravan Park facilities and Motel Units. Provision of rural services including building control, standpipes, noxious weeds and vermin control. Maintenance costs associated with the Goomalling Community Resource Centre.

OTHER PROPERTY AND SERVICES

To monitor and control Council's overheads operating accounts.

Private works, plant repairs and operations. Housing and Engineering operations costs.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021**

STATUTORY REPORTING PROGRAMS

	Ref	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Note						
Opening funding surplus / (deficit)	1(c)	\$ (273,269)	\$ (254,910)	\$ (254,910)	\$ 0	% 0.00%	
Revenue from operating activities							
Governance		32,000	17,328	32,597	15,269	88.12%	▲
General purpose funding		2,549,407	2,253,895	2,236,214	(17,681)	(0.78%)	
Law, order and public safety		365,800	121,924	210,712	88,788	72.82%	▲
Health		664,000	221,328	196,292	(25,036)	(11.31%)	▼
Education and welfare		600	200	159	(41)	(20.50%)	
Housing		273,310	91,088	84,671	(6,417)	(7.05%)	
Community amenities		501,600	478,260	477,873	(387)	(0.08%)	
Recreation and culture		126,656	42,180	37,136	(5,044)	(11.96%)	
Transport		328,408	109,460	105,968	(3,492)	(3.19%)	
Economic services		284,900	94,924	127,014	32,090	33.81%	▲
Other property and services		63,500	21,160	38,789	17,629	83.31%	▲
		5,190,181	3,451,747	3,547,425	95,678		
Expenditure from operating activities							
Governance		(255,183)	(99,648)	(93,523)	6,125	6.15%	
General purpose funding		(96,309)	(32,096)	(34,309)	(2,213)	(6.89%)	
Law, order and public safety		(557,992)	(185,972)	(143,641)	42,331	22.76%	▲
Health		(709,524)	(236,480)	(261,197)	(24,717)	(10.45%)	▼
Education and welfare		(16,262)	(5,416)	(5,471)	(55)	(1.02%)	
Housing		(414,582)	(137,688)	(62,168)	75,520	54.85%	▲
Community amenities		(603,391)	(201,020)	(160,125)	40,895	20.34%	▲
Recreation and culture		(958,033)	(319,136)	(192,433)	126,703	39.70%	▲
Transport		(1,449,389)	(483,032)	(461,434)	21,598	4.47%	
Economic services		(525,127)	(174,852)	(143,583)	31,269	17.88%	▲
Other property and services		(57,256)	(10,512)	(50,644)	(40,132)	(381.77%)	▼
		(5,643,048)	(1,885,852)	(1,608,528)	277,324		
Non-cash amounts excluded from operating activities	1(a)	1,588,999	1,589,999	0	(1,589,999)	(100.00%)	▼
Amount attributable to operating activities		1,136,132	3,155,894	1,938,897	(1,216,997)		
Investing Activities							
Proceeds from non-operating grants, subsidies and contributions	14	2,623,045	874,340	244,815	(629,525)	(72.00%)	▼
Less Unspent Non-Operating Grants represented as Contract Liabilities	14	0	0	(111,671)			
Net Revenue from Non-Operating Grants	14	2,623,045	874,340	133,144			
Proceeds from disposal of assets	7	120,000	120,000	104,747	(15,253)	(12.71%)	▼
Proceeds from financial assets at amortised cost - self supporting loans	9	39,157	0	0	0	0.00%	
Payments for property, plant and equipment and infrastructure	8	(3,415,700)	(997,208)	(355,469)	641,739	64.35%	▲
Amount attributable to investing activities		(633,498)	(2,868)	(117,578)	(114,710)		
Financing Activities							
Proceeds from new debentures	9	0	0	0	0	0.00%	
Transfer from reserves	11	50,000	0	0	0	0.00%	
Payments for principal portion of lease liabilities	10	(21,412)	(2,088)	0	2,088	100.00%	
Repayment of debentures	9	(304,779)	(36,707)	(146,362)	(109,655)	(298.73%)	▼
Transfer to reserves	11	(7,500)	(7,500)	(0)	7,500	99.99%	
Amount attributable to financing activities		(283,692)	(46,295)	(146,362)	(100,067)		
Closing funding surplus / (deficit)	1(c)	(54,327)	2,851,821	1,420,046	(1,431,775)		

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an threshold. Refer to Note 16 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2021-22 year is \$10,000 or 10.00% whichever is the greater.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 31 OCTOBER 2021

REVENUE

RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

NATURE OR TYPE DESCRIPTIONS

EXPENSES

EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance

agreements, communication expenses, advertising expenses,

membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021

BY NATURE OR TYPE

	Ref	YTD	YTD	Var. \$	Var. %	Var.
	Note	Adopted Budget	Budget (a)	(b)-(a)	(b)-(a)/(a)	
		\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	(273,269)	(273,269)	(254,910)	18,359	(6.72%)
Revenue from operating activities						
Rates	6	2,067,708	2,060,291	1,877,005	(183,286)	(8.90%)
Other rates	6	233,350	233,350	233,350	0	0.00%
Operating grants, subsidies and contributions	13	1,276,758	512,216	532,712	20,496	4.00%
Fees and charges		1,439,406	580,118	824,888	244,770	42.19% ▲
Interest earnings		41,957	15,476	8,785	(6,691)	(43.23%)
Other revenue		131,000	50,296	70,682	20,386	40.53% ▲
		5,190,179	3,451,747	3,547,420	95,673	
Expenditure from operating activities						
Employee costs		(2,061,721)	(678,540)	(764,052)	(85,512)	(12.60%) ▼
Materials and contracts		(1,262,922)	(420,388)	(646,710)	(226,322)	(53.84%) ▼
Utility charges		(256,101)	(85,160)	(63,300)	21,860	25.67% ▲
Depreciation on non-current assets		(1,588,999)	(529,628)	0	529,628	100.00% ▲
Interest expenses		(149,526)	(49,836)	26,502	76,338	153.18% ▲
Insurance expenses		(172,679)	(57,440)	(76,656)	(19,216)	(33.45%) ▼
Other expenditure		(151,100)	(64,860)	(84,311)	(19,451)	(29.99%) ▼
		(5,643,048)	(1,885,852)	(1,608,526)	277,326	
Non-cash amounts excluded from operating activities	1(a)	1,588,999	1,589,999	0	(1,589,999)	(100.00%) ▼
Movement in liabilities associated with restricted cash			0	0	0	0.00%
Amount attributable to operating activities		1,136,130	3,155,894	1,938,894	(1,217,000)	
Investing activities						
Proceeds from non-operating grants, subsidies and contributions	14	2,623,045	874,340	244,815	(629,525)	(72.00%) ▼
Less Unspent Non-Operating Grants represented as Contract Liabilities	14	0	0	(111,671)		
Net Revenue from Non-Operating Grants	14	2,623,045	874,340	133,144		
Proceeds from disposal of assets	7	120,000	120,000	104,747	(15,253)	(12.71%) ▼
Proceeds from financial assets at amortised cost - self supporting loans	9	39,157	0	0	0	0.00%
Payments for property, plant and equipment and infrastructure	8	(3,415,700)	(997,208)	(355,469)	641,739	64.35% ▲
Amount attributable to investing activities		(633,498)	(2,868)	(117,578)	(114,710)	
Financing Activities						
Transfer from reserves	11	50,000	0	0	0	0.00%
Payments for principal portion of lease liabilities		(21,412)	(2,088)	0	2,088	100.00%
Repayment of debentures	9	(304,779)	(36,707)	(146,362)	(109,655)	(298.73%) ▼
Transfer to reserves	11	(7,500)	(7,500)	(0)	7,500	99.99%
Amount attributable to financing activities		(283,691)	(46,295)	(146,362)	(100,067)	
Closing funding surplus / (deficit)	1(c)	(54,327)	2,833,462	1,420,046	(1,413,416)	

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 16 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities				
		\$	\$	\$
Adjustments to operating activities				
Less: Movement in liabilities associated with restricted cash		1,000	0	0
Add: Depreciation on assets		1,588,999	529,628	0
Total non-cash items excluded from operating activities		1,589,999	529,628	0

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation* 32 to agree to the surplus/(deficit) after imposition of general rates.

		Last Year Closing 30 June 2021	This Time Last Year 31 October 2020	Year to Date 31 October 2021
Adjustments to net current assets				
Less: Reserves - restricted cash	11	(910,504)	(929,953)	(910,504)
Less: - Financial assets at amortised cost - self supporting loans	4	(39,157)	(39,157)	(39,157)
Add: Borrowings	9	304,779	2,273,379	158,417
Add: Provisions funded by Reserve	12	112,346	109,813	112,346
Add: Lease liabilities	10	21,412	0	21,412
Total adjustments to net current assets		(511,124)	1,414,082	(657,486)

(c) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	1,358,851	1,307,145	2,367,384
Rates receivables	3	188,207	180,533	678,745
Receivables	3	179,731	93,402	128,973
Stock on Hand	4	30,898	54,625	3,520
Total Current Assets		1,757,687	1,635,705	3,178,622
Less: Current liabilities				
Payables	5	(384,158)	(274,210)	(18,465)
Borrowings	9	(304,779)	(2,273,379)	(158,417)
Contract liabilities	12	(227,081)	0	(338,752)
Lease liabilities	10	(21,412)		(21,412)
Provisions	12	(564,043)	(564,043)	(564,043)
Total Current Liabilities		(1,501,473)	(3,111,632)	(1,101,089)
		256,214	(1,475,927)	2,077,533
Less: Total adjustments to net current assets	1(b)	(511,124)	1,414,082	(657,486)
Closing funding surplus / (deficit)		(254,910)	(61,847)	1,420,046

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$				
Cash on hand								
Floats	Cash and cash equivalents	650		650	0			
Cash Deposits								
Municipal Bank Account	Cash and cash equivalents	1,445,371		1,445,371	0	Bendigo	0.00%	At Call
Trust Bank Account	Cash and cash equivalents	0	0	0	25,368	Bendigo	0.00%	
Medical Surgery Bank Account	Cash and cash equivalents		22,665	22,665				
Term Deposits								
Term Deposits - Reserve	Financial assets at amortised cost	0	905,270	905,270	0	Bendigo	0.40%	28/08/2021
Term Deposits - Skeleton Weed A/L & LSI	Financial assets at amortised cost	0	5,234	5,234	0	Bendigo	0.30%	20/06/2021
Total		1,446,021	933,169	2,379,191	25,368			
Comprising								
Cash and cash equivalents		1,446,021	22,666	1,468,687	25,368			
Financial assets at amortised cost		0	910,504	910,504	0			
		1,446,021	933,170	2,379,191	25,368			

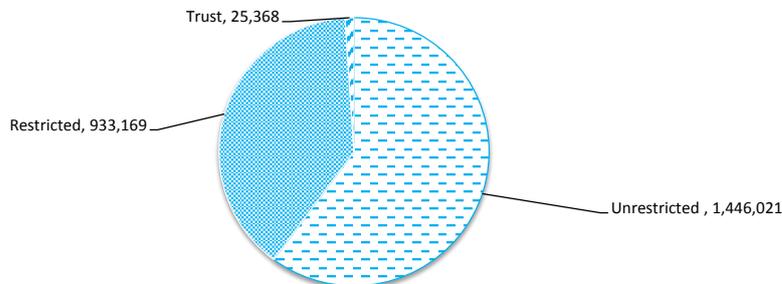
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021**

**OPERATING ACTIVITIES
NOTE 3
RECEIVABLES**

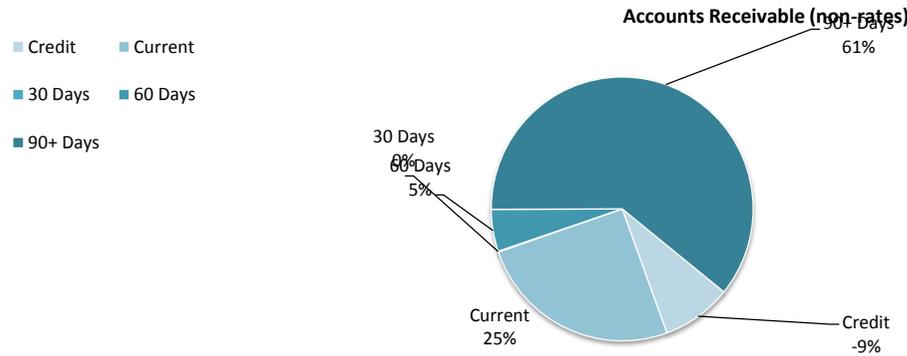
Rates receivable	30 Jun 2021	31 Oct 2021
	\$	\$
Opening arrears previous years	188,207	188,207
Levied this year	2,118,671	2,301,058
Less - collections to date	(2,118,671)	(1,810,520)
Equals current outstanding	188,207	678,745
Net rates collectable	188,207	678,745
% Collected	91.8%	72.7%

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(6,752)	19,748	72	4,030	47,636	64,734
Percentage	(10.4%)	30.5%	0.1%	6.2%	73.6%	
Balance per trial balance						
Sundry receivable	0	64,734	0	0	0	64,734
GST receivable	0	25,082		0	0	25,082
Loans Club/Institutions - Current	0	39,157	0	0	0	39,157
Total receivables general outstanding						128,973

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectable are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.



Other current assets	Opening Balance 1 July 2021	Asset Increase	Asset Reduction	Closing Balance 31 October 2021
	\$	\$	\$	\$
Inventory				
Stock On Hand	30,898	(27,378)	0	3,520
Total other current assets	30,898	(27,378)	0	3,520
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	18,465	0	0	0	18,465
Percentage	0%	100%	0%	0%	0%	
Balance per trial balance						
Sundry creditors	0	3,481	0	0	0	3,481
ATO liabilities		32,761				32,761
Other Payables		0				0
Payroll Creditors		0				0
Gst Payable		(30,174)				(30,174)
Accrued Loan Interest		0				0
Bonds & Deposits Held - Cl		12,397				12,397
Total payables general outstanding						18,465

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021

OPERATING ACTIVITIES
NOTE 6
RATE REVENUE

General rate revenue	Budget							YTD Actual			
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
Gross rental value											
GRV Residential	0.11287	119	1,316,466	148,592	0	0	148,592	148,592	0	0	148,592
GRV Commercial	0.12692	17	321,640	40,821	0	0	40,821	40,821	0	0	40,821
GRV Industrial	0.12172	11	80,636	9,815	0	0	9,815	9,815	0	0	9,815
GRV Urban Farmland	0.10871	17	211,120	22,951	0	0	22,951	22,951	0	0	22,951
Unimproved value											
UV Rural Zone 2	0.0062	37	20,416,000	127,294	0	0	127,294	127,294	0	0	127,294
UV Special Rural	0.0122	9	960,500	11,762	0	0	11,762	11,762	0	0	11,762
UV General Zone 3	0.0066	215	215,416,000	1,430,578			1,430,578	1,430,578	0	0	1,430,578
Sub-Total		425	238,722,362	1,791,813	0	0	1,791,813	1,791,813	0	0	1,791,813
Minimum payment	Minimum \$										
Gross rental value											
GRV Residential	979	100	587,987	97,900	0	0	97,900	97,900	0	0	97,900
GRV Commercial	927	12	36,412	11,124	0	0	11,124	11,124	0	0	11,124
GRV Industrial	567	7	12,675	3,969	0	0	3,969	3,969	0	0	3,969
GRV Urban Farmland	737	7	23,951	5,159	0	0	5,159	5,159	0	0	5,159
Unimproved value											
UV Rural Zone 2	1,015	35	4,555,500	35,525	0	0	35,525	35,525	0	0	35,525
UV Special Rural	1,133	9	752,000	10,197	0	0	10,197	10,197	0	0	10,197
UV General Zone 3	1,231	91	7,904,157	112,021	0	0	112,021	112,021	0	0	112,021
Sub-total		261	13,872,682	275,895	0	0	275,895	275,895	0	0	275,895
Amount from general rates							2,067,708				2,067,708
Ex-gratia rates							36,199				36,199
Total general rates							2,103,907				2,103,907
Specified area rates	Rate in \$ (cents)										
Sewerage Residential	8.386		23,309	195,471	0	0	195,471	195,471	0	0	195,471
Sewerage Religious Church	4.00		420	1,680	0	0	1,680	1,680	0	0	1,680
Total specified area rates			23,729	197,151	0	0	197,151	197,151	0	0	197,151
Total							2,301,058				2,301,058

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.

