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CONFIRMED MINUTES

Shire of West Arthur Ordinary Council Meeting 23 March 2023

MISSION STATEMENT

To value and enhance our community lifestyle and environment through strong local leadership, community involvement and effective service delivery.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of West Arthur for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of West Arthur disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of West Arthur during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of West Arthur. The Shire of West Arthur warns that anyone who has an application lodged with the Shire of West Arthur must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of West Arthur in respect of the application.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision.

The Shire of West Arthur expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting

These Minutes were confirmed at the ordinary council meeting on: 27 April 2023

Signed:

Presiding Member at the meeting at which the Minutes were Confirmed.

Content

1	Declaration of Opening/Announcement of Visitors.....	3
2	Attendance/Apologies/Approved Leave of Absence.....	3
3	Announcements of the Presiding Member.....	3
4	Response to Previous Public Questions taken on Notice	3
5	Public Question Time	3
6	Petitions, Deputations, Presentations, Submissions	4
7	Applications for Leave of Absence	4
8	Disclosures of Interest	4
9	Confirmation of Minutes of Previous Meetings Held.....	4
9.1	Ordinary Meeting of Council 23 February 2023	4
10	Reports from Councillors.....	5
11	Office of the Chief Executive Officer	6
11.1	2023 Local Government Election	6
11.2	Proclamation - International Dark Sky Week	14
11.3	Child Safe Awareness Policy Pilot.....	22
11.4	2022 Compliance Audit Return.....	31
11.5	WALGA Best Practice Governance Review	58
12	Corporate Services.....	69
12.1	2022/2023 Half Yearly Budget Review	69
12.2	Transfer of Department of Transport Licensing Services from Shire of West Arthur to the Darkan Post Office.....	76
12.3	Financial Reports - February 2023	81
12.4	2021-2022 Audit Report - Significant Findings	92
13	Works and Services.....	100
14	Regulatory Services	100
14.1	Bushfire Risk Mitigation Coordinator Resourcing.....	100
15	Motions of which Previous Notice has been Given.....	146
16	New or Urgent Business Introduced by Decision of the Meeting.....	146
16.1	Temporary or Acting CEO Policy.....	146
17	Matters Behind Closed Doors	152
18	Closure of Meeting.....	152

**MINUTES OF SHIRE OF WEST ARTHUR
ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
ON THURSDAY, 23 MARCH 2023 AT 7.00PM**

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 7.06pm.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS:	Cr Neil Morrell	(Shire President)
	Cr Graeme Peirce	(Deputy Shire President)
	Cr Karen Harrington	
	Cr Robyn Lubcke	
	Cr Duncan South	
	Cr Adam Squires	
STAFF:	Vin Fordham Lamont	(Chief Executive Officer)
	Rajinder Sunner	(Manager Corporate Services)
	Gary Rasmussen	(Manager Works and Services)
	Sharon Bell	(Community Development Officer)
APOLOGIES:	Cr Neil Manuel	
ON LEAVE OF ABSENCE:	Nil	
ABSENT:	Nil	
MEMBER OF THE PUBLIC:	Nil	

3 ANNOUNCEMENTS OF THE PRESIDING MEMBER

The President mentioned he was pleased that the Annual Electors Meeting went well.

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Nil

6 PETITIONS, DEPUTATIONS, PRESENTATIONS, SUBMISSIONS

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 DISCLOSURES OF INTEREST

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS HELD**9.1 ORDINARY MEETING OF COUNCIL 23 FEBRUARY 2023****Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

RESOLUTION CO-2023-019

Moved: Cr Karen Harrington

Seconded: Cr Robyn Lubcke

That the Minutes of the Ordinary Meeting of Council held in Council Chambers on 23 February 2023 be confirmed as true and correct.

CARRIED

10 REPORTS FROM COUNCILLORS**Cr Neil Morrell (Shire President)**

Attended the Audit & Risk Committee meeting on 16th March 2023.

Cr Graeme Peirce (Deputy Shire President)

Attended the Warren Blackwood Alliance & Minister meeting re plantations.

Cr Karen Harrington

Attended 2 WALGA Councillor Training modules in Perth being Conflict of Interest held on 16th March and Meeting Procedures held on 17th March.

Cr Harrington attended the Audit & Risk Committee meeting on 16th March via Teams Online.

Cr Robyn Lubcke

Attended the 4WDL meeting on 7th March and the CRC Committee Meeting on 22nd March.