Capital acquisitions	Adopted Budget	Current Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$	\$	\$	\$	\$
Buildings	389,500	389,500	107,156	0	(107,156)
Plant and equipment	325,000	325,000	108,324	180,000	71,676
Infrastructure - roads	2,375,200	2,375,200	781,728	175,469	(606,259)
Infrastructure - sewerage	30,000	30,000	0	0	0
Infrastructure - footpaths	30,000	30,000	0	0	0
Infrastructure - other	266,000	266,000	0	0	0
Payments for Capital Acquisitions	3,415,700	3,415,700	997,208	355,469	(641,739)
Total Capital Acquisitions	3,415,700	3,415,700	997,208	355,469	(641,739)
Capital Acquisitions Funded By:					
	\$		\$	\$	\$
Capital grants and contributions	2,623,045	2,623,045	874,340	244,815	(629,525)
Cash backed reserves	910,504	910,504		0	
Reserves cash backed - Long Service Leave Reserve	1,000	1,000	0	0	0
Contribution - operations	(288,849)	(118,849)	(13,799)	5,907	19,705
Capital funding total	3,415,700	3,415,700	997,208	355,469	(641,739)

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

30/06/2022

31/10/2021

Account Description		Adopted Budget	Current Budget	YTD Budget	YTD Actual	Variance (Under)/Over
Land and Buildings						
48003	Roofing Project - admin LRCIP	68,000	68,000	0	0	0
98001	Capital housing Up grades	25,000	25,000	8,332	0	8,332
118005	Town Hall Ceiling Upgrade - LRCIP	100,000	100,000	33,332	0	33,332
138001	Public Buildings - Capital upgrade projects	6,500	6,500	2,164	0	2,164
138003	Old Road Board Building - LRCIP	60,000	60,000	20,000	0	20,000
138004	Gum Toilets Upgrade - LRCIP	50,000	50,000	16,664	0	16,664
138005	Slater Homestead upgrade - LRCIP	80,000	80,000	26,664	0	26,664
	Total	389,500	389,500	107,156	0	107,156
Plant & Equipment						
123906	Plant Replacement - Grader Go 020 (secondhand)	215,000	215,000	71,664	180,000	(108,336)
123907	Plant replacement - Small Tip Truck	30,000	30,000	10,000	0	10,000
123908	Plant replacement - Utility GO 039	20,000	20,000	6,664	0	6,664
123909	Plant replacement - Go 183	20,000	20,000	6,664	0	6,664
123910	Plant replacement - Torro ride on mower	15,000	15,000	5,000	0	5,000
123911	Small Plant - Mobile Traffic lights	25,000	25,000	8,332	0	8,332
	Total	325,000	325,000	108,324	180,000	(71,676)
Infrastructure - Roads						
129904	EXPENSE - Regional Road Group Construction	545,990	545,990	181,996	59,098	122,898
129901	EXPENSE - R 2 R Construction	320,500	320,500	106,836	48,854	57,982
129910	Local Road and Community Infrastructure (Long Forrest/Gabby Quoi)	0	0	0	22,000	(22,000)
129911	Local Road and Community Infrastructure (Footpaths)	30,000	30,000	0	0	0
129912	Black Spot Funding	175,200	175,200	58,396	6,017	52,379
129913	Bridge Upgrade LRCIP	50,000	50,000	16,668	0	16,668
129908	EXPENSE - Wheatbelt Secondary Freight Network	1,253,510	1,253,510	417,832	39,500	378,332
	Total	2,375,200	2,375,200	781,728	175,469	606,259
Infrastructure - Footpaths						
129911	Local Road and Community Infrastructure Program (footpaths)	30,000	30,000	0	0	0
	Total	30,000	30,000	0	0	0
Infrastructure - Sewerage						
108003	Upgrade to sewerage water pipe line LRCIP	30,000	30,000	0	0	0
	Total	30,000	30,000	0	0	0
Infrastructure - Other						
118006	Anstey Park - Upgrade -LRCIP	185,000	185,000	0	0	0
118007	Upgrade to Playground at Rec Ground LRCIP	81,000	81,000	0	0	0
	Total	266,000	266,000	0	0	0
	TOTALS	3,415,700	3,415,700	997,208	355,469	641,739

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021

FINANCING ACTIVITIES
NOTE 9
BORROWINGS

Repayments - borrowings

Information on borrowings	Loan No.	1 July 2021	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Original Budget	Actual	Original Budget	Actual	Original Budget	Actual	Original Budget
Particulars		\$	\$	\$	\$	\$	\$	\$	\$	\$
Housing										
Aged Housing Wollyam Street	114	159,268	0	0	8,798	17,827	150,470	141,441	4,190	8,748
Recreation and culture										
New Sports Pavilion	111	1,080,058	0	0	0	28,723	1,080,058	1,051,335	0	68,155
Retic Football/Hockey Ovals	113	30,208	0	0	0	14,701	30,208	15,507	0	1,388
Economic services										
Community Centre	104	22,481	0	0	0	22,481	22,481	0	833	1,135
Slater Homestead	105	6,738	0	0	0	6,738	6,738	0	250	340
Rural Community Centre	106	330,576	0	0	11,409	23,050	319,167	307,526	6,776	11,378
Salmon Gum & Grange Subdivision	108	100,896	0	0	100,723	100,896	-0	0	3,887	3,855
Bank Overdraft - subdivision - new loan	115	945,000	0	0	25,432	51,206	919,568	893,794	13,571	41,271
B/Fwd Balance		2,675,225	0	0	146,362	265,622	2,528,690	2,409,603	29,508	136,270
C/Fwd Balance		2,675,225	0	0	146,362	265,622	2,528,690	2,409,603	29,508	136,270
Self supporting loans										
Recreation and culture										
Self Supporting Loan MSC	110	198,311	0	0	0	39,157	198,311	159,154	0	12,256
Self Supporting Loan MSC	110	198,311	0	0	0	39,157	198,311	159,154	0	12,256
Total		2,873,536	0	0	146,362	304,779	2,727,001	2,568,757	29,508	148,526
Current borrowings		304,779					(158,417)			
Non-current borrowings		2,568,757					2,885,418			
		2,873,536					2,727,001			

All debenture repayments were financed by general purpose revenue.

Self supporting loans are financed by repayments from third parties.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021**

**FINANCING ACTIVITIES
NOTE 9
BORROWINGS**

Repayments - borrowings

Information on borrowings			New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
Particulars	Loan No.	1 July 2021	Actual	Original Budget	Actual	Original Budget	Actual	Original Budget	Actual	Original Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021**

**FINANCING ACTIVITIES
NOTE 10
LEASE LIABILITIES**

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2021	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Other property and services										
Photocopier		0			0	0	0	0	0	
GO015 Ford Utility Old works manager	6250532	0	0	0	0	0	0	0	0	
GO040 Ford Escape (Blue)	6250509	5,944	0	0	0	5,835	5,944	109	151	
GOSHIRE Ford Escape (White)	6250620	5,777	0	0	0	5,674	5,777	103	147	
GO015 Ford Utility (WORKSMANAGER)	6463413	20,946	0	0	0	11,043	20,946	9,903	321	
Total		32,667	0	0	0	22,552	32,667	10,115	619	
Current lease liabilities		21,412					21,412			
Non-current lease liabilities		11,255					11,255			
		32,667					32,667			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021**

**OPERATING ACTIVITIES
NOTE 11
CASH RESERVES**

Cash backed reserve

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Reserves cash backed - Long Service Leave Reserve	112,346	1,000	0	0	0		0	113,346	112,346
Reserves cash backed - Mortlock Lodge Reserve	3,172	0	0	0	0		0	3,172	3,172
Reserves cash backed- Plant Replacement Reserve	139,211	1,000	0	0	0	(50,000)	0	90,211	139,211
Reserves cash backed - Staff Housing Reserve	33,151	300	0	0	0	0	0	33,451	33,151
Reserves cash backed - Aged Care Reserve	119,247	1,100	0	0	0		0	120,347	119,247
Reserves cash backed - Vehicle Reserve	107,626	1,000	0	0	0		0	108,626	107,626
Reserves cash backed - Sewerage Reserve	326,074	2,500	0	0	0	0	0	328,574	326,074
Reserves cash backed - Community Bus Reserve	54,033	450	0	0	0		0	54,483	54,033
Reserves cash backed - LCDC Reserve	10,410	150	0	0	0		0	10,560	10,410
Reserves cash backed - SW LAG Officer AL/LSL Reserve	5,234	0	0	0	0	0	0	5,234	5,234
	910,504	7,500	0	0	0	(50,000)	0	868,004	910,504

KEY INFORMATION

Other current liabilities	Note	Opening Balance 1 July 2021	Liability Increase	Liability Reduction	Closing Balance 31 October 2021
		\$	\$	\$	\$
Contract liabilities					
- operating	13	227,081	111,671	0	338,752
Total unspent grants, contributions and reimbursements		227,081	111,671	0	338,752
Provisions					
Annual leave		264,915	0	0	264,915
Long service leave		299,128	0	0	299,128
Total Provisions		564,043	0	0	564,043
Total other current assets		791,124	111,671	0	902,795

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee benefits

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021

NOTE 13

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Operating grants, subsidies and contributions revenue			
	Adopted Budget Revenue	YTD Budget	Current Budget	YTD Revenue Actual
	\$	\$	\$	\$
Operating grants and subsidies				
General purpose funding				
GRANTS - General Purpose	210,000	70,000	210,000	65,569
GRANTS - Untied Road Grants	200,000	66,664	200,000	47,226
Law, order, public safety				
REVENUE - ESL Grant	45,000	15,000	45,000	16,231
Recreation & Culture				
REVENUE - Other Recreation & Sport - No GST	1,000	332	1,000	1,000
Community amenities				
REVENUE - Other Grant Funding	130,000	130,000	130,000	130,000
Transport				
REVENUE - Direct Grant	96,908	32,300	96,908	96,908
Economic services				
REVENUE - Other Economic Services	0	0	0	0
Other property and services				
Various Contributions	209,263	30,536	317,190	175,780
	892,171	344,832	1,000,098	532,712

Non operating grants, subsidies and contributions revenue

	Adopted Budget Revenue	Current Budget	YTD Budget	YTD Revenue Actual	YTD Expenditure Actual	YTD Unspent Contract Liability
	\$		\$	\$	\$	\$
Non-operating grants and subsidies						
General purpose funding						
Grants - Federal Government	752,000	752,000	250,664	0	180,000	0
Transport						
Revenue - Grants Regional Road Group	545,590	545,590	181,864	156,136	59,098	(97,038)
Revenue - Grant Wheatbelt Secondary Freig	997,612	997,612	332,536	54,133	39,500	(14,633)
Revenue - Grants R 2 R	234,244	234,244	78,080	0	48,854	0
Revenue - Grants Black Spot	73,599	73,599	24,532	0	6,017	0
Revenue - Grants Pathways	0	0	0	0	0	0
Economic services						
Revenue - Pioneer Pathways	0	0	0	0	0	0
	2,603,045	2,603,045	867,676	210,269	333,469	(111,671)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2021**

**NOTE 16
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2021-22 year is \$10,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Governance	15,269	88.12%	▲	Received Grants Commission payment early
General purpose funding - rates	(183,286)	(8.90%)		The rates include the sewerage rates as well.
General purpose funding - other	(17,681)	(0.78%)		Within material variance
Law, order and public safety	88,788	72.82%	▲ Timing	Timing of receiving the funding from DFES for the ESL program
Health	(25,036)	(11.31%)	▼	Within material variance
Education and welfare	(41)	(20.50%)		Within material variance
Housing	(6,417)	(7.05%)		Within material variance
Community amenities	(387)	(0.08%)		Within material variance
Recreation and culture	(5,044)	(11.96%)		Within material variance
Transport	(3,492)	(3.19%)	Timing	Within material variance
Economic services	32,090	33.81%	▲	Within material variance
Other property and services	17,629	83.31%	▲	Within material variance
Expenditure from operating activities				
Governance	6,125	6.15%		Within material variance
General purpose funding	(2,213)	(6.89%)		Dependent on when the annual report is completed so depreciation can be ran.
Law, order and public safety	42,331	22.76%	▲	Timing of payments for the ESL program
Health	(24,717)	(10.45%)	▼	Dependent on when the annual report is completed so depreciation can be ran.
Education and welfare	(55)	(1.02%)		Within material variance
Housing	75,520	54.85%	▲ Timing	Dependent on when the annual report is completed so depreciation can be ran.
Community amenities	40,895	20.34%	▲ Timing	Dependent on when the annual report is completed so depreciation can be ran.
Recreation and culture	126,703	39.70%	▲ Timing	Dependent on when the annual report is completed so depreciation can be ran.
Transport	21,598	4.47%	Timing	Within material variance
Economic services	31,269	17.88%	▲ Timing	Dependent on when the annual report is completed so depreciation can be ran.
Other property and services	(40,132)	(381.77%)	▼ Timing	Dependent on the timing of fuel and oils being ordered and paid for.
Investing activities				
Proceeds from non-operating grants, subsidies and contributions	(629,525)	(72.00%)	▼	
Proceeds from disposal of assets	(15,253)	(12.71%)	▼	Sale of Bowen street sold didn't know the timing of the sale
Proceeds from financial assets at amortised cost - self supporting loans	0	0.00%		
Payments for financial assets at amortised cost - self supporting loans	0	0.00%		
Payments for property, plant and equipment and infrastructure	641,739	64.35%	▲	Dependent on the timing of the Capital works program
Financing activities				
Proceeds from new debentures	0	0.00%		
Transfer from reserves	0	0.00%		
Payments for principal portion of lease liabilities	2,088	100.00%		Yet to show the year liability
Repayment of debentures	(109,655)	(298.73%)	▼	Yet to show all loan repayments
Transfer to reserves	7,500	99.99%		



9.3 APPLICATION OF COMMON SEAL – CERTIFICATE OF APPRECIATION

File Reference	Not Applicable
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	8 November 2021
Author	Tahnee Bird, Community Development Officer
Authorising Officer	Peter Bentley, Chief Executive Officer
Attachments	Nil

Summary

The purpose of the report is to endorse affixation of the Shire of Goomalling Common Seal to the Certificate of Appreciation for Mr Nathan Beck to validate the certificate.

Background

Mr Nathan Beck achieve an employment milestone of 15 years' service to the Shire of Goomalling. Council acknowledges employment anniversaries for every 5 years of service with a Certificate of Appreciation, given at the annual Christmas celebrations.

The Common Seal is to be affixed to validate the Certificate of Appreciation for Mr Nathan Beck.

Statutory Environment

Local Government Act 1995

Policy Implications

No specific policy regarding this matter.

Financial Implications

Nil

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028

4.1.4

Provide reporting processes in a transparent, accountable and timely manner

Voting Requirements

Simple Majority



OFFICERS' RECOMMENDATION

That the Council:

Endorse affixation of the Shire of Goomalling Common Seal to Certificate of Appreciation for Mr Nathan Beck.

RESOLUTION 426

Moved Cr Chester, seconded Cr Van Gelderen that Council endorse Officer's recommendation.

***CARRIED 7/0
Simple Majority***



9.4 REVIEW OF POLICIES

File Reference	
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	No Direct
Date	10 November 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	
<ol style="list-style-type: none"> 1. Risk Management Policy 2. Recruitment & Selection Policy 3. Induction Policy 4. Workplace Behaviours Policy 5. Professional Development & Training Policy 6. Fitness for Work (impairment, drugs and alcohol) Policy 7. Work Health & Safety Policy 	

Summary

Council to review the attached policies.

Background

Council has many policies, some require regular review and others less frequent review. The attached policies are related to the higher risk areas of workplace health and safety, risk and general HR policy. These are particularly important and set certain standards for behaviours for both staff and management.

Consultation

Nil other.

Statutory Environment

Local Government Act 1995
Work Health & Safety Act 2020

Policy Implications

This item is a review of policy

Financial Implications

There are no direct financial impacts resulting from this item.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
4.2.4	Recruit and retain suitably qualified, experienced and skilled staff and Elected Members
4.2.5	Provide flexible and attractive work conditions in a supportive work environment



Comment/Conclusion

Council should note that there will be a new *Work Health & Safety Act 2020* in place early in the new year and that these policies will likely come back for review following the release of regulations associated with the change.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

1. Review the attached policy documents and recommend any changes as appropriate;
2. Endorse the attached policies subject to any proposed changes.

RESOLUTION 427

Moved Cr Van Gelderen, seconded Cr Barratt that Council endorse the attached policies:

1. ***Risk Management Policy***
2. ***Recruitment & Selection Policy***
3. ***Induction Policy***
4. ***Workplace Behaviours Policy***
5. ***Professional Development & Training Policy***
6. ***Fitness for Work (impairment, drugs and alcohol) Policy***
7. ***Work Health & Safety Policy***

CARRIED 7/0
Simple Majority



1.16 RISK MANAGEMENT POLICY

Distribution	Elected Members, All employees, contractors and volunteers
Responsible Officer	Chief Executive Officer
Date adopted	17 November 2021
File Reference	N/A

Purpose

To set effective risk management practices across Council within a framework that can be clearly comprehended and applied by all participants in Council activity. The policy aims to mitigate adverse effect of risk associated with operation and to capitalise on any identified positive opportunities.

Objective

Establish a systematic method of developing context; identifying, analysing, evaluating, treating, monitoring and reviewing risk associated with Council's function and process to mitigate potential loss and maximise opportunities for the Shire of Goomalling.

- Council and management have a clear understanding of risks and strive for best practice (ISO 31000-Risk Management);
- Optimise the achievement of the Shire vision, mission, strategies, goals and objectives;
- Provide transparent and formal oversight of risk and control environment to enable effective decision making and planning for risk;
- Promote a positive risk culture;
- Enhance risk versus return without risk appetite;
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations;
- Ensure the ongoing health and safety of Council constituents;
- Enhance organisational resilience; and
- Identify and provide for the continuity of critical operations.

Scope

Elected members, all staff, contractors, committees and volunteers

Risk Appetite

The Council quantified its risk appetite through the development and endorsement of the Shire of Goomalling's Risk Assessment and Acceptance Criteria. The criteria are included within the risk management procedures and are subject to ongoing review in conjunction with this policy.

Standard

Risk Management will form part of the strategic, operational, project and line management responsibilities and where practicable, be incorporated within the Shire of Goomalling's Integrated Planning Framework.

- The Shire of Goomalling Management team will determine and communicate the Risk Management Policy, objectives and procedures, as well as direct and monitor implementation, practice and performance;
- Every employee, contractor and volunteer within the Shire of Goomalling is recognised as having a role in risk management, from the identification of risk, to implementing risk treatments and shall be encourage to participate in the process;
- Consultants may be retained at times to advise and assist in the risk management process or management of specific risk or categories of risk;
- All organisational risk to be reported at a corporate level are to be assessed according to the Shire of Goomalling's Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as project or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment;
- Shire of Goomalling will implement and integrate a monitor and review process to report on achievement of risk management objectives, the management of individuals risks and ongoing identification of issues and trends;
- Disability must not automatically be deemed to present a risk issue;
 - Where concern of risk occurs due to disability these concern must be investigated with the employee involved. The employee, at the commencement or during this process may request that an advocate be involved to assist them in responding to concerns; and
 - In the event of an identified risk, reasonable adjustment shall be considered and if required ongoing management shall be applied.
- This policy will be kept under review by the Shire's Management Team and its employees. It will be formally reviewed biennially.

Risk assessment is application across the organisation in the following (but not limited to) broad categories:

- Misconduct
- Inadequate environmental management
- Inadequate cultural awareness
- Business and community disruption
- External theft and fraud

- Errors omission and delays
- Failure of IT and or communication systems and infrastructure
- Failure to fulfil statutory, regulatory or compliance requirements
- Inadequate document management process
- Inadequate engagement practices
- Inadequate asset sustainability practices
- Inadequate safety and security practices
- Ineffective employment practices
- Inadequate project management
- Inadequate supplier/contract management
- Ineffective management of facilities, venues and events

The level of risk associated with, and acceptable to each business are of the Council is identified in the Risk Management Procedure.