Cr Neil Manuel

Absent

Cr Duncan South

Nil

Cr Adam Squires

Nil

11 OFFICE OF THE CHIEF EXECUTIVE OFFICER

11.1 2023 LOCAL GOVERNMENT ELECTION

File Reference:	ADM063
Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	10/03/2023
Disclosure of Interest:	Nil
Attachments:	1. Approval from WAEC to Conduct the 2023 Election ↓

SUMMARY:

Council is requested to consider conducting the Shire of West Arthur 2023 ordinary Local Government election by the postal voting method and appointing the Western Australian Electoral Commission (WAEC) for this purpose.

BACKGROUND:

1. The Minister for Local Government is progressing a range of Local Government Act legislative reform initiatives related to the conduct of elections, notably the introduction of optional preferential voting to replace the first past the post system. Legislation will be in place for the conduct of the 2023 elections with optional preferential voting likely to significantly increase the complexity of the election count.
2. This report is provided to assist Council in its consideration of the method of conducting the October 2023 election, and includes the proposal that the Local Government adopt the postal voting method
3. In accordance with section 4.7 of the *Local Government Act 1995* (Act), the next ordinary Local Government election is scheduled for Saturday, 21 October 2023.
4. The process to appoint the WAEC to conduct the elections is as follows:
 - a. Agreement sought from the WAEC to conduct the Shire's elections (complete); and
 - b. Formal appointment of the WAEC by the Council.

The Shire contacted the WAEC to seek agreement to conduct the 2023 Ordinary elections. One of the benefits of the WAEC conducting the elections is that the process and the Returning Officer are largely independent of the Shire. This separation may improve the community's perception and confidence in the election process. In addition, postal voting is more convenient for Electors and typically achieves a higher rate of voter participation. If the Shire was to conduct the Local Government Elections itself without engaging the services of the WAEC, this is likely to have a considerable impact on both the Shire's financial and staff resources.

Postal elections encourage greater voter participation and are generally considered to be more representative of the community. Conducting voting in-person elections presents a number of challenges, particularly on account of the role of the Chief Executive Officer who is also the Returning Officer. The requirements and expectations placed on the Chief Executive Officer when taking on this dual role can be both contentious and time consuming. In addition to dealing with complaints received during the election period the dual role can lead to an unwelcome perception of conflict of interest and bias from the community. It is the prerogative of Council to decide whether to conduct elections by postal vote and to make a declaration that the elections are to be conducted by the WAEC.

5. The Western Australian Electoral Commissioner (WAEC) has responded to a written request for a cost estimate to conduct the October 2023 election as a postal election. The WAEC estimates the cost of \$13,500, including GST, based on the following assumptions:
 - a. 625 electors
 - b. A response rate of approximately 60%
 - c. 4 vacancies
 - d. The count to be conducted at the Shire of West Arthur premises
 - e. Appointment by the WAEC of a Returning Officer
 - f. Regular Australia Post deliver service to apply for the lodgement of the election packages.
6. The cost estimate does not include expenses for election functions that remain the responsibility of the Local Government, including :
 - a. Appointment of Deputy Returning Officer and appropriate number of additional Local Government election officers to assist with the election process
 - b. Any additional postage rate increases passed on by Australia Post
7. The WAEC has also provided a written agreement for them to conduct the election (see attachment).

COMMENT:

As per LGA s.4.61(1), Local Government elections can be either a Postal Election or an In-Person election:

Postal Election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

Voting In-Person Election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

8. At the 2021 ordinary Local Government elections, the WAEC conducted 98 elections (70% of the total elections held) comprising:
 - 92 Postal Elections (66%) and
 - 6 In-Person Elections (4%).
 - The remaining 41 elections were held as in-person elections, managed by the Local Government with the CEO acting as Returning Officer
9. With the proposed legislative changes to Local Government elections, including the increased complexity of counting with the introduction of optional preferential voting, the Local Government should consider the option of the WAEC conducting a Postal Voting election.
10. If Council does not resolve to adopt the Officer Recommendation to request the WAEC to conduct a Postal Voting election, the Shire will be required to conduct the election as *either* an In-Person voting election managed by the Local Government, with the CEO as the Returning Officer (unless otherwise determined), or alternatively as an In-Person voting election managed by the WAEC.
11. An In-Person election managed by the Local Government would require a considerable resource allocation and has the potential to adversely affect service delivery.
12. Additionally, Local Governments may seek access to the WAEC's proprietary CountWA vote counting software (at a cost) however the level of support and training in the use of this software is as yet unknown.