Measures of Consequence

RATING	PEOPLE	INTERRUPTION TO SERVICE	REPUTATION (Social / Community)	COMPLIANCE	PROPERTY (Plant, Equipment & Bldgs)	NATURAL ENVIRONMENT	FINACIAL IMPACT
Insignificant (1)	Near Miss	No Material Service Interruption Less than 1 hour	Unsubstantiated, Localised low impact on Community, low profile or no media item	No noticeable regulatory or statutory impact	Inconsequential Damage	Contained, reversable impact managed by onsite response	Less Than \$2,000
Minor (2)	First Aid Treatment	Short Term interruption Backlog Cleared < 1 day	Substantiated, localised impact on community trust or moderate media profile	Some temporary non compliances	Localised Damage rectified by routine internal procedures	Contained reversible impact managed by internal response	\$2,001 - \$10,000
Moderate (3)	Medical Treatment/Lost time injury <30days	Medium Term Temporary - Backlog Cleared by additional resources < 1 week	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Short term non-compliance but with significant regulatory requirements imposed	Localised Damage requiring external resources to rectify	Contained reversible impact managed by external agency response	\$20,000 - \$100,000
Major (4)	Lost Timer Injury >30 Days/Temporary Disability	Prolonged Interruption of Service - additional resources; performance affected < 1 month	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Non-compliance results in termination of services or imposed penalties to Shire or Officers	Significant damage requiring internal & external resources to rectify	Uncontained reversible impact managed by a coordinated response from external agencies	\$100,000 to \$500,000
Extreme (5)	Fatality, Permanent Disability	Indeterminate Interruption of Service - additional resources; non-performance > 1 month	Substantiated, widespread public embarrassment, widespread high impact on community trust, widespread multiple media profile, third party actions	Non-compliance results in Litigation, criminal charges, or significant damages or penalties to Shire or Officers	Extensive Damage requiring prolonged period of restitution. Complete loss of plant, equipment & or building	Uncontained irreversible impact	More than \$500,000

Measures of Consequence (Project)

RATING	RATING	Project TIME	Project COST	Project SCOPE / QUALITY
1	Insignificant (1)	Exceeds deadline by > 5% of project timeline	Exceeds Project Budget by 2% or more	Minor variations to project scope or quality
2	Minor (2)	Exceeds deadline by > 10% of project timeline	Exceeds Project Budget by 5% or more	Scope creep requiring additional work, time and resources. Reduced perception of Quality by stakeholders
3	Moderate (3)	Exceeds deadline by > 15% of project timeline	Exceeds Project Budget by 7.5% or more	Scope creep requiring additional work, time and resources or shortcuts being taken. Stakeholder Concerns
4	Major (4)	Exceeds deadline by > 20% of project timeline	Exceeds Project Budget by 15% or more	Project Goals, deliverables, costs and/or deadline failures. Project no longer aligned with project scope Stakeholder intervention in Project
5	Extreme (5)	Exceeds deadline by > 25% of project timeline	Exceeds Project Budget by 20% or more	Failure to meet project objectives Project outcomes negatively affecting the community or the environment Public embarrassment, third party actions

MEASURES OF LIKELIHOOD

RATING	RATING	Project TIME	Project COST
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur sometime	At least once in three years
2	Unlikely	The event could occur some time	At least once in ten years
1	Rare	The event may occur in exceptional circumstances	Less than once in 15 Years

Risk Matrix

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

Risk Acceptance

Risk Rank	Description	Criteria	Responsibility
LOW (1 - 4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Supervisor/Manager
MEDIUM (5 - 9)	Monitor	Risk Acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Manager
HIGH (10 - 16)	Urgent Attention Required	Risk Acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Senior Staff / Executive Management Team
EXTREME (17 - 25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by the highest level of authority and subject to continuous monitoring	CEO/Council

Definitions

Risk	AS/NZ ISO 31000 defines risk as “the effect of uncertainties on objectives”. A risk is the potential consequence from a specific event or circumstance. An effect is a deviation from the expected – positive or negative. Objectives can have different aspect (such as health and safety, financial or environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).
Risk Management	Coordinated activities to direct and control an organisation with regard to risk.
Risk Management Process	Systematic application of management policies, procedures and practices during consultation to establish context; identify, analyse, evaluate, treat, monitor and review potential risks.

Roles & Responsibilities

Elected members

- Have a strong understanding of effective risk management;
- Support effective risk management process throughout the organisation; and
- Be suitably informed in risk management for audit and risk management review annually.

Chief Executive Officer

- Ensure Council’s Risk Management Plan is implemented;
- Ensure management team are adequately training is risk assessment; and
- Ensure employees are aware of their role in risk management.

Executive Management

- Encourage all employees, contractors and volunteers to participate in managing risk within their own area;
- Promote morality, accountability and reporting of risk including escalation or changes to identified risks;
- Scrutinise programs and projects for potential risks;
- Evaluate risk associated will all department functions;
- Determine risk treatments;
- Effectively communicate risk awareness and information across the organisation; and;
- Meet regularly to review strategic risks.

All employees/contractors and volunteers

- Be aware of risk and ensure they participate in risk mitigation within the workplace;
- Report risk and the escalation of identified risks immediately; and
- Actively participate in reducing risk in the workplace.

Legislation

[Local Government Act 1995](#)

[Work Safety & Health Act 2020](#)

AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines

Document Links

Strategic Community Plan

Objective 4 – Civil leadership

Corporate Business Plan

Workforce Plan

Asset Management Plan

Risk Management Plan

Age Friendly Community Plan

Goomalling Bike Plan 2020

Our Youth, Our Future Youth Friendly Community Plan

Procedures Manual

Risk Management – Risk Assessment and Acceptance Criteria

Risk Profile Reporting Tool

Local Law

Nil

Delegation

Review History

Version	Review date	Minute no.	Notes
1	September 2015	1 092015.SM	
1.1	March 2017	8.14 032017.OM	
1.2	21 October 2020	269. OM_211020	Formerly 4.35 Risk Management
2	17 November 2021	9.4 OM_171121	Annual Review- Resolution 427



3.1 RECRUITMENT & SELECTION POLICY

Distribution	Elected members, All Employees, volunteers
Responsible Officer	Chief Executive Officer
Date adopted	17 November 2021
File Reference	N/A

Purpose

To ensure the most appropriate and equitable process is used for the recruitment and selection of employees and volunteers for the Shire of Goomalling.

Objective

- To provide clear guidelines on the parameters for recruitment and selection; and
- To assist decision making.

Scope

Elected Members, Chief Executive Officer, Executive Management Team, Employees and Volunteers

Standard

- Equal Employment Opportunity will be considered in all recruitment and selection;
- Positions can be filled internally or externally;
- Appropriate advertising methods are utilised to recruit potential candidates and Council reserves the right to advertise by other means (ie by word of mouth);
- Recruitment can be coordinated in house, or can be coordinated by a recruitment specialist where the position requires it or where a decision to do so has been made by the Council;
- All recruitment / selection panels will consist of at least two interviewers. Should a designated selection panel member be unavailable, a member of the Senior Staff/Executive Management Team will fill that position.
- The Chief Executive Officer will ultimately approve any appointment.

Position Vacant	Selection Panel
Works Crew Employee	Preferably 2 – Works Manager may interview solely or with Leading Hand or other team member
Cleaners/Caretakers	2 – Any of Senior Staff can include Senior Finance Officer or Community Development Officer

Administration Position	2 – Chief Executive Officer and/or Finance Manager, Senior Finance Officer or Community Development Officer
Volunteers	2 – Chief Executive Officer and/or Finance Manager, Senior Finance Officer or Community Development Officer
Senior Manager	Minimum of 2 being CEO and 1 Elected Member but preferably with two elected members
Chief Executive Officer	Minimum of three elected members supported by a recruitment agency if determined by the Council. Preferably the Shire President to be a member of the panel.

Late applications will not be accepted to ensure equity;

- Managers (and in the case of the appointment of a Chief Executive Officer, the Shire President) must ensure that processes are followed and that proof of all required qualifications are provided and that medicals and other relevant assessments (eg National Police Clearance, Working with Children, reference checks etc) are undertaken prior to appointment for all employees;
- A shortlist should be created and selection criteria measured and recorded; and
- All associated recruitment paperwork is to be made a record.

Roles & Responsibilities

Elected Members

- Employ Chief Executive Officer having regard for the conditions of this policy.

Chief Executive Officer

- Ensure that this policy is adhered to.

Executive Management

- Ensure that this policy and associated procedures are followed for all recruitment and selection.

Legislation

[Equal Opportunities Act 1984](#)

Document Links

Nil

Delegation

Nil

Review History

Version	Review date	Minute no.	Notes
1	September 2015	1 092015.SM	

2	21 October 2020	269. OM_211020	Formerly 1.12 Staff Selection – Senior Employees and 4.44 Recruitment and Selection
3	17 November 2021	9.4 OM_171121	Annual Review - Resolution 427



POLICY MANUAL

WORKFORCE

3.2 INDUCTION POLICY

Distribution	Elected members, All Employees, Contractors, Visitors, Volunteers
Responsible Officer	Chief Executive Officer
Date adopted	17 November 2021
File Reference	N/A

Purpose

To guide the induction of new employees, contractors, volunteers and visitors to the Shire of Goomalling.

Objective

To ensure all new employees, contractors, volunteers and visitors of the Shire of Goomalling are inducted appropriately.

Scope

Elected members, Chief Executive Officer, Managers, all Employees, contractors and visitors.

Standard

- All new employees, contractors, volunteers and visitors will be fully inducted into the Shire of Goomalling which includes;
 - General induction;
 - An induction to all relevant work areas of the Shire;
- An employee, contractor, volunteer and visitor cannot commence his/her duties until the induction has been completed; and
- All employees, contractors, volunteers and visitors will be required to sign and adhere to the Code of Conduct upon commencement of their duties.

Note: *Inductions also apply to Contractors, Visitors and Volunteers and will be carried out by the appropriate manager or supervisor if appropriate.*

Roles & Responsibilities

Shire President

- Ensure that a new Chief Executive Officer is inducted as per this policy.

Chief Executive Officer

- Ensure that all employee inductions are in accordance with this policy.

Executive Management

- Ensure that all new employees, contractors, volunteers and visitors are inducted; and
- Ensure that all records procedures are followed.

Employees/Contractors/Visitors/Volunteers

- Fully participate in the induction process.

Legislation

[Equal Opportunities Act 1984](#)

[Work Health and Safety Act 2020](#)

Document Links

Employment Procedure Induction forms and checklists

Policy 0.2 Code of Conduct – Employees & Contractors

Local Law

Nil

Delegation

Nil

Review History

Version	Review date	Minute no.	Notes
1	September 2015	1 092015.SM	
2	21 October 2020	269 OM_211020	Formerly 4.45 Employee Induction
3	17 November 2021	9.4 OM_171121	Removed Employee from title to read "Induction Policy" Updated Work Health and Safety legislation detail - Resolution 427



POLICY MANUAL

WORKFORCE

3.3 WORKPLACE BEHAVIOURS POLICY

Distribution	Elected members, All Employees, Contractors, Visitors & Volunteers
Responsible Officer	Chief Executive Officer
Date adopted	17 November 2021
File Reference	N/A

Purpose

To educate all employees, contractors, volunteers, visitors and Elected Members on what constitutes unacceptable behaviour in relation to workplace discrimination, bullying and harassment and the procedures that will be followed in order to rectify such incidents.

The Shire of Goomalling does not tolerate any form of workplace discrimination, bullying or harassment and is committed to its duty to foster a safe workplace for all employees, volunteers, contractors and visitors.

Objective

The objectives of this policy are to:

- Create an Equal Employment Opportunity and safe environment for all employees, contractors, volunteers, visitors and Elected Members, free of discrimination, harassment and bullying and where all people are treated with dignity, courtesy and respect;
- Create and increase awareness amongst employees, contractors, volunteers, visitors and Elected Members of their rights and obligations in relation to discrimination, harassment and bullying;
- Encourage employees, contractors, volunteers, visitors and Elected Members who are victims of, or witnesses to workplace discrimination, harassment or bullying to report all incidents, no matter how minor or severe;
- Provide effective and efficient informal and formal complaint processes based on the 'Procedural Fairness' and 'Natural Justice' principles;
- Treat all complaints in a sensitive, fair, timely and confidential (where possible) manner;
- Reduce the Shire's direct and indirect risk associated with workplace discrimination, bullying or harassment. For example:
 - Losing valued and talented employees;
 - Reduced productivity and morale;
 - Stress related worker's compensation claims lodged and
 - Reputational damage through media exposure and/or potential litigation
- Explain costs associated with counselling, mediation, compensation claims and possible legal action; and

- Identify behaviour occurring that contravenes the Shire of Goomalling Values, Code of Conduct and legal responsibilities, and negatively impacts the Organisation's reputation.

Scope

Elected Members, Employees, Volunteers, Contractors, Visitors and Work Experience Students.

Standard

Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. It is considered highly likely that a decision-maker who follows a fair procedure will reach a fair and correct decision.

What is equal employment opportunity?

Equal opportunity in employment means that employees are judged on their ability to do the job based on merit rather than assumptions about them based on different characteristics.

What is discrimination?

Discrimination occurs when a person is treated less favourably than another person because of certain attributes. Under Federal and State laws, it is against the law to discriminate against people or to harass them, in various areas of public life because of their:

- Race, including colour, ethno-religious background or nationality under the *Racial Discrimination Act 1975*;
- Sex, pregnancy, transgender or marital status under the *Sex Discrimination Act 1984*;
- Disability under the *Disability Discrimination Act 1992*;
- Carers' responsibilities under *WA Equal Opportunity Act 1984*;
- Sexual Orientation under *WA Equal Opportunity Act 1984*; or
- Age under the *Age Discrimination Act 2004*.

Direct discrimination is where someone is treated less favourably because of their sex, age, race, disability, pregnancy or any of the other grounds covered by anti-discrimination legislation.

Indirect discrimination occurs when a requirement (or rule) that is the same for everyone has an effect or result that is, or is likely to, disadvantage employees because of their sex, race, disability etc.

What is harassment?

Harassment is defined as behaviour that is directed at an individual or group of employees, contractors, volunteers, visitors that, because of its severity and/or persistence, is likely to create a hostile or intimidating environment and detrimentally affect an individual's participation in employment. Harassment is determined by reference to the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances

where a reasonable person would have found the behaviour to be offensive, humiliating or intimidating.

What constitutes general harassment?

- Abusing a person loudly, usually when others are present;
- Repeated threats of dismissal or other severe punishment for no reason;
- Constant ridicule or being put down;
- Leaving offensive messages on email or the telephone;
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages or getting a person into trouble in other ways;
- Maliciously excluding or isolating a person from workplace activities;
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of management or other workers; and
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

What is not workplace discrimination or harassment?

It is important for all employees to understand that workplace discrimination or harassment does not include the Senior Staff/Executive Management Team and designated Supervisors legitimately exercising their right to direct and control the manner in which work is done, monitoring employees' performance and dealing with underperformance in an appropriate and constructive manner, as per the Organisation's procedures.

What is sexual harassment?

Sexual harassment is any behaviour of a sexual nature, which is unwanted, unwelcome or uninvited which makes a person feel humiliated, intimidated or offended.

It may involve a single incident or a series of incidents. The Commonwealth (Federal) *Sex Discrimination Act 1984* and the W.A. (State) *Equal Opportunity Act 1984* declare sexual harassment to be unlawful.

What behaviour(s) may constitute sexual harassment?

Sexual Harassment can take many forms, from relatively mild sexual banter to actual physical violence. Examples of behaviour that may be classed as Sexual Harassment include unwanted:

- Physical contact - e.g. touching; patting; pinching; kissing/embracing someone or sexual assault.
- Verbal comments - e.g. innuendo; smutty jokes; suggestive comments about someone's appearance or body; persistently inviting someone out; questions about a person's private life; requests for sexual favours.
- Nonverbal actions - e.g. leers; stares; displays of sexually explicit material; offensive body and hand movements; suggestive letters and drawings, including email; indecent exposure, stalking, taking unwanted photographs.

What is not workplace Sexual Harassment?

Sexual Harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome and reciprocated it is not Sexual Harassment.

It is also important for all Employees to understand that Workplace Sexual Harassment does not include the Organisation legitimately exercising its right to direct and control the manner in which work is done, monitoring Employees' performance and dealing with underperformance in an appropriate and constructive manner, as per the Organisation's procedures.

Sexual harassment and criminal conduct

Although the Commonwealth (Federal) *Sex Discrimination Act 1984* declares sexual harassment to be unlawful (deemed a civil offence), some types of sexual harassment may also be offences under criminal law.

If the Organisation suspects a criminal incident has occurred, the Organisation shall encourage the complainant to report the matter to the police as soon as possible, and will be provided with any necessary support and assistance.

What is workplace bullying?

Workplace bullying can be defined as repeated, unreasonable or inappropriate behaviour directed towards a worker, or a group of workers, that creates a risk to health and safety (Code of Practice: Violence, Aggression and Bullying at Work (2006)).

Behaviour is considered inappropriate if a worker or workers are harmed, intimidated, threatened, victimised, undermined, offended, degraded or humiliated.

While some workplace bullying may involve verbal abuse and physical violence, bullying can also be subtle intimidation with inappropriate comments about personal appearance, constant criticisms, isolation of workers from others and unrealistic, embarrassing or degrading work demands. Workplace bullying can also be carried out via letters, email and telephone text messages.

What is victimisation?

Victimisation includes threatening, harassing or punishing a person in any way because they have objected to, or made a bullying claim about the manner in which they have been treated.

Workplace victimisation can be either overt or covert behaviour.

Overt behaviour includes:

- Loud or abusive language;

- Yelling or screaming;
- Unexplained rages;
- Unjustified criticism or insults, particularly in front of others;
- Humiliating or demeaning conduct; or
- Unjustified threats of dismissal or other disciplinary action.

Covert behaviour includes:

- Sabotage by withholding information;
- Hiding documents or equipment;
- Constantly changing targets/work policies;
- Overloading an employee with work and impossible deadlines, causing physical and/or mental exhaustion;
- Withholding training or resources which is typically offered to other employees;
- Isolating or ignoring an employee on a constant basis; or
- Practical joking.

What is not workplace bullying or victimisation

It is also important to understand what isn't bullying and to provide managers with guidance on what actions they are legally allowed to conduct. This section therefore clarifies what isn't bullying.

An isolated incident of inappropriate or unreasonable behaviour may be an affront to dignity at work but as a one-off incident it is not considered to be bullying. However, since the organisation has a general duty to provide employees with a safe workplace and systems of work, single incidents of this type should not be ignored.

It is important to differentiate between a person's legitimate authority at work and bullying. The organisation has the legal right to direct and control how work is done, and managers have a responsibility to monitor workflow and give feedback on performance.

If an employee has obvious performance problems, these should be identified and dealt with in a constructive way that does not involve personal insults or derogatory remarks. In situations where an employee is dissatisfied with management practices, the problem should also be raised in a manner that does not involve personal abuse.