CONSULTATION:

WAEC as set out in this Report.

WALGA

STATUTORY ENVIRONMENT:13. *Section 4.7 of the Local Government Act 1995*

This section of the Act states - That ordinary elections to elect councillors will be held on the third Saturday in October.

14. *Section 4.20(1) of the Local Government Act 1995*

This section of the Act states – ‘Where a Local Government is conducting an In-Person election, the CEO is the Returning Officer’.

15. *Section 4.20(2) of the Local Government Act 1995*

This section of the Act – ‘CEO is to be the Returning Officer unless other arrangements made’ - enables a Local Government, having first obtained the written agreement of the Electoral Commissioner, to appoint a person (absolute majority required) other than the CEO to be the Returning Officer for the Local Government election.

16. *Section 4.20(4) of the Local Government Act 1995*

This section of the Act states – A Local Government, having first obtained the written agreement of the Electoral Commissioner, declares (absolute majority required) the Electoral Commissioner to be responsible for the conduct of an election and to appoint a Returning Officer.

17. *Section 4.61(2) of the Local Government Act 1995*

This section of the Act - ‘Choice of methods of conducting election’ – noting that an election can be conducted as a Postal Election or an In-Person election, allows a Local Government to decide (absolute majority required) to conduct the election as a postal election. A postal election must be conducted by the Electoral Commissioner.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

18. The cost of conducting the election will be accommodated in the 2023/24 budget. If the WAEC is conducting a Postal Election, this will be based on the WAEC’s cost estimate. This figure will not identify the opportunity cost to the organisation in terms of the officer time and resources consumed during normal operating hours to conduct the election.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Councillors represent the community and are well trained

Strategy: Council process is open and transparent to the general community

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by***

each other. The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Due to the significantly increased complexity of the change to preferential voting, conducting the election in-house runs the risk of not complying with legislative requirements
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Major (4)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	High (12)
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Appoint WAEC to conduct the 2023 local government election

VOTING REQUIREMENTS:

Absolute Majority

RESOLUTION CO-2023-020

Moved: Cr Karen Harrington

Seconded: Cr Robyn Lubcke

1. That Council **DECLARE** in accordance with section 4.20(4) for the *Local Government Act 1995*, the WA Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
2. That Council **DECIDE** in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be a Postal Election.

In Favour: Crs Neil Morrell, Graeme Peirce, Karen Harrington, Robyn Lubcke and Adam Squires

Against: Cr Duncan South

CARRIED 5/1 BY ABSOLUTE MAJORITY

LGE 028

Mr Vin Fordham Lamont
Chief Executive Officer
Shire of West Arthur
31 Burrowes Street
DARKAN WA 6392

Dear Mr Fordham Lamont

Local Government Ordinary Election: 2023

The next local government ordinary elections are being held on 21 October 2023. While this is still some distance in the future, I have enclosed an estimate for your next ordinary election to assist in your 2023/2024 budget preparations.

The estimated cost for the 2023 election if conducted as a postal ballot is \$13,500 inc GST, which has been based on the following assumptions:

- 625 electors
- response rate of approximately 60%
- 4 vacancies
- count to be conducted at the offices of the Shire of West Arthur
- appointment of a local Returning Officer
- regular Australia Post delivery service to apply for the lodgement of the election packages.

An additional amount of \$150 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

179916

The Commission is required by the *Local Government Act* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors.

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns
- the cost of any casual staff to assist the Returning Officer on election day or night
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

As you are aware, the Government is currently considering reforms to the *Local Government Act 1995*, which include how elections are to be conducted. In order to assist with your local government's budget planning, we have included, to the best of our knowledge, costs that will arise from the changes proposed in legislation. For example, if under the amendments your local government will be required to conduct a mayoral/presidential election this has been included.

Some local governments may also note an increase in costs from their 2021 ordinary costs. These include increases arising from inflation in recent years affecting salaries for Returning Officers and other staff, printing and packaging costs as well as the increase in postage announced by Australia Post. Additional costs from the Commission have been included arising from improved processing procedures and additional resources to supplement the Commission's education, complaints management, investigation and legal efforts.

In order for the Commission to be responsible for the conduct of your election, the first step required by the *Local Government Act 1995* is my written agreement to undertake the election.

As such, you may take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2023 for the Shire of West Arthur in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required.

My agreement is subject to the proviso that the Shire of West Arthur also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your council would need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

It would be greatly appreciated if this item was considered at your March council meeting, to enable the Commission to have sufficient time to work with you to effectively conduct the election.