Definitions

Discrimination, harassment or bullying of anyone is deemed unlawful under both State (WA) and Federal (Commonwealth) legislation. Disciplinary action will be taken against any employee who discriminates, harasses or bullies a fellow colleague. Sexual harassment can also be deemed a criminal offence under criminal law leading to prosecution.

All Individuals: Employees, volunteers, contractors and work experience students.

Assessor: The person who officially investigates the claim.

Claimant:	The person who is lodging the claim.
Respondent:	The person who is allegedly discriminating, harassing and/or bullying.
Grievance Officers:	Any member of the Senior Staff/Executive Management Team.

Roles & Responsibilities

Elected Members

- To provide model leadership in this area and display appropriate standards of conduct.

Chief Executive Officer/Executive Management/Senior Staff

- To provide model leadership in this area and display appropriate standards of conduct;
- To provide employees with a safe and confidential reporting structure; and
- To take all claims seriously and investigate with integrity and fairness.

Supervisors

All line supervisors are required to:

- Model appropriate behaviour and monitor to ensure acceptable standards of conduct are observed at all times;
- Ensure that all employees, volunteers and contractors where applicable are working in a safe environment, free from workplace bullying and victimisation. This includes actively promoting this policy within their Team;
- Provide the resources and support to employees when incidents of workplace bullying and victimisation occur;
- Address workplace bullying and victimisation incidents immediately if they are evident within their Team;
- Refer any claims to another officer or external 3rd party if they feel they are not the best person to handle the claim (e.g. there is a conflict of interest or the claim is too complex or serious); and
- Ensure their employees are aware of their responsibilities and are trained in the Organisation workplace discrimination, harassment, bullying and victimisation procedures. This information will be made readily available to all employees of the Shire of Goomalling, in hard copy at the Shire Depot and Administration office.

Employees

All employees are required to:

- Adhere to and uphold this Policy and the Shire of Goomalling Code of Conduct;
- Advise their line supervisor of incidents as soon as possible. This also includes reporting incidents that may have been witnessed; and
- Maintain confidentiality if they are involved in any form of the investigation of a claim (e.g. either as a respondent, witness or claimant).

Legislation

[Equal Opportunities Act 1984](#) and associated Regulations

[Work Health and Safety Act 2020](#) and associated Regulations

[Industrial Relations Act 1979](#) and associated Regulations

[Corruption Crime and Misconduct Act 2003](#) and associated Regulations

[Code of Practice: Violence, Aggression and Bullying at Work \(2006\)](#)

[Workers' Compensation & Injury Management Act 1981](#) and associated Regulations
[Public Interest Disclosure Act 2003](#) and associated Regulations

Federal

[Sex Discrimination Act 1984](#) and associated Regulations

[Racial Discrimination Act 1975](#) and associated Regulations

Document Links

Nil

Delegation

Nil

Review History

Version	Review date	Minute no.	Notes
1	September 2015	1 092015.SM	
2	21 October 2020	269 OM_211020	Formerly 2.1 OHS Bullying in the Workplace and 4.42 Workplace Behaviour
3	17 November 2021	9.4 OM_171121	Annual Review - Resolution 427



POLICY MANUAL

WORKFORCE

3.4 PROFESSIONAL DEVELOPMENT & TRAINING

Distribution	Elected members, All Employees, Contractors, Visitors, Volunteers
Responsible Officer	Chief Executive Officer
Date adopted	17 November 2021
File Reference	N/A

Purpose

To ensure the ongoing professional development of employees at the Shire of Goomalling and to ensure that employees, contractors and volunteers have the necessary training and qualifications to undertake the tasks they perform.

Objective

The Shire of Goomalling is committed to the provision of training and professional development to ensure that its employees, contractors and volunteers have adequate skills to perform their roles, to maximise efficiency throughout the organisation, to ensure that the highest levels of safety are attained with well trained and competent employees and that employees remain committed and motivated.

- To identify training needs;
- To ensure training and professional development is budgeted for each year;
- To encourage employees to seek out and attend training or professional development opportunities;
- To ensure that such training or professional development enhances the development of the employee;
- To ensure such training or professional development is relevant to the duties of the employee and will benefit the organisation;
- To encourage the identification of professional development opportunities at Annual Reviews; and
- Ensure that all employees, contractors and volunteers are consulted with and provided with the appropriate training for both employee, contractor, volunteer and organisational development.

Scope

All permanent employees, contractors and volunteers

Standard

- Managers will assess the training needs of the organisation at employee annual reviews. They will consult with employees to identify any skills gaps and will undertake or arrange training where there is an identified need;

- All contractors and volunteers are adequately training to fulfil their roles,
- Consider training needs when constructing the annual budget, with regard to skills required for new projects;
- Maintain a training record, including training needs and training register;
- Ensure that an evaluation is completed after each training or professional development is undertaken and that those records are placed on the personnel file after review by the relevant Manager;
- Evaluations of the employees' performance after the training to ensure that adequate skill development has occurred;
- Expenses incurred whilst attending professional development that are deemed reasonable by the Chief Executive Officer will be reimbursed;
- Reasonable expenses may include:
 - Registration fees
 - Accommodation
 - Meals
 - Travel
 - Parking
 - No reimbursement is made for hotel mini bar, in house movies, alcohol, entertainment or other personal expenses; and
 - Employees will provide their relevant Senior Manager with feedback on the value and outcomes of attending the professional development/training.

Definitions

Professional development Any activity that contributes to the relevant professional development of an employee and may include training, conferences, seminars, workshops.

Training Specific activities related to the improvement in skills for an employee relevant to their position

Roles & Responsibilities

Elected Members

- Authorise any professional development required by the Chief Executive Officer.

Chief Executive Officer

- Authorise professional development for Senior Employees;
- Ensure that there is adequate budget provision; and
Ensure that the professional development chosen benefits the employee and the organisation

Executive Management

- Authorise professional development for employees;
- Ensure that there is adequate budget provision;
- Arrange for a shire vehicle to be available for travel to and from training where possible; and

- Ensure that the professional development chosen benefits the employee and the organisation.

Employees

- Undertake training with interest and integrity; and
- Provide feedback.

Legislation

[Local Government Act 1995](#) (s5.41 and S5.42)

Document Links

Strategic Community Plan 2018

Objective 4: Civic Leadership

Procedures Manual

Employment Procedure Induction forms and checklists

Code of Conduct – Employees and Contractors

Local Law

Nil

Delegation

Nil

Review History

Version	Review date	Minute no.	Notes
1	September 2015	1 092015.SM	
2	21 October 2020	269 OM_211020	
3	17 November 2021	9.4 OM_171121	Annual Review - Resolution 427



POLICY MANUAL

WORKFORCE

3.5 FITNESS FOR WORK (IMPAIRMENT, DRUGS & ALCHOL) POLICY

Distribution	Elected members, All Employees, Contractors, Visitors, Volunteers
Responsible Officer	Chief Executive Officer
Date adopted	17 November 2021
File Reference	N/A

Purpose

The Shire of Goomalling is committed to providing a safe, healthy and productive workplace for all. An employee, contractor and/or volunteer's fitness for work may be adversely affected by the effects of fatigue, stress, injury/illness, alcohol or drugs. These factors may cause impairment or deficiencies in the employee, contractor and/or volunteer's work performance and can be a contributing factor in workplace accidents or incidents.

The Shire of Goomalling will not tolerate attending work under the influence or in possession of alcohol or drugs and will take action where this occurs.

Objective

This policy aims to:

- Provide a safe work environment and a safe system of work for employees, contractors, volunteers and visitors.
- Minimise the risk of injury to employees, contractors, volunteers or visitors in the workplace.
- Minimise the risk of damage to the employer's property or that of its customers.
- Minimise risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by consumption of drugs or alcohol.
- Provide a framework for dealing with the issue of fitness for work.

Scope

This policy applies to

- a) All employees, directors, contractors, volunteers performing work at the Shire of Goomalling workplaces or where work is performed (eg a customer's premises).
- b) All visitors to the Shire of Goomalling workplaces
- c) All Shire of Goomalling workplace sponsored functions.

Standard

All employees, contractors and volunteers engaged by the Shire of Goomalling are required to be “fit for work” at all times. Any employee, contractor or volunteer who the Shire of Goomalling reasonably considers is unfit for work will not be permitted to commence or continue work and will be required to leave the premises.

The Shire of Goomalling will take reasonable steps to ensure employees, contractors and volunteers are in a fit state to work safely and to minimise risks to both themselves and others in the workplace

This policy is part of a broader Health and Wellbeing Program provided by the Shire to its employees.

The situations in which the Shire of Goomalling may reasonably consider that an employee, contractor or volunteer is unfit for work include, but are not limited to:

1. Exhibiting a physical, mental or emotional state that potentially compromises a safe work environment.
2. Presenting for work with a level of alcohol and/or drugs (prescription or otherwise) in their system which is in excess of the cut off prescribed in this policy or in excess of that allowed by law.
 - a. Employees, contractors and volunteers need to have a Blood Alcohol Concentration (BAC) level of 0.00 whilst in the workplace.
 - b. Employees, contractors and volunteers are prohibited from having any other illegal drugs detected in their system; eg Cannabis, methamphetamines (“speed” or “Ice”) or MDMA (“Ecstasy”) or any other illicit drug.
 - c. Employees, contractors and volunteer are prohibited from attending the workplace whilst taking prescription drugs at excessive levels or where adversely affected by prescription drugs.

Definitions

Alcohol	Alcohol means ethyl alcohol or ethanol.
Drug	Any substance that may result in psychological or behavioural changes that cause impaired work performance. In this context, the term ‘substance’ includes, but is not limited to, alcohol, intoxicating products, Prescription Drugs, Non-Prescription Drugs, legal and illegal/illicit Drugs, whether naturally occurring or synthetic.
Duty of Care	a responsibility owed to another person because of a relationship between the two people.
Fit for work	refers to an individual’s functional capacity (physically, mentally and behaviourally) to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others.
Illicit or illegal Drugs	Illegal / Illicit Drugs includes all drugs identified as such by AS/NZS 4308 or drugs which have been synthetically designed to be outside the

	detection limits of AS/NZS 4308 and are not considered Prescription Drugs or Non-Prescription Drugs.
Impairment	The alteration of an individual's normal physical and/or mental function which results in diminished ability to safely undertake tasks at the normal level of concentration and performance.
Prescription Drugs	Prescription Drugs includes medications and other substances, both naturally occurring and synthetic, that cannot be legally purchased without a prescription from a registered medical practitioner.
Non-prescription Drugs Or Over the Counter(OTC)	Non Prescription Drugs include medications and other substances, both naturally occurring and synthetic, as sold legally over the counter, by a registered medical practitioner (ie pharmacist) without a physician's prescription.

Roles & Responsibilities

- The Shire of Goomalling has a duty of care to provide a safe workplace to its employees, as per safety and health legislation and common law.
- The employer/direct manager is responsible for making the decision as to whether an employee is fit for work and removing any impaired employee from possible harm.
- The employer and direct manager are responsible for ensuring the privacy of any drug/alcohol suspected incidents.
- All employees, contractors and volunteers have a corresponding duty of care to take reasonable care so as not to expose themselves or their fellow employees to unnecessary risks. This duty extends to notifying their immediate supervisor if they reasonably suspect that another employee, contractor or volunteer may be a risk because they are unfit to work.
- The employee, contractor and volunteer is responsible for advising of any drug use, adhering to this policy and following directions with regard to drug/alcohol testing procedures as outlined.

Legislation

[Work Health and Safety Act 2020](#) and associated regulations

Australian Standards

AS4760; Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

AS/NZS 4308; Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine

Document Links

Strategic Community Plan 2018

Objective 4: Civic Leadership

Procedures Manual

Fitness for Work (Drug, Alcohol & Impairment) Procedure

Local Law

Nil

Delegation

Nil

Review History

Version	Review date	Minute no.	Notes
1	September 2015	1 092015.SM	
2			Formerly 4.38 Alcohol & Other Drugs
2.1	21 October 2020	269. OM211020	Formerly 2.4 Goomalling Fitness for Work (Drugs, Alcohol & Impairment) Policy 2019 Rev 1
3	17 November 2021	9.4 OM171121	Annual Review - Resolution 427



POLICY MANUAL

WORK HEALTH & SAFETY

10.0 WORK HEALTH & SAFETY POLICY

Distribution	Elected members, All Employees, volunteers and contractors
Responsible Officer	Chief Executive Officer
Date adopted	17 November 2021
File Reference	14.02

Purpose

To ensure all elected members, employees, volunteers and contractors understand the organisations objectives in regards to work health and safety (WHS) matters and their role in achieving a safe working environment.

Objective

We at the Shire of Goomalling believe that the safety, health and well-being of people employed by us, or people affected by our work, is a priority and must be considered during all work performed by us or on our behalf.

The objectives of this policy are to, as far as reasonably practicable:

- achieve a safe and incident free workplace;
- provide adequate training, instruction and supervision to enable employees to perform their work safely and effectively;
- involve employees, volunteers and subcontractors in the decision-making process through regular communication and consultation;
- ensure employees, volunteers and subcontractors identify and control risk in the workplace;
- consider WHS in project planning and work activities.

Scope

Elected members, all employees, volunteers and contractors

Standard

Work Health and Safety is at the forefront of all business carried out by, or on behalf of Shire of Goomalling, the success of our WHS performance demands the following minimum requirements:

- the commitment of all persons
- allocation of resources to achieving the policy objectives
- planning work activities with due consideration given to WHS
- undertaking the risk management process in an effective manner
- communicating and consulting with our works and contractors

Roles & Responsibilities

Elected Members

- Provide adequate resourcing for WHS management objectives.

Chief Executive Officer

- Responsible for the overall management and implementation of WHS.

Managers

- Responsible for the day to day management and planning of WHS matters and to keep Council and all employees aware of pertinent WHS issues.

OSH Committee

- Principal aim is to discuss local safety and health issues as they arise in order to gain prompt resolution, set goals and objectives, assist management in the achievement of agreed objectives and monitor the performance of the safety and health program.

All Employees/Volunteers and contractors

- Responsible for their own safety and that of those around them;
- Report all hazards, incidents and accidents;
- Encouraged to participate in all WHS discussions and forums available to them;
- All employees, contractors and volunteers are responsible for the safe performance of their duties and to wear all Personal Protective Equipment provided and necessary to undertake any job.

Legislation

[Work Health and Safety Act 2020](#)

Document Links

Nil

Local Law

Nil

Delegation

Nil

Review History

Version	Review date	Minute no.	Notes
1	September 2015	1 092015.SM	
2	21 October 2020	269. OM_211020	
3	17 November 2021	9.4 OM_171121	Annual Review – renamed from Occupation Health and Safety Policy to correspond with new legislation wording - Resolution 427



9.5 ZONING 8 FORREST STREET GOOMALLING

File Reference	
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	Confidential item October 2021
Date	10 November 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	Nil

Summary

Council to agree to re-zone 8 Forrest Street from “Public Purposes” to “Residential”

Background

Council dealt with an item at the September 2021 Ordinary Meeting offering to purchase 8 Forrest Street. The Council provided feedback to the proponent and subsequently they have agreed to purchase the property.

Council has determined the value of the property and although it could sell the lot with the current zoning, it would be appropriate for Council to apply for a change the zoning so that the property is unencumbered for the proponents.

Consultation

Proponents

Statutory Environment

Local Government Act 1995

Planning and Development Act 2005

Policy Implications

Nil

Financial Implications

The sale of the property is unbudgeted and will provide extra revenue for the current financial year. Any decision with regard to revenue will be discussed at the budget review early in the New Year.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
2.3.3	Facilitate and create sustainable business and community partnerships
2.3.4	Promote new commercial and industrial development through appropriate zoning of land and infrastructure
2.3.6	Develop a strategy to attract and retain skilled people in the local area

P R E S I D E N T _____

D A T E _____



2.3.7

Develop additional housing and other forms of accommodation to attract skilled workers to the district

Comment/Conclusion

It is likely that the rezoning process will take several months and so this will give the proponents sufficient time to arrange finance or any other matters prior to purchase.

The Council has already outlined its intention with regard to valuation and method of sale so this item deals only with the rezoning of the property.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

Direct the CEO to make application to rezone 8 Forrest Street from "Public Purposes" to "Residential".

RESOLUTION 428

Moved Cr Van Gelderen, seconded Cr Ashton that Council endorse Officer's recommendation.

***CARRIED 7/0
Simple Majority***



10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

Moved Cr Barratt, seconded Cr Butt that Council now deal with new business.

CARRIED 7/0
Simply Majority

11.1 REVIEW OF RENTAL FEES

File Reference	
Disclosure of Interest	Nil
Applicant	Terri Chattaway
Previous Item Numbers	No Direct
Date	15 November 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	Nil

Summary

Council to review rental charges for Whispers owned by Terri Chattaway.

Background

As part of the 2022 budget process Council decided to keep commercial lease rates at the same pricing as the previous year for the four small businesses that rent commercial premises from it. These charges have not changed over the past three years.

Those weekly rentals are as follows;

Mirabelle – Casey Butt	\$70
Janae Kodel Hair Dresser – Delina Haywood	\$66
Lot 39 – Jodie Schell	\$66
Whispers on the Terrace – Terri Chattaway	\$165

The owner of Whispers, Terri Chattaway has written to the Council seeking a reduction to her rental charges. The rentals for Whispers have not altered since July 2013.

It is my understanding that in about 2013, Ms Chattaway requested that Council extend the premises with a shed and supply extra air conditioning and rental increases were agreed to through that process with the then CEO, Clem Kerp. This was well before the current CEO's commencement with Council and so I am relying on other staff knowledge of the matter. The increase in rents was from \$110.00 per week to \$165.00 per week to account for the extra cost of the additions.

P R E S I D E N T _____

D A T E _____



Ms Chattaway states in her letter that

“Following an inspection several months ago of the ‘Whispers’ premises on Railway Terrace by a number of your staff, we were told verbally that no money would be spent on repairs or renovations as this building was not worth repairing”.

This is not strictly true, I advised her that we currently had no funds to be able to upgrade the premises and that there were significant works required that would necessitate the removal of stock for us to adequately address the many issues with the building. It would be impossible to guarantee the integrity of her stock without its removal.

Ms Chattaway also stated that

“After conversations with other businesses on Railway Terrace, we are disappointed to find that we pay a much higher rent than others in council premises.

If the council does not wish to outlay cash on maintenance of the building, we feel rent should at least be dropped in line with others.”