I look forward to conducting this election for the Shire of West Arthur in anticipation of an affirmative vote by Council. If you have any further queries please contact Shani Wood Director, Election Operations on 9214 0400.

Yours sincerely



Robert Kennedy
ELECTORAL COMMISSIONER

9 February 2023

11.2 PROCLAMATION - INTERNATIONAL DARK SKY WEEK

File Reference:	ADM107
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	10/03/2023
Disclosure of Interest:	Nil
Attachments:	1. Proclamation International Dark Sky Week ↓ 2. Astrotourism WA Update for Council ↓

SUMMARY:

Council is requested to consider making a proclamation regarding Shire support for International Dark Sky Week

BACKGROUND:

International Dark Sky Week (<https://idsw.darksky.org/>) occurs over the time of the 2023 Total Solar Eclipse. The events that coincide with International Dark Sky Week have been added to the list of events on the International Dark Sky Week website - <https://idsw.darksky.org/events-2023/>.

The International Dark-Sky Association has developed an opportunity for Local Government Authorities to issue a proclamation for International Dark Sky Week. The proclamations will help raise awareness of light pollution, the dark night sky and the Astrotourism Towns Project that aims to share and protect the night sky.

COMMENT:

A proclamation will help raise awareness of what the Shire of West Arthur is doing to share and protect the dark sky asset. Currently, there aren't any proclamations being made from Australia, so it is an excellent opportunity to connect our work to the international stage.

Astrotourism WA has released a series of 22 dark sky stargazing events to celebrate the Ningaloo Total Solar Eclipse and promote Western Australia's world-class night sky to eclipse chasers and visitors from around the world.

The Eclipse Discovery Tour dark sky stargazing events are planned to coincide with the weeks around the Ningaloo Total Solar Eclipse. Events begin on 25th March with the first stargazing night in Three Springs and the final event in Narrogin on 28th April. During the month-long celebration, events will cover four regions and visit towns such as Wickepin, Perenjori, Mingenew, Murchison Settlement, Gascoyne Junction and Onslow. The Shire of West Arthur's event is being held on 26th April.

The aim of the events is to disperse visitors across WA's regional areas and encourage eclipse chasers to stay longer on their holidays. The events will promote WA's dark night skies and the emerging space science industry. Visitors will also be able to view through telescopes to see special Southern Hemisphere star clusters, constellations, and the Magellanic Clouds, not visible in the Northern Hemisphere.

Western Australia's clear and dark skies offer an experience second to none for recreational stargazers and nature lovers. Dark Sky Tourism is becoming a huge new driver for visitors to WA.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Local Economy

Outcome 2.2: A growing, diverse business community

Strategy: Investigate tourism opportunities and support this growing sector

Maintain and enhance our existing assets to encourage visitation

Promote the Shire to people outside the area as a fantastic place to live, work and visit.

Theme: Natural Environment

Outcome 3.1: Maintain and improve our key natural assets

Strategy: Protect our night skies to ensure that they retain their dark sky rating

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

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- Community Disruption
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- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Failure to comply with strategies included in our own Strategic Community Plan
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(2) Minor
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(6) Medium
Principal Risk Theme	Inadequate Engagement Practices
Risk Action Plan (Controls or Treatment Proposed)	President to read proclamation declaring 15-22 April 2023 as International Dark Sky Week.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-021

Moved: Cr Robyn Lubcke

Seconded: Cr Adam Squires

1. That Council endorse International Dark Sky Week; and
2. That the President read the Proclamation in Council following the voting on this item.

CARRIED



Proclamation International Dark Sky Week 2023

Astrotourism Towns, Western Australia

WHEREAS, 80% of the world's population, including people in Perth, lives under a dome of light pollution - excessive artificial lighting at night that disrupts natural darkness - and may never experience the visual wonder or ecological and health benefits of living under a dark sky; and

WHEREAS, the International Dark-Sky Association, is the globally-recognised authority on light pollution, and has created International Dark Sky Week to raise awareness of light pollution, and provide free education, resources, and solutions to the public to encourage the protection of and enjoyment of dark skies and responsible outdoor lighting; and

WHEREAS, the experience of standing beneath the Milky Way in the Shire of **West Arthur**, inspires feelings of wonder and awe, and encourages a growing interest in science and nature, especially among young people and visitors to our community; and

WHEREAS, the Shire of **West Arthur**, is participating in Western Australia's Astrotourism Towns Project to share and protect its dark night sky with the aims of building regional tourism and growing community awareness about the reduction of light pollution; and

WHEREAS, the Shire of **West Arthur**, is hosting an Eclipse Discovery Tour Dark Sky Stargazing event during International Dark Sky Week 2023.