“As long-standing ratepayers and owners of two businesses in the town, we would like to think that this request would be looked upon favourably.”

The reasons for the increased charges are stated above – the request to add to the building came at a cost and the agreed increases were negotiated with Ms Chattaway. I am unaware of how the original rental was calculated in 2009 when the business first commenced at this location, and I am not aware at the moment as to what the charges were for the other properties at that time.

Paying an extra \$55 per week has resulted in approximately \$22,500 in increased revenue over the course of the past eight years.

Consultation

Nil other.

Statutory Environment

Local Government Act 1995

Policy Implications

This item is a review of policy

Financial Implications

Any changes to rental fees have an impact on Councils revenue.

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	

Comment/Conclusion

The Shire of Goomalling has not increased rental charges for at least three years and has not reviewed its methods of calculating rentals to my knowledge. All rentals are

P R E S I D E N T _____

D A T E _____



probably at below market value and the Council provides these lower fees to ensure that the smaller businesses thrive in the town.

If Council wishes to review the rents charged for Ms Chattaway, this would be an ideal opportunity to review all rentals with a standardised methodology, such as square metres with air conditioning and the like taken into consideration. The CEO can undertake the review, but only the Council has the power to review a fee or charge.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

Determine whether it wishes to review the rental amount charged to Ms Chattaway for Whispers, and whether it wishes to review all commercial tenancies at the same time.

RESOLUTION 429

Moved Cr Chester, seconded Cr Van Gelderen that Council direct the CEO to undertake a review of all commercial rentals.

***CARRIED 6/0
Simple Majority***

Cr Butt declared a financial interest in the above item and therefore did not participate in the voting



11.2 WRITE-OFF DEBTOR ACCOUNT

File Reference	
Disclosure of Interest	Nil
Applicant	Shire of Goomalling
Previous Item Numbers	Nil
Date	15 November 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	Nil

Summary

Reconsider the debt write-off of impounding fees for Lisa Ryder.

Background

In 2019 Council considered an item with regard to writing off impound and sustenance fees for Lisa Ryder. Council resolved to continue to pursue of Ms Ryder for the outstanding amount and it has been well over two years since that time. The debt relates to 2017 and is increasingly unlikely to be paid.

It cannot be sent through fines enforcement and it is unlikely that Ms Ryder will return as a resident anytime soon.

Consultation

Nil

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Council will forgo \$1,085.00 in revenue.

Strategic Implications

Not dealt with specifically within the Strategic Plan

Shire of Goomalling Community Strategic Plan 2019-2028	



Comment/Conclusion

Nil further

Voting Requirements

Absolute Majority

OFFICERS' RECOMMENDATION

That the Council:

Write of the debt of \$1,085 for dog impound fees owed by Lisa Ryder.

RESOLUTION 430

Moved Cr Barratt, seconded Cr Chester that Council endorse Officer's recommendation.

***CARRIED 7/0
Absolute Majority***



11.3 STATE COUNCIL AGENDA

File Reference	
Disclosure of Interest	Nil
Applicant	WALGA
Previous Item Numbers	No Direct
Date	15 November 2021
Author	Peter Bentley – Chief Executive Officer
Authorising Officer	Peter Bentley – Chief Executive Officer
Attachments	1. Matters for Decision (extract State Agenda)

Summary

Council to review responses to the WALGA State Council Agenda.

Background

The attached State Council items will be voted upon at the Zone meeting on Friday. Council must offer a preferred position to the Shire President so he may cast his vote appropriately for the Shire.

Consultation

Nil other.

Statutory Environment

Local Government Act 1995

Policy Implications

This item has no relevant policy position

Financial Implications

These items have no financial impact at this stage

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	

Comment/Conclusion

5.1 RECOMMENDATION That WALGA:

Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which:

1. highlights that FDVL for employees is an important issue for the sector;
2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;

P R E S I D E N T _____

D A T E _____



3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and
4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU)

5.2 RECOMMENDATION That WALGA

request the Minister for Local Government to amend the Local Government Act 1995 to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the Local Government Act 1995.

5.3 RECOMMENDATION That:

1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:

Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.
2. Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.

Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken:

Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.
2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.



5.4 RECOMMENDATION That State Council endorses the replacement of Section 6.7: Building Act and Fees of WALGA's advocacy positions document relating to the Building Act 2011 and Building Regulations 2012 with the following:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the Building Act 2011.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.
 - d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

5.5 RECOMMENDATION That WALGA:

1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters:
 - a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations.
 - b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations.



- c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work.
2. Endorse the attached consultation response summary on the draft Code.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That the Council:

Direct the Shire President to vote in the following manner with regard to the State Council items at the Avon Central Zone Meeting.:

5.1	Support unconditionally
5.2	Support – This will happen in time as the Ministers reforms will require a majority of Audit Committee members to be external and independent members.
5.3	Support
5.4	Support unconditionally
5.5	Support

RESOLUTION 431

Moved Cr Van Gelderen, seconded Cr Barratt that Council endorse Officer's recommendation.

***CARRIED 7/0
Simple Majority***

5. MATTERS FOR DECISION

5.1 Paid Family and Domestic Violence Leave Entitlements

By Davina Hunter, Employee Relations Service Manager

RECOMMENDATION

That WALGA:

Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which:

- 1. highlights that FDVL for employees is an important issue for the sector;**
- 2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;**
- 3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and**
- 4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).**

Attachments

1. Attachment 1 contains the draft submission to the FWC.
2. Attachment 2 contains a summary of the submissions received by the FWC advocating for 10 days' paid FDVL.
3. Attachment 3 contains a summary of the survey questions and results.

Executive summary

- There is currently no legislative or award entitlement to *paid* FDVL in the federal industrial relations system.
- The National Employment Standards (**NES**) in the *Fair Work Act 2009* (Cth) (**FW Act**) provide employees with an entitlement to five days' unpaid FDVL per year.
- The FWC commenced a review of FDVL in April 2021 to determine appropriate FDVL provisions in modern awards, including whether an entitlement to ten days' paid FDVL should be included in modern awards as requested by the ACTU.
- WALGA Employee Relations has surveyed the sector to determine whether WALGA should prepare a submission for the FWC on FDVL and whether Local Governments believe employees should be provided with an entitlement to paid FDVL.
- 50% of the sector responded to the survey and 69% of respondents believe employees should be provided with paid FDVL.
- The majority of respondents take the view that employees should be provided with five days' FDVL per year.
- Many Local Governments already provide employees with paid FDVL either through their enterprise agreement or by policy.

Policy implications

The recommendation aligns with WALGA's Advocacy Position 3.10.1 – Family and Domestic Violence, which states:

WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.

Background to the FDVL Review 2021

- The FWC is currently reviewing the FDVL terms in federal modern awards.
- On 26 March 2018, a decision was made by the FWC as part of the four yearly review of modern awards to include an entitlement to five days' unpaid FDVL in most modern awards. 123 modern

awards were varied, including the Local Government Industry Award 2010 which was varied from 1 August 2018.

- Federal Parliament later introduced an entitlement to five days' unpaid FDVL in the NES in the FW Act so that all national system employees (and not just those covered by modern awards) could have access to this entitlement.
- On 13 December 2018, the *Fair Work Amendment (Family and Domestic Violence Leave) Act 2018* amended the FW Act to provide all employees with a new entitlement to five days' unpaid FDVL as a NES entitlement.
- When the Local Government Industry Award 2020 commenced operation, the model FDVL term was removed and a note was inserted which referred to the NES entitlement to five days' unpaid FDVL.
- During the four yearly review of modern awards, the ACTU made a claim for 10 days' paid FDVL.
- The ACTU claim for 10 days' paid FDVL was rejected by the Commission at that time, but the majority of the Full Bench expressed the preliminary view that all employees should have access to unpaid FDVL and that employees should be able to access personal/carer's leave for the purposes of taking FDVL. The Full Bench issued a decision on 26 March 2018 confirming the preliminary view regarding access to unpaid FDVL.
- In April 2021 the FWC commenced a review of the FDVL term in modern awards, which will impact on the Local Government Industry Award 2020, to consider:
 - whether employees should be able to access paid personal/carer's leave for the purpose of taking FDVL;
 - the adequacy of the unpaid FDVL entitlement, and
 - whether provisions should be made for paid FDVL.
- WALGA has an opportunity to file a submission in the FWC regarding the proposed changes to the modern awards sought by the ACTU, which includes a new entitlement to 10 days' paid FDVL.

FDVL in the state industrial relations (IR) system

The FWC's FDVL Review 2021 will not impact those Local Governments which operate in the state IR system. Currently there is no legislative or award entitlement to paid or unpaid FDVL in the state IR system however, some industrial agreements registered with the WA Industrial Relations Commission may contain an entitlement to FDVL.

The *Industrial Relations Legislation Amendment Bill 2021* which was introduced into WA Parliament on 20 October 2021 contains a new entitlement to five days' unpaid FDVL per year. If this Bill is passed, Local Governments who are state system employers will be required to provide employees with a minimum entitlement to five days' unpaid FDVL per year.

Proposed variation to modern awards

The ACTU, the McAuley Community Services for Women and the Victorian Government have each filed a submission seeking 10 days' paid FDVL for employees. A more comprehensive summary of these submissions are outlined in **Attachment 2**.

WALGA FDVL survey

WALGA Employee Relations developed a survey for the sector on FDVL to inform an appropriate position that WALGA should take in its submission to the FWC. All Local Governments were invited to participate in the survey which was open from 10 September 2021 to 8 October 2021. The survey was promoted through ER Alerts, LG News and a direct email to all CEOs. 69 Local Governments responded to the survey representing 50% of the sector. The survey results indicate:

- 85% of respondents believe that FDVL is an important issue for the Local Government sector
- 69% of respondents believe that paid FDVL should be provided to employees and 70% believe WALGA should advocate for paid FDVL as a sector issue
- 58% of respondents believe employees should be provided with five days' paid FDVL per year
- 28% of respondents believe employees should be provided with ten days' paid FDVL per year, which is the entitlement sought by the ACTU

- 90% of respondents believe employees should be able to access paid personal/carer's leave for the purpose of taking FDVL
- 45% of Local Governments already provide employees with paid FDVL.

A table summarising the full survey questions and results is set out in **Attachment 3**.

Draft submission

WALGA Employee Relations has prepared a submission for the FWC based on the survey responses received. The proposed submission is contained in **Attachment 1**. The submission along with any evidence supporting the submission must be filed with the FWC by 4 February 2022.

**FAIR WORK COMMISSION
FAMILY AND DOMESTIC VIOLENCE LEAVE REVIEW 2021 (AM2021/55)**

Western Australian Local Government Association Submission

Introduction

1. This submission is made on behalf on the Western Australian Local Government Association (**WALGA**).
2. We refer to [Statement \[2021\] FWCFB 2047](#) dated 15 April 2021 and [Statement \[2021\] FWCFB 6028](#) dated 19 October 2021. This submission opposes some of the proposed variations to the modern awards sought by the Australia Council of Trade Unions (**ACTU**) and others.
3. The majority of Local Governments in Western Australia are covered by the Local Government Industry Award 2020 (**LG Award**) and WALGA's submissions regarding FDVL entitlements are made in the context of the current LG Award and any future proposed changes to that award.

Issues considered by the FDVL Review

4. As per Statement [2021] FWCFB 2047, the Fair Work Commission's (**FWC**) Family and Domestic Violence Leave Review 2021 (**FDVL Review**) will be considering the following issues:
 - (a) whether employees should be able to access paid personal/carer's leave for the purpose of taking family and domestic violence leave (**FDVL**);
 - (b) the adequacy of the unpaid FDVL entitlement; and
 - (c) whether provisions should be made for paid FDVL.
5. WALGA has prepared brief submissions to provide a response to each of the issues considered by the FDVL Review and the modern award variations sought by the ACTU.
6. WALGA has sought feedback from all WA Local Governments on the issues covered by the scope of the FDVL Review, including through a short survey administered by WALGA. This engagement and survey were undertaken as FDVL is an important issue for the sector.
7. Approximately half of the Local Government respondents surveyed currently provide employees with five days' paid FDVL per annum for full-time and part-time employees. This is primarily provided as an entitlement pursuant to an enterprise agreement or policy.
8. Although approximately half of the Local Government respondents provide paid FDVL, the utilisation rate for accessing this type of leave is low, with 71% of respondents reporting that in the last 12 months, no employees accessed this entitlement.

FDVL Review – Whether employees should be able to access paid personal/carer's leave for the purpose of taking FDVL

9. An overwhelming majority of Local Governments believe that employees should be able to access paid personal/carer's leave for the purpose of taking FDVL and would be supportive of any proposed changes made to enable this.

FDVL Review – The adequacy of the unpaid FDVL entitlement

10. Approximately half of Local Governments believe that the current National Employment Standards (**NES**) entitlement of five days' unpaid FDVL is inadequate, and a majority of Local Governments believe employees should be provided with a paid FDVL entitlement.

FDVL Review – Whether provisions should be made for paid FDVL

11. The majority of Local Governments believe that full-time and part-time employees should be provided with five days of paid FDVL per annum.
12. A few of the reasons provided by Local Governments in support of the provision of paid FDVL include:
 - (a) the threat of loss of income is not an issue that employees in this situation should have to deal with.
 - (b) income and financial security are necessary to escape a family and domestic violence situation.
 - (c) employers should provide a supportive and compassionate working environment.
 - (d) family and domestic violence is a serious societal issue that Local Governments should be recognising and addressing.
13. There are several reasons why Local Governments do not support the provision of 10 days' paid FDVL. These reasons include the following:
 - (a) Employees already have adequate leave entitlements, including various forms of paid and unpaid leave.
 - (b) The potentially significant budget and cost implications of providing 10 days' paid FDVL to employees.
 - (c) The operational impact of the provision of 10 days' paid FDVL.
 - (d) That Local Governments support employee access to personal/carer's leave and other forms of paid and unpaid leave in circumstances of family and domestic violence.
14. WALGA submits that if the result of the FDVL Review is for employees covered by a modern award to be provided with paid FDVL, that the LG Award should be varied to provide five days of paid FDVL per annum for full-time and part-time employees.

Submissions made in the FDVL Review

15. We refer to the ACTU's submissions to the FDVL Review dated 30 July 2021 to vary modern awards to include 10 days' paid FDVL, among other things. We have addressed each proposed variation to the modern awards sought by the ACTU below.

ACTU Submission – 10 days' paid FDVL

16. WALGA opposes the ACTU's proposed variation to introduce 10 days of paid FDVL.
17. WALGA submits that if the Full Bench decides to introduce an entitlement to paid FDVL into modern awards, that five days of paid FDVL per year is an adequate paid entitlement for employers to provide to full-time and part-time employees.

ACTU Submission – Rate of pay for FDVL for full-time and part-time employees

18. WALGA opposes the ACTU's claim for paid FDVL to be payable at an employee's ordinary hourly rate including applicable shift loadings and penalties.
19. WALGA submits that any paid FDVL entitlement should be payable at the employee's base rate of pay for the employee's ordinary hours of work in the period excluding shift loadings and penalties.
20. This is consistent with how annual leave and personal/carer's leave is payable pursuant to sections 90 and 99 of the *Fair Work Act 2009 (FW Act)*.

ACTU Submission – Rate of pay for FDVL for casual employees

21. WALGA does not support the provision of paid FDVL to casual employees and submits that casual employees should only be entitled to unpaid FDVL.
22. However, in the event the Full Bench decides to introduce a paid FDVL entitlement for casual employees in the LG Award, WALGA submits that the payment should include the employee's minimum hourly rate and the casual loading only and exclude all other penalty rates and shift loadings.
23. This position is supported by the current casual terms in the LG Award. Casual employees are paid a casual loading of 25% of the minimum hourly rate pursuant to clause 11.1 of the LG Award as compensation instead of paid leave under the LG Award and the NES.
24. If the Full Bench deems casual employees should be entitled to paid FDVL, WALGA submits that casual employees should only be entitled to paid FDVL if they had hours of work rostered in the period in which they will be taking leave.

ACTU Submission – Access to five days' unpaid FDVL on each occasion after exhaustion of any paid FDVL entitlement

25. WALGA opposes the variation proposed by the ACTU that if an employee exhausts their paid FDVL entitlement, they should be entitled to five days' unpaid FDVL on each occasion they are required to take FDVL.
26. WALGA submits that a reasonable entitlement would be for employees to access up to five days of unpaid FDVL per annum if they have exhausted their paid FDVL entitlement, as is currently provided for in the NES.
27. By capping the entitlement to unpaid leave, rather than providing unlimited unpaid leave on a per occasion basis, this allows Local Governments to budget and plan their operations appropriately to accommodate these entitlements.
28. In addition, various enterprise agreements in the sector currently provide for unpaid leave to be granted at the discretion of the CEO.

ACTU Submission – Additional note in section 106B(1) of the *Fair Work Act 2009*

29. WALGA agrees with the ACTU's proposed variation to the note in section 106B(1) of the FW Act regarding unpaid family and domestic violence leave. WALGA submits this is a reasonable addition as an appointment with a medical, financial or legal professional is an example of an action that an employee may need to take in order to deal with the impact of family and domestic violence.

ACTU Submission – Extension of the definition of FDVL

30. WALGA agrees with and supports the ACTU's proposed variation that the definition of Family and Domestic Violence should be expanded to include violent, threatening or other abusive behaviour by a member of a person's household.

Conclusion

31. In summary, WA Local Governments recognise that FDVL is an important issue for the sector and believe that if a paid entitlement to FDVL is introduced, that full-time and part-time employees should have access to five days' paid FDVL per year.

32. The decision to introduce a paid entitlement to FDVL ought to be considered in light of the context that family and domestic violence is a community issue that extends beyond the scope of employment and should be considered alongside social security benefits, including:
- (a) The Crisis Payment for Extreme Circumstances Family and Domestic Violence.
 - (b) The new Escaping Violence Payment which provides women and children escaping domestic and family violence up to \$5,000 of emergency payments.
 - (c) Centrelink payments and pensions.