Therefore, I, **Neil Morrell**, Shire President of the Shire of **West Arthur**, do hereby declare 15-22 April 2023 as

INTERNATIONAL DARK SKY WEEK

In the Shire of **West Arthur**, I ask each resident to join me, not only in observing and pondering upon this important week, but also in raising awareness and support for protecting our precious dark sky.



Astrotourism Towns Project

Update March 2022

Total Solar Eclipse, April 2023

Eclipse Discovery Tour Event Series

Astrotourism WA has developed a series of dark sky tourism events to celebrate WA's night sky and promote the Astrotourism Towns during the time of the Total Solar Eclipse.

Evening events held under dark night skies will feature stargazing, viewing through telescopes, tours of the constellations, introductory astronomy and engaging presentations about WA's world-leading Space Science Industry. The dates are:

Date	Event 1	Event 2, same date
Saturday, 25 March	Three Springs	
Friday, 31 March	Lake Grace	
Monday, 3 April	Chittering	
Wednesday, 5 April	Wickepin	
Saturday, 8 April	Narembeen	
Tuesday, 11 April	Northam	
Wednesday, 12 April	Wongan Hills	
Thursday, 13 April	Mingenew	
Friday, 14 April	Cervantes	Greenough
Saturday, 15 April	Morawa	
Sunday, 16 April	Denham	Murchison Settlement
Monday, 17 April	Carnarvon	Mullewa
Wednesday, 19 April	Bullara Station (south of Exmouth)	
Friday, 21 April	Onslow	
Saturday, 22 April	Perenjori	Gascoyne Junction
Sunday, 23 April	Carnamah	
Wednesday, 26 April	Darkan	
Friday, 28 April	Narrogin	

Events are now listed on the following websites:

- Astrotourism WA - <https://astrotourismwa.com.au/events/>
- Australia's Golden Outback - <https://www.australiasgoldenoutback.com/search/?query=eclipse>
- Australia's Coral Coast - <https://www.australiascoralcoast.com/search/?query=eclipse>
- Destination Perth - <https://www.destinationperth.com.au/events> (search for eclipse to find the events)

Carol Redford
 Founder | CEO
 0427 554 035
stars@astrotourismwa.com.au
www.astrotourismwa.com.au

- International Dark Sky Week (relevant events occurring from 15-22 April) - <https://idsw.darksky.org/events-2023/>

Dark Sky Stargazing Trails and Itineraries

The Astrotourism WA website also features dark sky stargazing trails and itineraries. These have been updated to include aspects of the total solar eclipse. The events have also been added to the itineraries to capture visitors who are choosing to follow any of the suggested routes. <https://astrotourismwa.com.au/stargazing-trails/>.

These itineraries are also listed on the relevant Regional Tourism Organisation websites:

- <https://www.destinationperth.com.au/page/perth-stargazing-trails>
- Wild Flowers Wild Stars, Coral Coast - <https://www.australiascoralcoast.com/plan-your-visit/itineraries/5-day-stargazing>
- Star Way, Pilbara - <https://www.australiasnorthwest.com/plan/itineraries/pilbara-star-way>

Please note that the two itineraries related to Australia's Golden Outback were accidentally deleted from their website when it was recently upgraded. Both itineraries, Golden Country Stars and Astrophotographers' Paradise, are being reinstated.

Media Release

A media release to announce the Eclipse Discovery Tour was circulated to over 150 radio and news contacts on 21 February 2023. A copy of the media release follows this update.

The Eclipse Discovery Tour is a series of stargazing events around Western Australia, made possible by funding from [Tourism WA](#), [CSIRO](#) – Australia's national science agency, [International Centre for Radio Astronomy Research](#), [Scitech](#) and [Curtin University](#). The events are also supported by Astrotourism WA and [18 regional Local Governments](#) who are working together to share and protect WA's dark night sky.

For more information about the Total Solar Eclipse, please visit Tourism WA's Ningaloo Eclipse website, <https://ningalooeclipse.com/>.