Item 5.1 – Attachment 2 – Family and Domestic Violence Leave Review 2021 – Summary of FWC submissions received

PARTY PROPOSING TO VARY THE MODERN AWARDS	SUBMISSION
<p>Australian Council of Trade Unions (ACTU)</p>	<p>Summary of ACTU position on the issues for review:</p> <ul style="list-style-type: none"> • FWC does not have jurisdiction to vary modern awards to provide that employees should be able to access paid personal/carer’s leave for the purpose of taking FDVL, and should not do so in any event, because the operational effect of the term would be detrimental to employees in that the minimum entitlement to 10 days’ paid personal/carer’s leave would be reduced. Also excludes the NES entitlement of 10 days’ personal/carer’s leave. • No changes are needed to the unpaid model leave term as it was removed from modern awards on 25 July 2019. • Provisions should be made for 10 days’ paid FDVL. Paid leave is necessary to ensure that employees are provided with a fair and relevant safety net of minimum terms and conditions of employment. ACTU seeks a variation to modern awards on this basis. <p>Proposed variation (drafted as an amended version of ss.106A-E and 107 of the FW Act):</p> <ul style="list-style-type: none"> • 10 days’ paid FDVL. • Leave is payable at an employee’s ordinary hourly rate including applicable shift loadings and penalties. • For a casual employee, leave is payable at the rate of pay that the employer would be required to pay the employee for the hours of work in the period for which the employee was rostered, including any casual and shift loadings applicable. • Upon exhaustion of the paid leave entitlement, employees will be entitled to up to 5 days’ unpaid FDVL on each occasion for the purpose of attending to activities related to the experience of being subjected to family and domestic violence. • An addition to the Note in s.106B(1) to clarify that attending appointments with medical, financial, or legal professionals are examples of actions that may be covered by the provision. • The definition of FDVL has been expanded to include violent, threatening, or abusive behaviour by a close relative of an employee <u>or member of a person’s household</u>. <p>ACTU’s submission</p> <ul style="list-style-type: none"> • The submission can be viewed here. • Annexure A sets out the ACTU’s proposed variation.

<p>Bank of Queensland</p>	<ul style="list-style-type: none"> • Did not propose a variation. • BOQ provide 10 days' paid and 10 days' unpaid FDVL to its corporate employees. • BOQ provide 3 days' paid leave to an employee who is required to provide support to a family or household member impacted by family and domestic violence. • BOQ also provide other support such as providing safety and security plans, duress alarms, temporary branch security, onsite car parking and support to attend the police, etc. • The submission can be viewed here.
<p>McAuley Community Services for Women</p>	<ul style="list-style-type: none"> • 10 days' paid FDVL. • The submission can be viewed here.
<p>Victorian Government – Tim Pallas MP Minister for Industrial Relations</p>	<ul style="list-style-type: none"> • 10 days' paid FDVL. • Dedicated education campaign that promotes the benefits of paid leave to both the workplace and the affected employees. • The Victorian Government will continue to advocate for 10 days' paid FDVL to become a NES entitlement. • The submission can be viewed here.

Item 5.1 – Attachment 3 – WA Local Governments Family and Domestic Violence Leave Survey Results

QUESTION NO.	QUESTION	SUMMARY OF RESPONSES
General Information		
1.	Please fill in which Local Government you are from and your contact details below.	
2.	Please provide the total number of employees (based on headcount) employed by your Local Government.	Ranges from 1 to 1200 employees.
3.	Is your Local Government in WA or NT?	WA – 69 responses received
Views on FDVL Review		
4.	Do you believe the current NES entitlement of 5 days of unpaid FDVL is adequate?	Yes – 52.94% (36) No – 47.06% (32)
5.	Please explain why you believe/don't believe the current NES entitlement of 5 days of unpaid FDVL is adequate?	<p>Example responses – entitlement is satisfactory</p> <ul style="list-style-type: none"> • Employees receive other leave entitlements they could use. • There is no current uptake of paid/unpaid FDVL at the LG. • Increasing the paid leave entitlement can increase the workload of other staff. <p>Example responses – entitlement is not satisfactory</p> <ul style="list-style-type: none"> • People in abusive relationships are not normally financially stable, therefore paid leave is required. • The LG has provided 5 or 10 day's paid FDVL in an enterprise agreement.
6.	Do you believe Local Governments should provide employees with paid FDVL?	Yes – 69.35% (43) No – 30.65% (19)

7.	(If the answer to qu. 6 was no) Please explain why you don't believe Local Governments should provide employees with paid FDVL?	<p>Example responses</p> <ul style="list-style-type: none"> • Employees can access other paid leave entitlements such as annual leave, personal/carer's leave • Limited to no uptake of current unpaid FDVL • Not all LGs may be able to adequately fund paid FDVL • Potential significant operational impact from FDVL
8.	(If the answer to qu. 6 was yes) Please explain why you believe Local Governments should provide employees with paid FDVL?	<p>Example responses</p> <ul style="list-style-type: none"> • Creates a compassionate work environment • To be part of a societal issue that transcends the workplace • Serious issue that employers should support • Additional financial stress to those experiencing FDVL if they only have an unpaid leave entitlement
9.	(If the answer to qu. 6 was yes) How many days of paid FDVL should Local Governments provide to their employees?	<p>3 days – 6.98% (3) 5 days – 58.14% (25) 10 days – 27.91% (12) Other (please specify) – 6.98% (3)</p> <ul style="list-style-type: none"> • 5 days (included above). • 2 days. • 3 days subject to annual leave not exceeding one year's annual leave entitlement (i.e., 4 weeks). • 5 to 10 days (included above as 5 days) • Case by case basis to be approved by CEO.
10.	<p>(If the answer to qu. 6 was yes) Do you think paid FDVL should be payable at employee's base rate of pay for the employee's ordinary hours of work in the period they take the leave or should it be payable at the employee's hourly rate including any applicable shift loadings and penalties for the employee's ordinary hours of work in the period?</p> <p>Note: Under the FW Act, annual leave, paid personal/carer's leave and compassionate leave are paid at the employee's base rate of pay only for the employee's ordinary hours of work in the period.</p>	<p>Payable at the employee's base rate of pay only – 93.02% (40)</p> <p>Payable at the employee's hourly rate including applicable shift loadings and penalties – 6.98% (3)</p>

11.	(If the answer to qu. 6 was yes) Should casual employees be entitled to paid FDVL?	Yes – 41.86% (18) No – 58.14% (25)
12.	(If the answer to qu. 11 was yes) The ACTU is seeking payment for FDVL for casual employees at the rate of pay that the employer would be required to pay the casual employee for the hours of work in the period for which the employee was rostered, including any casual and shift loadings applicable. If a casual employee is entitled to paid FDVL, do you think the payment for the leave should include applicable casual and shift loadings?	Should include casual and shift loadings – 11.11% (2) Should include casual loading only – 83.33% (15) Should include applicable shift loadings only – 0% (0) Should not include casual loading or shift loadings – 5.56% (1)
13.	In addition to 10 days of paid FDVL, the ACTU is also seeking that employees should be entitled to an additional 5 days of unpaid FDVL on each occasion if they have exhausted their paid entitlement. If Local Governments are required to provide paid FDVL to employees, do you think employees should also be entitled to unpaid FDVL on each occasion?	Yes – 68.85% (42) No – 31.15% (19)
14.	(If the answer to qu. 13 was yes) Upon exhaustion of the paid FDVL entitlement, how many days of unpaid FDVL on each occasion should Local Governments provide?	3 days – 7.32% (3) 5 days – 68.29% (28) 10 days – 4.88% (2) Other (for example 5 days per annum) – 19.51% (8) <ul style="list-style-type: none"> • 5 per annum as per NES • 5 days per annum • A standardised approach wont enable appropriate support to be given. • Each request (UFDVL) would need to be assessed on its merit and the organisation’s operational requirements at the time of the request. • Days per annum • 10 days per annum. • 5 days per annum. • As required.
15.	(If the answer to qu. 13 was yes) As an alternative, do you think Local Governments should provide unpaid FDVL per annum (rather than per occasion) once the employee has exhausted the paid FDVL entitlement?	Yes – 60% (12) No – 40% (8)

16.	<p>(If the answer to qu. 15 was yes) Upon exhaustion of the paid FDVL entitlement, how many days of unpaid FDVL per annum should Local Governments provide?</p>	<p>3 days – 9.09% (1) 5 days – 63.64% (7) 10 days – 9.09% (1) Other (please specify) – 18.18% (2)</p> <ul style="list-style-type: none"> • Dependant on the needs of the employee. • Case by case on request to employer.
17.	<p>The ACTU is seeking to expand the definition of Family Domestic Violence to include violent, threatening or other abusive behaviour by a member of a person's household. Currently, the definition of Family and Domestic Violence is '<i>violent, threatening or other abusive behaviour by a close relative of an employee that seeks to coerce or control the employee and causes the employee harm or to be fearful.</i>' See s.12 and s.106B(2) of the FW Act.</p> <p>A close relative is a member of the employee's immediate family or related to the employee according to Aboriginal or Torres Strait Islander kinship rules. The term 'immediate family' includes a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee or of their spouse or de facto partner.</p> <p>Do you think the definition of Family and Domestic Violence should be expanded to include violent, threatening or other abusive behaviour by a member of a person's household?</p>	<p>Yes – 75% (45) No – 25% (15)</p>
18.	<p>Do you think employees should be able to access paid personal/carer's leave for the purpose of taking FDVL?</p>	<p>Yes – 90% (54) No – 10% (6)</p>
19.	<p>(If the answer to qu. 18 was yes) How many days of paid personal/carer's leave do you think employees should be able to access for the purpose of taking FDVL?</p>	<p>3 days – 7.41% (4) 5 days – 48.15% (26) Other (please specify) – 44.44% (24)</p> <ul style="list-style-type: none"> • With medical support up to their accrued entitlement potentially it could largely be situational as to the amount required (3). • All of their entitlement/up to the balance of their personal leave entitlement (5). • 10 days (5).

		<ul style="list-style-type: none"> • Whatever entitlements they have, dependent on circumstances/whatever is available or accrued (3). • Set at 5 days but enable responsive workplaces (1). • Should be inclusive of their current personal leave entitlement/part of current entitlement (no additional days) (3). • As needed dependent on the situation and leave balance. To be determined on needs basis provided within accrued entitlement (2). • As much as the employer approves (1). • The LG allows employees to access paid carer's leave to support a person experiencing FDV (1).
20.	Do you think FDVL is an important issue for the Local Government Sector?	<p>Yes – 85% (51) No – 15% (9)</p>
21.	Do you think WALGA should advocate on behalf of Local Governments for paid FDVL as a sector issue?	<p>Yes – 70% (42) No – 30% (18)</p>
FDVL Entitlements and Supports that Local Governments Provide		
22.	Does your Local Government provide employees with paid FDVL?	<p>Yes – 45% (27) No – 55% (33)</p>
23.	(If the answer to qu. 22 was yes) How does your Local Government provide employees with paid FDVL? (Please tick all of the options that apply)	<p>Enterprise agreement – 65.38% (17) Policy – 23.08% (6) Contract of employment – 3.85% (1) Other (please specify) – 19.23% (5)</p> <ul style="list-style-type: none"> • It's an entitlement. • Management practice. • Via personal leave entitlements. • Per the NES – we follow NES. • Award?
24.	(If the answer to qu. 22 was yes) How many days of paid FDVL are your employees entitled to take each year?	<ul style="list-style-type: none"> • Up to 10 days/10 days (2) • 20 days (1) • 5 days – but we reverse the circumstance where we allow the use of personal leave for this and DFVL when that is exhausted (1)

		<ul style="list-style-type: none"> • 5 days (14) • As per the NES (1) • Currently 5 days but in principle agreement to increase to 10 days in the new EA (1) • 2 days if covered under the Salaried Officers EA (1) • As many days as they have entitled (1) • 10 days paid and 5 days unpaid (1) • Nil (1) • Included with personal leave – 5 days unpaid as a min (1)
25.	(If the answer to qu. 22 was yes) Does your Local Government provide paid FDVL to all employees (full-time, part-time and casual)? (Tick all of the options that apply)	Full-time employees – 100% (25) Part-time employees – 88% (22) Casual employees – 24% (6)
26.	(If the answer to qu. 22 was yes) How many employees have accessed paid FDVL in the last 12 months?	Ranges from 0 to 3 employees.
27.	(If the answer to qu. 22 was yes) Of the employees who have taken paid FDVL what is the average number of days they have taken in the last 12 months?	Ranges from 0 to 6.5 days.
28.	(If the answer to qu. 22 was yes) What is highest number of days of paid FDVL that employees have accessed in the last 12 months?	Ranges from 0 to 7 days.
29.	(If the answer to qu. 22 was yes) What is the lowest number of days of paid FDVL that employees have accessed in the last 12 months? (minimum 1 day)	Ranges from 0 to 6 days.
30.	Does your Local Government provide employees with more than 5 days of unpaid FDVL?	Yes – 8.77% (5) No – 91.23% (52)
31.	(If the answer to qu. 30 was yes) How many days of unpaid FDVL (including the NES 5 days) does your Local Government provide?	Ranges from 0 to 10 days.
32.	(If the answer to qu. 30 was yes) How is the additional unpaid FDVL provided? (Tick all of the options that apply)	Enterprise agreement – 20% (1) Policy – 20% (1) Contract of employment – 0% (0) Other (please specify) – 60% (3) <ul style="list-style-type: none"> • By request to the CEO • As requested on a case by case basis

		<ul style="list-style-type: none"> NES
33.	How many employees have accessed unpaid FDVL in the last 12 months?	Ranges from 0 to 1 employee.
34.	Of the employees who have taken unpaid FDVL what is the average number of days they have taken in the last 12 months?	Ranges from 0 to 3 days.
35.	What is the highest number of days of unpaid FDVL that an employee has accessed in the last 12 months?	Ranges from 0 to 3 days.
36.	What is the lowest number of days of unpaid FDVL that an employee has accessed in the last 12 months? (Minimum 1 day)	Ranges from 0 to 3 days.
37.	Does your Local Government provide employees with access to paid personal/carer's leave for the purposes of FDVL?	<p>Yes – 59.65% (34) No – 40.35% (23)</p>
38.	(If the answer to qu. 37 was yes) How is the access to paid personal/carer's leave for the purposes of FDVL provided? (Tick all of the options that apply)	<p>Enterprise agreement – 37.14% (13) Policy – 17.14% (6) Contract of employment – 5.71% (2) Other (please specify) – 54.29% (19)</p> <ul style="list-style-type: none"> On its merits with the LG offering the option of paid personal leave if required (1) At the discretion of the CEO (4) The LG would allow employees to apply to use whatever other leave they had in these Circumstances (1) Agreed upon with the employee (2) Under the Award (1) Entitlement (1) By internal procedure (1) Dependant on the supervisor and situation but also two days of personal leave can be taken without the requirement for a certificate (1) Currently an informal arrangement, albeit no request to access this to date, however, this will be included in our new EBA (1) No formal agreement, but would enable staff to take what was required (1) Via the online Payroll system (1)

		<ul style="list-style-type: none"> • Management practice (1) • Seeks to support employees in general (1) • As required on a case by case basis (1) • Just as part of their normal access to sick/personal leave (1)
39.	(If the answer to qu. 37 was yes) How many days of paid personal/carer's leave for the purposes of FDVL does your Local Government provide?	<ul style="list-style-type: none"> • 5 days (3) • Up to accrued entitlement (8) • 3 days (1) • Unknown (3) • 0 days (6) • 10 days (6) • NES (1) • Have not had to offer the leave as yet (1) • 2 days (2) • 12 days (1) • At discretion of the CEO (1)
40.	Does your Local Government provide employees who are experiencing family and domestic violence with any of the following additional support? (Please tick all of the options that apply)	<p>Duress alarms – 0% (0)</p> <p>Temporary accommodation – 4% (2)</p> <p>Upgrades to home security – 2% (1)</p> <p>Security at the employee's home so that they can move their belongings – 0% (0)</p> <p>Loan car – 0% (0)</p> <p>Redeployment opportunities – 10% (5)</p> <p>Financial support to cover legal advice – 0% (0)</p> <p>Employee Assistance Program (EAP) – 82% (41)</p> <p>Family violence contact offers in the workplace – 12% (6)</p> <p>Other (please specify) – 24% (12)</p> <ul style="list-style-type: none"> • Encouraged move to alternate accommodation, offered time off and assistance to take the matter to the police (1) • Will look at if individual circumstances dictate/case by case assistance where required (2) • Haven't had to provide any support so far/not had any instances so far (3)

		<ul style="list-style-type: none">• Have not had to deal with, would be happy to do any of those things to support (1)• Protection to and from vehicle and or safe parking if required (1)• The LG has supported employees in many ways with additional paid leave, monitoring of the buildings. Financial advice is also available through the LG's EAP provider (1)• How would we know? They wouldn't tell us?/ Unknown (2)
--	--	--

5.2 Payment to Independent Committee Members (05-034-01-0005 TB)

By Tony Brown, Executive Manager Governance & Organisational Services

RECOMMENDATION

That WALGA request the Minister for Local Government to amend the *Local Government Act 1995* to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the *Local Government Act 1995*.

Executive Summary

- Local Governments have raised the issue that clarification is needed to allow Local Governments to pay meeting attendance fees to independent members of Committees in respect of their preparing for, attending and/or participating in Committee meetings, in accordance with s5.100 of the *Local Government Act 1995*.
- There has been differing advice provided to the sector over the years and conjecture as to the method by which a professional person, appointed as the independent member to an Audit Committee, may claim reimbursement for their commitment of time and professional expertise.
- This item recommends advocating for the *Local Government Act 1995* to be amended to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the *Local Government Act 1995*.

Background

WALGA has received requests from a number of Local Governments highlighting the issue that Local Governments cannot legally pay meeting attendance fees to independent members of the Audit Committee in respect of their preparing for, attending and/or participating in Audit Committee meetings, and can only provide reimbursement of 'expenses', in accordance with s5.100 of the *Local Government Act 1995*.

The current legislative requirements are:

1. The *Local Government Act 1995* (Act) provides for payments to members of Council and Committees.
2. Section 5.100 of the Act expressly provides that a person who is a committee member but is not a council member or an employee is not to be paid a fee for attending any meeting.
3. The Act prescribes a distinction between a re-imbusement of an expense and a payment of a meeting attendance fee in respect of attending a meeting.
4. A significant number of Local Governments also have independent committee members on their audit committee and this matter could also affect them.

WALGA's support and assistance has been requested to advocate to the Minister for Local Government to provide a prompt resolution to this matter by making the necessary legislative amendments to enable independent Audit Committee members to be paid a meeting attendance fee.

The Department of Local Government, Sport and Cultural Industries Operational Guideline 9 "*Audit in Local Government – The appointment, function and responsibilities of Audit Committees*", includes the following guidance on the payment / reimbursement of expenses to independent Committee Members:

"The legislation prevents a meeting fee being paid to an external person but it is permissible for a payment to be made as a reimbursement of expenses, commensurate with the expertise and knowledge such people bring to the committee. The Council will need to determine whether payment will be offered and the level of that reimbursement payment."

Comment

There has been differing advice provided to the sector over the years and conjecture as to the method by which a professional person, appointed as the independent member to an Audit Committee, may claim reimbursement for their commitment of time and professional expertise. In the past, Departmental advice supported arrangements for an independent professional member of an Audit Committee to claim by invoice an hourly rate, as agreed with the Local Government, relevant to the time taken to prepare for and attend an Audit Committee meeting.

However, section 5.9 of the Act, provides that any Committee of Council may include membership of other persons, which may not necessarily be involved in the business of providing professional services, and therefore cannot invoice for their time and expertise in a way that a professional person appointed to an Audit Committee may do.

This ambiguity of how s.5.100 reimbursement may be reasonably applied, results in inconsistent and perhaps unfair arrangements for not only independent persons appointed to Audit Committees, but also to other persons who are appointed to Committees of Council and similarly contribute time and expertise to assist the Council in performing its functions under law.

This issue has recently been raised by a number of Local Governments who are appointing independent Audit Committee members and wishing to compensate them for their time.

There may be a range of options that could be included in an advocacy position regarding providing reimbursements and/or payment of meeting attendance fees to other persons appointed as members of a Committee of Council.

For example, the legislative arrangements could specify that an independent Audit Committee member must be paid the equivalent meeting attendance fee determined by the Local Government for payment to Council Members, but provide flexibility for the Council to determine a separate meeting attendance fee (within the relevant Local Government SAT Bands) for other persons appointed as members of a Committee of Council.

The proposal for advocacy on this matter can be broadened to allow for payment to independent members of any committee of Council established under s.5.8 of the *Local Government Act*.

5.3 2021 Annual General Meeting (01-003-02-0003 TB)

By Tim Lane, Manager Strategy & Association Governance and Kathy Robertson, Executive Officer Governance

RECOMMENDATION

That:

1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:

Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. *Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
2. *Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken:

Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
2. *That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*

Executive Summary

- WALGA's 2021 Annual General Meeting was held on Monday, 20 September 2021.
- The meeting resolved for WALGA to act in relation to four member motions:
 1. Cost of Regional Development
 2. CSRFF Funding Pool and Contribution Ratios
 3. Regional Telecommunications Project
 4. Review of the Environmental Regulations for Mining

- The meeting also resolved by special majority to make suggested amendments to the Association's Constitution as per an executive motion.
- The action taken or proposed to be taken in relation to each of the resolutions since the Annual General Meeting has been summarized for State Council's information.

Attachment

- [WALGA 2021 Annual General Meeting Minutes](#)

Background

The 2021 Annual General Meeting (AGM) was held on Monday, 20 September 2021.

Four member motions, as follows, were considered and supported by members at the AGM:

1. Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

2. CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. *Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
2. *Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

3. Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

4. Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
2. *That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*

In addition to the member motions, an executive motion was endorsed by special majority to amend the [Association's Constitution](#).

Comment

Comment on the 2021 AGM resolutions is as per below:

1. Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

It is recommended that this resolution be endorsed for action.

2. CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

- 1. Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
- 2. Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

As this resolution is consistent with an existing WALGA advocacy position, as per below, it is recommended that the resolution above be endorsed for action.

3.7.1 Community Infrastructure

*The Association continues to advocate for better planning and support for community infrastructure and investment by the State, Commonwealth and private partners
(Last updated May 2018)*

3. Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

The Western Australian State Budget includes \$12.971 million in 2021-22 to deliver the Regional Telecommunications Project administered by the Department of Primary Industries and Regional Development (DPIRD). This project focuses on improving high-speed mobile voice and data coverage across regional Western Australia, leveraging investment by the Commonwealth Government and the telecommunications carriers. The currently funded projects are due to be completed by 30 June 2022. Further applications have been made under Round 5A of the Commonwealth Mobile Black Spot Program.

The Australian Government has committed \$80 million for Round 6 of the Program. The design process for Round 6 has not been completed. However, it is likely that project proposals that include significant co-contributions from State Governments will be highly competitive. Western Australia will be well placed if the State Government is able to both coordinate the identification of needs and provide co-funding.

In September 2021, WALGA made a submission to the Regional Telecommunications Independent Review Committee, based on advice received during consultation with Local Governments (including matters raised during WALGA Zone meetings). The submission was endorsed by State Council by [Flying Minute](#). The submission identified acute limitations in the coverage, capacity, reliability and resilience of the mobile telecommunications network, particularly in remote, rural and peri-urban areas. Further investment will be required to remedy these constraints.

It is recommended that this resolution be endorsed for action.

4. Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.
2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

This resolution is consistent with the 2019 WALGA AGM resolution which called for:

- WALGA to request the Hon. Bill Johnston, Minister for Mines and Petroleum, to undertake a review of the *Mining Act 1978* with a view to maximising the benefits to local communities and its impact on local communities; and
- the Mining application process to include a mandatory MOU with the Local Government which would be overseen by the Auditor General to ensure fairness to the Community by having the mining company contribute to local infrastructures as a Legacy project.

The WALGA Mining Communities Policy Form considered this resolution on 4 December 2019 and agreed that there are many aspects of the *Mining Act 1978* that require a review and update, including to:

- make the negotiation and compensation process between the mining Industry and other stakeholders more balanced;
- require mining companies to make an ongoing social contribution to the communities they operate in;
- limit the use of FIFO and DIDO to encourage the use of workers from residential communities;
- require compulsory planning approval for onsite accommodation;
- require miners to fund the upgrades/maintenance of local infrastructure use for their operations, such as local roads that were not initially constructed to carry heavy freight;
- require mining companies to pay outstanding rates when they transfer leases or when their lease lapses; and
- make it easier for Local Governments to appropriately categorise and rate mining tenements and mining infrastructure.

It was also acknowledged that the State Government is unlikely to be open to a review of the *Mining Act*, particularly if it would result in making it more difficult for miners to do business or impact on job creation and economic growth.

It is recommended that the 2021 AGM resolution, together with the 2019 AGM resolution, be referred to the Mining Communities Policy Forum and the People and Place Policy Team for further advocacy work to be undertaken. The next meeting of the Forum is scheduled for Monday, 8 November 2021.

5. Amendments to WALGA's Constitution

The proposed amendments to the Association's Constitution were endorsed by a special majority of State Council at the meeting on 7 July, before being endorsed by a special majority at the 2021 AGM (as required by clause 29 of the Constitution). The [Constitution](#) has now been amended as per the above resolution.

Letters enclosing a copy of the amended Constitution were sent by the WALGA Chief Executive Officer, Nick Sloan, to the Commissioner for Consumer Protection and the Minister for Local Government for their information.

5.4 Review of advocacy positions relating to the *Building Act 2011* and Building Regulations 2012 (05-015-02-0010 CL)

By Claire Lings, Project Officer, Building

RECOMMENDATION

That State Council endorses the replacement of Section 6.7: Building Act and Fees of WALGA's advocacy positions document relating to the *Building Act 2011* and Building Regulations 2012 with the following:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.
 - d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

Executive Summary

- At its meeting on 16 August 2021 the People and Place Policy Team considered and endorsed a review of WALGA's Planning and Building Related advocacy positions.
- The Policy Team determined the Building Act and Fees policy positions as a section to be retained and reviewed, and that the policy area would have a high priority as part of the broader review.
- A review of the Building Act and Fees policy section has been undertaken, with several recommended changes proposed, and
- The People and Place Policy Team considered the matter at its meeting on 25 October and resolved to support the review and progress the matter to State Council for endorsement.

Attachments

- [Attachment 1: Existing positions and comments](#)
- [Attachment 2: Proposed new positions and comments](#)

Relevance to Strategic Plan

Advocating and facilitating sector solutions and policy

- We amplify the voice of Local Government and bring sector concerns directly to key decision makers
- We develop future-focused and evidence-based policy positions

- We connect and bring together expertise to maximise sector outcomes

Policy Implications

WALGA's existing policy positions are based on several State Council Resolutions dating back to 2011, including:

- December 2020 – 143.6/2020
- December 2019 – 151.7/2019
- December 2019 – 153.7/2019
- March 2017 – 7.1/2017
- September 2016 - 85.5 /2016
- July 2016 – 60.4/2016
- December 2015 - 124.7/2015
- December 2014 – 119.5/2014
- September 2013 – 246.4/2013
- December 2012 – 140.6/2012
- May 2012 – 56.3/2012
- February 2011 – 16.2/2011

Acceptance of the recommendation will see the replacement of the existing policy positions. Attachment 1 provides an overview of the existing positions and rationale for deleting, retaining and/or amending these.

Background

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth.

The *Building Amendment Act 2012* was passed in Parliament in October 2012, with regulations being drafted shortly to accompany this Act. Prior to the release of the new Act, WALGA presented an issues paper that identified the guiding principles that should influence the new proposals:

- Quality buildings that are cost efficient.
- Functional, safe and environmentally friendly buildings.
- Good decision making in all aspects of building.
- Efficiency and effectiveness in building management, administration and regulation.
- Openness and accountability with respect to all building matters.
- Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.

Following the Grenfell tower fire in 2017 and a number of high-profile structural issues in apartment buildings in New South Wales (NSW) and Victoria, all State and Territory Building Ministers agreed to an assessment of the effectiveness of compliance and enforcement systems for the building industry across Australia. It was recognised that there was diminishing public confidence in the building and construction industry and change was required to ensure buildings were safe and performed to expected standards. The resulting *Shergold Weir-Building Confidence Report* made 24 recommendations for a best practice model for compliance and enforcement, to strengthen the effective implementation of the National Construction Code (NCC). A team was set up in the office of the Australian Building Codes Board (ABCB) to develop and publicly report on a national framework for the implementation of the recommendations. In February 2018, the State Government gave in-principle agreement to implement recommendations of the Commonwealth Government Building Ministers Forum, *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*. In addition, the State also noted the findings of a 2018 inquiry into non-conforming building products conducted by the Senate Economics References Committee of the Parliament of Australia.

The State Government through DMIRS is currently undertaking a comprehensive reform process of building regulation in response to the in-principal agreement to implement the Building Confidence Report. WALGA and the Local Government sector has been heavily engaged in these reforms. It is expected that this reform agenda will take several years to finalise and implement. The review of WALGA's advocacy positions is in part to provide a more robust policy position to support early, active and efficient engagement with the State Government going forward.

In support of the review, WALGA's existing positions were circulated to 54 metropolitan based and 35 regional Local Government Building Surveyors for comment, with feedback received from officers at the City of Perth, City of Swan, Shire of Collie, Town of Victoria Park, Shire of Beverley and Shire of Boddington. In total the 89 officers consulted undertake building regulatory functions for approximately 110 Local Governments. The Local Government officers who provided a response indicated support for reviewing the existing positions to ensure they reflected the current industry climate.

The existing positions and recommendations for re-wording, removal or new positions are detailed in Attachment 1 and 2, respectively.

5.5 Draft WA Building Surveyors Code of Conduct (05-015-02-0010 CL)

By Claire Lings, Project Officer, Building

RECOMMENDATION

That WALGA:

1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters:
 - a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations.
 - b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations.
 - c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work.
2. Endorse the attached consultation response summary on the draft Code.

Executive Summary

- The Department of Mines, Industry Regulation and Safety is undertaking consultation on the WA Building Surveyors Code of Conduct (draft Code), which is based on a National Code.
- Building on previous consultation regarding the National Code, WALGA has engaged with Local Government building surveyors regarding the implications of the draft Code.
- Key concerns from the sector include:
 - Potential to limit Local Government building surveyor ability to provide advice on how to meet the requirements of building standards
 - Significant liability concerns for individual building surveyors
 - Inability to meet provisions regarding conflict of interest, particularly in non-metropolitan areas
 - Lack of integration of the draft Code with the other building reform measure in progress.

Attachment

- Consultation response summary

Background

Following the Grenfell tower fire in 2017 and a number of high-profile structural issues in apartment buildings in New South Wales (NSW) and Victoria, all State and Territory Building Ministers agreed to an assessment of the effectiveness of compliance and enforcement systems for the building industry across Australia. It was recognised that there was diminishing public confidence in the building and construction industry and change was required to ensure buildings were safe and performed to expected standards. The resulting *Shergold Weir-Building Confidence Report* made 24 recommendations for a best practice model for compliance and enforcement, to strengthen the effective implementation of the National Construction Code (NCC). Recommendation 9, 10 and 11 of the Building Confidence report recommended legislative changes around the integrity of private building surveyors, codes of conduct for building surveyors and building surveyors role in enforcement, respectively.

In response to these recommendations the Australian Building Codes Board (ABCB) released, in December 2020, a National Model Code of Conduct for Building Surveyors. As the Code was a model, it did not have any force until adopted by jurisdictions. The ABCB advised in its document that States and Territories should have regard to the content of the Code when amending or adopting a Code of

Conduct for Building Surveyors in their jurisdiction. WALGA has previously provided Submissions to the ABCB on a Discussion Paper the integrity of private building surveyors and their role in enforcement that proposed changes to how a private building surveyor may be appointed, detailing conflict of interest controls and enhanced supervisory and enforcement powers for private building surveyors. On 17 September 2021, the Department of Mines, Industry Regulation and Safety (DMIRS), the Department with carriage of this issue in WA, released a draft WA Code of Conduct for Building Surveyors (draft Code).

Comment

WALGA circulated the draft Code to the Local Government Building Surveyor group (representing approximately 100 Local Governments) for comment. Feedback was received from officers at the City of Vincent, City of Karratha, Town of Victoria Park, Shire of Collie, Shire of Boddington, Shire of Broome, City of Perth, Shire of East Pilbara, City of Joondalup, City of Stirling, Town of Cambridge, Shire of Waroona and Shire of Bridgetown-Greenbushes. Separate meetings were held for metropolitan and non-metropolitan building surveyors in October where the draft Code was discussed in detail with approximately 60 officers. Comments received from Local Government officers expressed concern regarding the negative impact that the proposed changes will have on the service the building surveyors provide to their communities. Of particular concern was the potential limitations the Code would place on Local Government building surveyors' ability to provide design advice and liability that is placed on building surveying practitioners.

The draft Code defines statutory "*building surveying approval work*" (authorising construction and occupation) and "*building surveying assessment work*" (verification/review, inspection and testing of construction works). In Western Australia, unlike other jurisdictions, this work is not only carried out by private building surveyors but extends to registered building surveyors in Local Government. The draft Code proposes to prohibit carrying out statutory building surveying approval work where the building surveyor participates in design work. Included in the proposed prohibited design work is providing advice on how to amend a plan or specification in order to comply with building standards. It is common practice in Western Australia, for a Local Government Building Surveyor to carry out both consultation with the community and a regulatory role as the permit authority. If they are prohibited from providing design advice services, if they have a regulatory function, there would be a detrimental impact in these communities, particularly in regional areas, where it is often difficult to gain access to independent design services. The draft Code also proposes that carrying out statutory building surveying work where there is a risk that their decision could be influenced by a conflict of interest would be a contravention. Regional building surveyors have also expressed that compliance with this provision would be extremely difficult in small towns where they interact with most community members.

There is also concern from Local Government building surveyors that the draft Code only references registered "*building surveying practitioners*". The *Building Services (Registration) Act 2011* uses the terminology "*building surveying contractor*" and "*building surveying practitioner*" with the contractor being the only registered entity required to hold Professional Indemnity (PI) insurance. Individual Practitioners are not required to have PI insurance nor are they able to obtain it in Western Australia. Recent enforcement action by DMIRS' registration board has been directed towards a Practitioner, which has raised concerns that building surveyors will hold a liability risk even if they change jobs or retire from a Local Government position. There is already industry concern regarding declining numbers of building surveyors; the sector has expressed that the implementation of the draft Code will only serve to further discourage Local Government building surveyors from remaining in the profession and exacerbate the current trend.

The implementation of a draft Code in Western Australia without addressing the lack of mandatory inspections, minimum documentation standards and registration of other professionals will not result in better quality or safer buildings for the community, nor will it enhance community confidence in the building industry. As such it is recommended that the draft Code be reviewed to ensure it is combined with other legislative reform that addresses systemic failures in the current building control model and to provide clarification and certainty regarding the role of Local Government in building control.

Item 5.5 – Attachment – Consultation response summary

Draft Code of Conduct Clause	Consultation response summary
<p>1.3. A building surveyor must not perform a statutory function in relation to building work they have assisted to:</p> <ul style="list-style-type: none"> • design, or • develop a Performance Solution for. 	<ul style="list-style-type: none"> • Provisions such as this are currently in place in Victoria and other States where the work is mostly carried out by private building surveyors rather than Local Government. Overall it is not apparent how having building surveyor provide comment on early or concept-based plans can only be seen as a negative conflict, it should be seen as a positive, providing much needed early BCA advice prior to proceeding to final or construction plans. <ul style="list-style-type: none"> ○ This will save the designers money, time, and resources in producing a set of drawings only to find there are areas of BCA non-compliance. ○ Performance solutions may form part of the early design phase and surely it would make more sense that the building surveyor involved in the performance solutions was also part of the final assessment, as they would be aware of the reasons for supporting the performance solution rather than casting doubt as to why. • In relation to unauthorised work, (Class 10 and 1) where the work is old and doesn't comply with the BCA, the private building surveyor will decide if they can support it in combination with providing a performance solution. In the smaller communities such professionals are not present, let alone finding two of them. Thus, the cost of authorising this type of work will be high in relation to the value of the building. Much of the draft Code is in relation to the registration that already exists and compliance with the Building Act which is a given. Most building surveyors see helping the community as an important part of their role, and documents like this will likely prevent this from occurring. • Whilst it is agreed that there should be a requirement to have an outside professional opinion when developing performance solutions, Building Surveyors provide large amounts of design compliance advice, and this is seen as one of their core functions. Building Surveyors should continue to provide design advice where they relate to DTS matters and this should not affect their ability to certify/'sign off' on proposals and offer options for compliance. Additionally, this will affect one of the core functions of Local Government Building Surveyors and if applied literally, how will they perform the customer service that ratepayers expect whilst also completing statutory duties i.e. providing design advice/solutions and then signing off CDC's? • Local Government Building Surveyors are responsible for providing advice, guidance and instruction for all types of building works. It would be a complete conflict of purpose and expectation from their employer and the public, not to mention absolute confusion where smaller Local Governments are involved. • It is unclear how this clause will function work if the building surveyor is in a multi-discipline office? Clarification should be provided on how "independence" will be maintained? • Regarding Performance Solutions, only Local Governments are permitted by the Building Regulations to decide on a performance solution for a swimming pool barrier. Clarity on if this would then be a contravention of clause 1.3 of the draft Code is required.