International Dark Sky Week (15-22 April 2023) - Opportunity for Proclamations

International Dark Sky Week (<https://idsw.darksky.org/>) occurs over the time of the 2023 Total Solar Eclipse. The events that coincide with International Dark Sky Week have been added to the list of events on the International Dark Sky Week website - <https://idsw.darksky.org/events-2023/>.

The International Dark-Sky Association has developed an opportunity for Local Government Authorities to issue a proclamation for International Dark Sky Week. The proclamations will help raise awareness of light pollution, the dark night sky and the Astrotourism Towns Project that aims to share and protect the night sky. Information and a template proclamation has been circulated to Council staff if the opportunity to make a proclamation arises.



Media Release

Stargazing Discovery Tour to promote dark sky tourism to eclipse chasers

Astrotourism WA has released a series of 22 dark sky stargazing events to celebrate the Ningaloo Total Solar Eclipse and promote Western Australia's world-class night sky to eclipse chasers and visitors from around the world.

The Eclipse Discovery Tour dark sky stargazing events are planned to coincide with the weeks around the Ningaloo Total Solar Eclipse. Events begin on 25th March with the first stargazing night in Three Springs and the final event in Narrogin on 28th April. During the month-long celebration, events will cover four regions and visit towns such as Wickepin, Perenjori, Mingenew, Murchison Settlement, Gascoyne Junction and Onslow.

The aim of the events is to disperse visitors across WA's regional areas and encourage eclipse chasers to stay longer on their holidays. The events will promote WA's dark night skies and the emerging space science industry. Visitors will also be able to view through telescopes to see special Southern Hemisphere star clusters, constellations and the Magellanic Clouds, not visible in the Northern Hemisphere.

Western Australia's clear and dark skies offer an experience second to none for recreational stargazers and nature lovers. Dark Sky Tourism is becoming a huge new driver for visitors to WA.

Carol Redford, CEO of Astrotourism WA said: "Places such as Jurien Bay's Turquoise Coast Visitor Centre, on the Astrotourism Towns map, is receiving an average of one enquiry a day from visitors asking where local stargazing places are."

"Western Australia is perfectly placed to become the stargazing capital of the world and grow a Dark Sky Tourism economy across the State. We have many comparative advantages that make us an ideal destination to access a pristine dark night sky where the billions of stars in the Milky Way Galaxy can be seen as they are meant to be."

"The total solar eclipse gives Western Australia a moment in time where the global spotlight will shine on our beautiful State. It's the perfect time to showcase our dark sky tourism and what incredible space science projects are in our own backyard.

"The development of this tourism niche offers huge opportunities for regional operators and destinations – from desert tours, traditional Aboriginal cultural experiences, nature-based camping, festivals, photography and education-based experiences."

The Eclipse Discovery Tour are free events support by Tourism WA, CSIRO – Australia's national science agency, International Centre for Radio Astronomy Research, Scitech and Curtin University. The tour is also supported by WA's Astrotourism Towns and 18 regional Local Governments.



The Eclipse Discovery Tour

A series of stargazing events around Western Australia, a world-class dark sky tourism destination and space science epicentre!

- Visit an [Astrotourism Town](#)
- Enjoy a [dark sky stargazing event](#)
- Stay longer and [travel a dark sky itinerary](#)

Celebrating the [Ningaloo Total Solar Eclipse](#) in Western Australia!

– ENDS –

Images and Media Resources

For access to images to accompany media articles, please contact Carol Redford on carol@astrotourismwa.com.au or call 0427 554 035.

Key information

- [Astrotourism WA](#)
- [Ningaloo Eclipse](#)

Interview requests

- | | |
|--|---|
| <ul style="list-style-type: none"> - Astrotourism WA - Carol Redford, CEO - carol@astrotourismwa.com.au - 0427 554 035 | <ul style="list-style-type: none"> - Tourism WA - Chiara Zaffino, Strategic Communications - Chiara.Zaffino@jtsi.wa.gov.au - 0459 481 609 |
| <ul style="list-style-type: none"> - CSIRO, Australia’s national science agency - Mikayla Keen, Communications Advisor, Space - Mikayla.Keen@csiro.au - 0436 932 340 | <ul style="list-style-type: none"> - Curtin University - Vanessa Beasley, Director Media & Events - Vanessa.Beasley@curtin.edu.au - 0466 853 1721 |
| <ul style="list-style-type: none"> - International Centre for Radio Astronomy Research - Sharon Stegler, Manager Strategic Engagement and Communications - Sharon.Segler@icrar.org - 0409 202 255 - | <ul style="list-style-type: none"> - Scitech - Deanna Watson, Manager Communications - Deanna.Watson@scitech.org.au - 0422 216 044 |

For interviews with specific **Local Governments**, please contact Carol Redford on 0427 554 035 for introductions.

11.3 CHILD SAFE AWARENESS POLICY PILOT

File Reference:	ADM015
Location:	Nil
Applicant:	Nil
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/03/2023
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Child Safe Awareness Policy ↓2. Child Safe Awareness Policy Pilot Program Project Plan ↓3. Child Safe Awareness Policy Pilot Program Implementation Checklist ↓

SUMMARY:

Council is requested to consider the adoption of a Child Safe Awareness Policy.

BACKGROUND:

The Shire of West Arthur nominated to be part of a Child Safe Awareness Policy pilot program run by the Department of Local Government, Sport and Cultural Industries. This pilot has been developed in response to Recommendation 6.12 from the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) and following several phases of consultation with local governments, the Western Australian Local Government Association (WALGA), the Department of Communities, and DLGSC.

The Royal Commission recognised the important role that local governments play in improving and maintaining child safety in their communities. The Royal Commission also found that a well-informed and proactive community approach to child safety can create environments that prevent child abuse. The Policy is designed to increase awareness of child safe practices for organisations, stakeholders, and individuals who use local government facilities.

COMMENT:

The purpose of the Policy is to determine whether additional supports and resources are required for local government agencies to adapt and implement the Child Safe Awareness Policy template for local government ahead of DLGSC presenting the Policy, associated implementation resources and child safe messages to the WALGA State Council meeting for approval in May 2023. Implementation of the Policy will follow the steps outlined in the Implementation checklist developed by DLGSC.

At the completion of the Pilot program, each local government involved in the pilot will have successfully implemented the Policy and fulfilled the Policy functions being:

- Developing a process to deliver child safe messages; and
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

The Pilot program will run from March 2023 until 29 April 2023 but continued support will be provided to local governments who are not able to complete implementation of the Policy within this timeframe.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Childcare Services Act 2007
Children and Community Services Act 2004
Civil Liability Act 2002
Corruption, Crime and Misconduct Act 2003
Equal Opportunity Act 1984
Freedom Of Information Act 1997
Local Government Act 1995
National Principles for Child Safety Organisations
Parliamentary Commissioner Act 1971
Public Interest Disclosure Act 2003r
Public Sector Management Act 1994
United Nations Convention on The Rights of The Child (CRC)
Work Health and Safety Act 2020
Working With Children (Criminal Record Checking) Act 2004

POLICY IMPLICATIONS:

Child Safe Awareness Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031
Theme: Community – Safe, Friendly and Inclusive
Outcome 1.1: A safe place to work, live and visit
Strategy: Prevention of crime; Communications of risks and hazards to the community and assistance with management of these

Theme: Leadership and Management – inspirational, dynamic, transparent
Outcome 4.4: Actively engage with community, business and other stakeholders to grow and develop the community
Strategy: Continued improvement in communication with the community through various platforms that ensure all members of the community have access to information

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct

- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Failure to engage with the community, and failure to comply with strategies included in our own Strategic Community Plan
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(2) Minor
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(6) Medium
Principal Risk Theme	Inadequate Engagement Practices
Risk Action Plan (Controls or Treatment Proposed)	Adopt the Child Safe Awareness Policy

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-022

Moved: Cr Adam Squires
 Seconded: Cr Duncan South

That Council adopt the Child Safe Awareness Policy. **CARRIED**

Policy Title	PC4 – Child Safe Awareness
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

Shire of West Arthur supports and values all children and young people. Shire of West Arthur makes a commitment to support the safety and wellbeing of all children and young people, including protection from abuse. This Child Safe Awareness policy is one of the ways Shire of West Arthur demonstrates its commitment to being child safe and a zero-tolerance approach to child abuse.

This policy aims to reduce the risk of harm and child sexual abuse in our communities by encouraging child safe environments to be created and maintained. Shire of West Arthur is committed to encouraging local organisations to be child safe and ensure children are safe and empowered.

This Child Safe Awareness policy has been developed in response to recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse and recognises that Shire of West Arthur is uniquely placed within the local community to demonstrate leadership by supporting organisations to be child safe and to protect children and young people from harm and/or abuse. Shire of West Arthur will promote the safety and wellbeing of children across the community.

Consistent with the [National Principles for Child Safe Organisations](#) and [Commonwealth Child Safe Framework](#), this policy provides a framework that outlines the role of Shire of West Arthur in supporting local organisations to be child safe through access to resources, awareness raising and sharing relevant information.