	<ul style="list-style-type: none"> • The Local Government’s customers are largely residents who have little to no knowledge of building legislation or the requirements of the National Construction Code and they want to do the right thing. This proposal is not considered to be practical and workable for a lot of Permit Authorities that have only one or two building surveyors. It is noted that there are no details of how this is proposed to work in a real-life scenario. Local Governments receives a lot of enquiries during the day by telephone and at the front counter from the community seeking assistance. Is it the intention that each building surveyor keeps a log of every person they assist to ensure they do not receive and work on their future uncertified applications? Requesting that a customer engage the services of a private building surveyor is often very costly as the open market has no caps on pricing and often the cost of certification is more than the proposal itself. • This clause has the potential to undermine the sustainability of the building industry, a strict interpretation of the clause would mean that every project where consultation takes place will require a minimum of 2 Building Surveyors independent of each other. There is already a shortage of Building Surveyors and Local Governments are not funded or structured to support such a model. This would likely increase lead to increases in building costs and lengthen design and approval timeframes. • Under this clause, a building surveyor must not perform a statutory function in relation to building work they have assisted to design or develop a Performance Solution. This effectively prevents Local Government building surveyors from developing Performance Solutions in relation to an uncertified building permit application. For example, patio setback 500mm from the allotment boundary in lieu of the minimum 900mm. Some Local Governments are providing a Performance Solution for this variation and then issuing the CDC and Building Permits for the patio. Under the draft Code it would appear Local Government building surveyors would no longer be permitted to do so. Does this imply then that all classes of buildings will be privately certified and Local Government building surveyors will take on a record-keeping, auditing / compliance / enforcement role, similar to the Victorian model? Clarification on these points is required.
<p>1.4 A building surveyor must notify the Building Commissioner where they have become aware of, or hold a reasonable suspicion of, unlawful activity or a matter that may create an immediate or imminent risk to health and safety, in relation to building work for which they are or were, but for replacement or resignation, engaged to provide a statutory function.</p>	<ul style="list-style-type: none"> • Under the current legislative model, the Local Government usually resolves issues pertaining to health and safety risks on building sites. Consideration should be given to the draft Code making it clear that private building surveyors should be obliged to report these matters to the Local Government. • Clause 1.4 states ‘...but for replacement or resignation...’ this wording only exacerbates the frustration Building Surveyors have with understanding and interpretation. This clause needs a defined explanation in simple English to eliminate confusion and misinterpretation. • This type of inspection is not currently mandatory in WA, nor is there a requirement to obtain structural engineer sign off. Such matter can be referred to the permit authority, Local Governments can issue a Building Order and then prosecute if necessary. <p>For example, the draft Code states during an inspection a building surveyor becomes aware that a lower quality concrete, not in accordance with the approved structural design, has been used in a building and has created an imminent risk to health and safety for workers, building occupants or the public. If the building surveyor is unable to get the non-compliance rectified through consultation with the builder (or</p>

	<p>building owner) the building surveyor must report the matter to the permit authority, and the Building Commissioner.</p> <ul style="list-style-type: none"> • This clause talks about reporting a non-compliance matter to the Permit Authority and the Building Commissioner. There is no reference to the fact that almost all building compliance issues are dealt with by Permit Authorities and mostly raised and investigated by or via Local Government Building Surveyors who receive the complaints. The Permit Authority usually makes a judgement call on an issue to decide if it needs to be sent the Building Commissioner. There is no value at all in doubling up on reporting issues and this will likely lead to greater levels of red-tape and increase inefficiencies in the system.
<p>2.1 A building surveyor must only perform statutory functions that are permitted under their registration and within their professional competency.</p>	<ul style="list-style-type: none"> • The term professionalism needs to be elaborated to include definitions and details of what the expectations on building surveyors will be. Further, it is difficult for building surveyors to meet standards and ensure quality of work when there are no minimum standards determined in legislation. One building surveyor's standard and expectation of quality of work can be vastly different to another building surveyors. • Clarification is needed on if cadet building surveyors are allowed to carry out basic assessments, providing they are reviewed and signed off by an appropriate accredited building surveyor. This is often the case within some Local Governments given the difficulty in finding staff. Continuation of this practice is necessary to support current workflow models used by Local Government. • Clarify if Local Governments will be able to question the compliance of projects, based on the competence of the building surveyor? "...In addition, building surveyors must critically self-assess their knowledge, skills and experience for work within their registration. For example, if a building surveyor holds an unrestricted license, but has never worked on a Class 9a building or has not done so for many years, then the certification of a hospital would generally be considered to be outside their experience and would therefore be beyond their professional competency." This would rely on others including Local Governments to report a building surveyor if their work is not adequate, to meet the satisfaction of Item 1.4.
<p>2.2 A building surveyor should maintain their professional competency to ensure their knowledge and skills are current for the work they undertake</p>	<ul style="list-style-type: none"> • If CPD's are being proposed as a matter of capturing professional competency, then the industry related seminars need to be made more affordable for smaller Local Governments and private sole traders etc. • Clarification on if CPD points will be mandatory is required. There is a reference in the draft Code to "...either voluntarily or as required under legislation will assist to meet this obligation...." As this requirement is not currently legislated it is unclear why this is included. This is again mentioned in the Compliance Policy part of the document. • It is not clear if this is targeted just at those who work in the private industry? Due to there being private certification, it is unlikely that a Local Government building surveyor would be engaged to work on a Class 2-9 building. Clarification on this point should be provided. • In this section the words 'should' and 'reasonable' are used. These words need to be changed to words that are definitive, like MUST, and the word reasonable needs to be defined. • In regard to quality of work, as there are no minimum standards specified in legislation, it can be difficult to convince a client what a building surveyor requires to comply the structure. Most technical industries have

	<p>set guidelines or standard job procedures to ensure all work is to a high standard, which is not available for building surveyors. The statement in relation to cooperation requires a more work. Some private building surveyors take offence when queried about the information they have certified, and DMIRS should provide guidance on how building surveyors should go about reporting under this clause.</p> <ul style="list-style-type: none"> • It is unclear how a Local Government building surveyor would know whether the private building surveyor who had certified the project has the necessary knowledge, skills, experience and professional competency? On the Building Surveyor Register, a building surveyor’s registration only has the level they are registered under i.e. technician, Level 1, or Level 2. This issue would impact potential clients as to whether the certifier they’ve engaged can provide the required certification. • It is noted that similar requirements are not applied to builders in this State. Currently only three (3) trades required to build a house or a commercial building within WA require registration, with the buildings being built to lockup stage including foundation and footings without one required registered trade. Continual learning needs to be mandatory for all built environment related professionals, however it needs to be made more affordable and more readily accessed. • The wording “... a building surveyor should maintain their professional competency...”, and “participating in CPD courses either voluntarily or as required under legislation” implies a building surveyor can choose whether to participate in training courses / workshops or not. WA currently does not require registered building surveyors to do CPD training. • Consider redrafting the draft Code to require all registered building surveyors to maintain CPD points, particularly now that the AIBS has implemented the Professional Standards Scheme for Building Surveyors which commenced from 1 July 2021. Under this scheme, all practicing AIBS members (public and private) are now required to become accredited members, which triggers the need to complete CPD training and submitting evidence to the accreditation board annually. As WA AIBS members must undertake CPD training, it would make sense to bring non-AIBS members into line as well.
<p>2.3 A building surveyor should take reasonable steps to ensure the quality of their work by obtaining and assessing the suitability of all relevant information when carrying out a statutory function.</p>	<ul style="list-style-type: none"> • It is unclear how a building surveyor practically achieve this in WA where engineers and trades aren’t required to be registered with DMIRS. For example, how would a Building Surveyor determine if a structural engineer from anywhere in Australia has experience and is competent in cyclonic wind loads, or precast concrete or light weight midrise timber? • The draft code expects building surveyors to be responsible for their own competency, skills and knowledge; but there is no similar expectation for other practitioners. Engineers and tradesman should be satisfying their own code of conduct, CPD, knowledge and experience and that the burden of proof be placed on DMIRS when they apply for registration. Building Commissions from other states bear this responsibility, not the surveyor. The introduction of registration schemes for engineers and other associated building trades should occur prior to the full implementation of this draft Code.

<p>2.4 A building surveyor should work cooperatively with others in the building industry, and regulators.</p>	<ul style="list-style-type: none"> This part requires further explanation and is extremely subjective depending on your degree of tolerance. It is unclear who is going to monitor this. Will obligations be placed on builders and developers who make unnecessary and unreasonable demands on building surveyors?
<p>3.1 A building surveyor must not engage, whether by act or omission, in misleading or deceptive conduct in connection with the performance of a statutory function.</p>	<ul style="list-style-type: none"> In clause 1.4 it states ‘...but for replacement or resignation...’ this wording only exacerbates the frustration Building Surveyors have with understanding and interpretation. This clause needs a defined explanation to eliminate confusion and misinterpretation. This section requires examples of what is expected. The statements are not clear and are therefore open to interpretation. The sentences should be definitive such that they can be understood by all and actioned accordingly especially if there are issues with compliance. Clause 3.1 states ‘This means that conduct can be misleading and deceptive even if it was not intended to be.’ The words ‘misleading and ‘deceptive’ imply premeditated ideas. If an action was not intended to be misleading or deceptive but was wrong, then it is an action of negligence not a misleading or deceptive action. The wording of this point should be clarified. In this section the words ‘should’ and ‘reasonable’ are used. The words used need to be more definitive like MUST and the word reasonable needs to be defined. The statement in relation to 3.1 requires further consideration in consultation with the Local Government sector.
<p>3.3 A building surveyor should not use their statutory function role for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for themselves or for any other person.</p>	<ul style="list-style-type: none"> The draft Code could clarify conflicts of interest much better and acknowledge what should occur when conflicts are unavoidable. In regional areas/smaller communities where there may only be 1 or 2 building surveyors in a small town. It would be frequently expected that the surveyor will need to issue CDC’s or Building Permits for owners or builders they have a perceived or actual conflict of interest with. <p>As an example. How would a Local Government Building Surveyor be expected to undertake enforcement action against the City itself, or another City employee, especially if that other employee is in a position of higher authority. For instance, if the City or a Director undertook illegal or non-compliant building work. The Building Surveyor would then have to undertake enforcement action against their own employer or colleagues, undermining their job security and may be exposing themselves to potential mistreatment. The draft Code does not address this, but it is an example of an industry regulator, regulating itself.</p> <p>Example 2: Obtaining private quotes and undertaking building work at your own home, in a town where you have issued building permits to every local builder/tradesman etc. This would result in at least an indirect conflict, but in a small town this would be an unavoidable conflict.</p>
<p>4.1 A building surveyor must ensure any agreement or contract for performing statutory functions is consistent with WA legislation, this Code and any requirements</p>	<ul style="list-style-type: none"> This section requires examples and/or definitions so the reader knows what is expected and what they are being measured against.

<p>set out by the Building Commissioner</p>	
<p>4.2 A building surveyor should maintain a record of reasons for decisions on statutory functions and be able to provide these decisions to the regulator and interested parties if requested to do so.</p>	<ul style="list-style-type: none"> • While in the employment of a Local Governments building surveyors make many decisions. The practicalities of this clause do not seem reasonable or reflective of the level of risk. While most Local Governments have a checklist to aid reporting of decisions these are not exhaustive as the BCA is a detailed document. This provision will likely have detrimental impacts on the workflow of Local Governments. • The Building Permit application contents is the reason a Permit is approved or declined. The Building Act 2011 is very clear of the process in granting a Permit. Compliance issues are already documented.
<p>Introduction This Code of Conduct for Building Surveyors (the Code) sets out minimum expectations of registered building surveyors undertaking building surveying work in Western Australia (WA). It applies to building surveyors who are registered under the Building Services (Registration) Act 2011 (WA) to perform statutory functions of assessing compliance and approving building designs and building work under the Building Act 2011 (WA) and associated legislation. This can involve assessing and certifying that the design demonstrates how the building work, if built, will meet the applicable building standards and, when inspecting building work during and post construction, certifying that the building work meets applicable</p>	<ul style="list-style-type: none"> • This section requires “minimum expectations” clearly defined that are measurable, achievable and understood by all. • Generally it would appear the draft code is in relation to practitioners and not contractors. How will this impact contractors and the implications with insurance? The document is a very simple, overarching document that is non-specific and may therefore not address the reason for its development which is arguably to ensure the industry is providing a valuable, consistent and professional service. The Association holds the view that the most important issues that need to be addressed is the development of minimum standards of documentation to ensure consistency with processes throughout the industry (including procedures or practice documentation), the development of cost effective and accurate training, and to understand the implications of the departure of experienced building surveyors in next 5 years. • Clarification on the application of this on practitioners and contractors and the obligation on each is required. The Building Services (Registration) Act uses the terminology Building Surveying Contractor and Building Surveying practitioner. Consideration should be given to replacing the words Building Surveyor with BSP and BSC. In relation to BSP and BSC DMIRS board is now fining both for errors etc. This is interesting as only the BSC has PL and PI insurance. The link between corporations and employees is generally a corporation is responsible for its employees hence why only the BSC needs insurance. If the BSP in Local Government makes an error then the Local Government is liable and is covered by the LG’s PI insurance. The draft Code should flesh this out further as there appears to be an overemphasis on the individual BSP whereas the Criminal Procedures Act and Builder’s Registration Act hold the company and Local Government responsible who hold the relevant insurance.

<p>standards and any conditions on the applicable building permit.</p> <p>Professional associations or the Building Commissioner may set standards that apply to other services provided by building surveyors, however, these must not reduce the minimum obligations in the Code. It is acknowledged individuals may choose to comply with a higher standard, for example through membership of an organisation that has an approved professional standards scheme.</p> <p>The Code establishes a consistent basis for education, audit and compliance activities undertaken by regulators. It also assists registered building surveyors to meet their obligations, and manage the expectations of others. This Code of Conduct applies to all building surveying practitioners registered under the Building Services (Registration) Act 2011. All mentions of building surveyor in The Code means registered building surveying practitioner.</p>	
<p>Adoption of the Code</p> <p>Western Australia is adopting the National Model Code of Conduct for Building Surveyors, as</p>	<ul style="list-style-type: none"> • The Code cannot be a National adoption, as each State has a different model of legislation. Any code of conduct in WA should not be into the direction of other states, especially considering their own processes have evidence of shortfalls and failings in the past. Any code of conduct in WA needs to be based on our legislative model.

<p>prepared by the Australian Building Codes Board (ABCB) in 2020. The purpose of this adoption is to provide regulatory oversight to building surveyors in a nationally consistent manner.</p>	<ul style="list-style-type: none"> • It is apparent that the draft Code has been based on an eastern states model rather than our unique WA model where Local Government Building Surveyors do similar work to the private Building Surveyors however only Building Surveyors working for Permit Authorities issue Permits.
<p>1.1 A registered building surveyor must comply with laws relevant to their work, conduct and organisation.</p> <p>Laws enacted in Western Australia govern the licensing, functions and powers of building surveyors. Building surveyors must carry out their work in accordance with these laws. For example, a building surveyor must not issue certification unless the building work complies with relevant Western Australian legislation and the National Construction Code (NCC).</p> <p>Building surveyors, like most professionals, are subject to a range of other laws that govern their conduct and that of their business. These include, but are not limited to, consumer protection, work health and safety, anti-discrimination and privacy laws.</p>	<ul style="list-style-type: none"> • Part 1.1 (fourth paragraph) appears contradictory to itself and is effectively covered in clause 1.4 on page 6. Suggest the fourth paragraph be removed to avoid confusion. • As the WA building surveying industry is quite small, most building surveyors are acquainted with each other. The practicalities of this need to be considered when expecting building surveyors to report the wrongdoings by their peers.

<p>Building surveyors will meet their obligation by being aware of the Federal and state laws applicable to their work and taking proactive steps to ensure they comply with these.</p> <p>A building surveyor is not required to check other practitioners are meeting any legal obligations that are outside their statutory functions, but may be required to report activities they become aware of (see obligation 1.4).</p>	
<p>1.2 A registered building surveyor must act in the public interest when providing advice or making decisions relating to their statutory functions.</p> <p>Building laws and the NCC have a number of objectives such as health and safety, amenity, accessibility, cost effectiveness, efficiency of the industry and sustainability in the design, construction, performance and liveability of buildings. Building surveyors must balance and apply these objectives when performing statutory functions. Building surveyors are required to give greater weight to objectives considered to be of higher concern to the public, those being</p>	<ul style="list-style-type: none"> • Further clarification and explanations are required as to how building surveyors are to be accountable for balancing cost effectiveness vs compliance. • It is arguable that not all building surveyors act in the public interest when providing advice. Some may consider providing cost savings to their clients is more important. This type of action may ensure they receive ongoing work. • There are concerns regarding this section particularly in relation to rural and country areas as it can be very difficult to remain independent when the building surveyor is the only one building surveyor in a regional area. • Even though a building surveyor is expected to put public interest before their responsibility to clients and employers, for building surveyors in Local Government, it is quite common for external pressure to be exerted on building surveyors to issue a permit, or to try and find a way to accept a building design that is not deemed to satisfy without a performance solution. Additional commentary in the finalised Code of Conduct would be of use.

<p>health, safety and amenity of buildings. A building surveyor undertaking a statutory function must put the public interest before their responsibility to clients and employers.</p> <p>For example, project documentation may appear to be sufficient to demonstrate a design complies, but a building surveyor is concerned an assumption made in structural design may have an unintended impact on another part of the building. In this situation the building surveyor should take steps to investigate the potential issue and ensure that it is resolved rather than defer to the client's interest in getting earlier authorisation for construction.</p>	
<p>Definition</p> <p>Reasonable steps mean an action or series of actions an objective person would consider sensible and fair to address an issue or achieve a desired outcome in the circumstances. This includes decisions, omissions and inaction.</p>	<ul style="list-style-type: none"> • As there is an assumed test being applied here by what an objective person or reasonable person may do/think, it may be a useful to add a definition of what an objective or reasonable person is.



12. MATTERS BEHIND CLOSED DOORS

The meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

13. INFORMATION BULLETIN

RESOLUTION 432

Moved Cr Barratt, seconded Cr Wilkes that information bulletin be received.

**CARRIED 7/0
Simple Majority**

14. MEETING CLOSURE

The Shire President thanked everyone for their attendance declared the meeting closed at 6.13 pm