Scope

The safety and wellbeing of children is everyone's responsibility. This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire of West Arthur, regardless of their work related to children or young people. It applies to occupants of Shire of West Arthur facilities and venues, including visitors, contractors and suppliers.

Definitions

Abuse: Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional and sexual abuse, and neglect.

Child/Children: Means a person under 18 years of age, and in the absence of positive evidence as to age, means a person who appears to be under 18 years of age.

Child Safe Organisation: is defined in the Royal Commission Final Report as one that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions
- places emphasis on genuine engagement with and valuing of children and young people
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm, and
- responds to any concerns, disclosures, allegations, or suspicions of harm.

Note: in the context of local governments, this would involve referring concerns to the Department of Communities or WA Police to respond as appropriate.

Implementation of the National Principles for Child Safe Organisations give effect to the above.

Child safe: For the purpose of this policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

Harm: Harm, in relation to a child, means any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance; or a series or combination of acts, omissions or circumstances.

Wellbeing: Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

Policy Principles

- The rights of children and young people are upheld.
- Children and young people are respected, listened to, and informed about their rights.
- Children and young people have the fundamental right to be safe and cared for.
- Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.
- The safety and best interests of children and young people are a primary consideration when making decisions that concern them.
- Access to trusted and reliable information, including the National Principles for Child Safe Organisations, helps support organisations to understand what they must do to help reduce the risk of harm and abuse.
- Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm.
- Collaboration with the community and our partners promotes the safety, participation and empowerment of all children and young people.

Policy Statement

The Shire of West Arthur will ensure the following functions of this policy are resourced and assigned to the relevant officers for implementation.

- Developing a process to deliver child safe messages (for example at Shire of West Arthur venues, grounds and facilities or events).
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

Responsibilities

The Shire of West Arthur has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices.

Although the Shire of West Arthur is not legally responsible for providing oversight of compliance with



child safe practices, it will take any reasonable steps to engage with persons who utilise Shire of West Arthur facilities to operate in alignment with the Child Safe Awareness policy.

The Shire of West Arthur will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness policy.

History	
Delegation	People and Culture
Relevant Legislation	<ul style="list-style-type: none"> • <i>Child Care Services Act 2007</i> • <i>Children and Community Services Act 2004</i> • <i>Civil Liability Act 2002</i> • <i>Corruption, Crime and Misconduct Act 2003</i> • <i>Equal Opportunity Act 1984</i> • <i>Freedom of Information Act 1997</i> • <i>Local Government Act 1995</i> • <i>National Principles for Child Safety Organisations</i> • <i>Parliamentary Commissioner Act 1971</i> • <i>Public Interest Disclosure Act 2003r</i> • <i>Public Sector Management Act 1994</i> • <i>United Nations Convention on the Rights of the Child (CRC)</i> • <i>Work Health and Safety Act 2020</i> • <i>Working with Children (Criminal Record Checking) Act 2004</i>
Related Documentation	Strategic Community Plan





Child Safe Awareness Policy Pilot program

Purpose

To determine whether additional supports and resources are required for local government agencies to adapt and implement the Child Safe Awareness Policy template for local government (the Policy) ahead of the Department Local Government, Sport and Cultural Industries (DLGSC) presenting the Policy, associated implementation resources and child safe messages to the Western Australian Local Government Association (WALGA) State Council meeting for approval in May 2023. Implementation of the Policy will follow the steps outlined in the Implementation checklist developed by DLGSC.

Background

The Policy has been developed in response to Recommendation 6.12 from the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) and following several phases of consultation with local governments, WALGA, the Department of Communities, and DLGSC.

The Royal Commission recognised the important role that local governments play in improving and maintaining child safety in their communities. The Royal Commission also found that a well-informed and proactive community approach to child safety can create environments that prevent child abuse. The Policy is designed to increase awareness of child safe practices for organisations, stakeholders, and individuals who use local government facilities.

Outcomes

At the completion of the Pilot program, each local government involved in the pilot will have successfully implemented the Policy and fulfilled the Policy functions being:

- Developing a process to deliver child safe messages.
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

Timeframe

The Pilot program will run from March 2023 until 29 April 2023 but continued support will be provided to local governments who are not able to complete implementation of the Policy within this timeframe.



Responsibilities

DLGSC

The Child Safeguarding Implementation Unit (the Unit) (childsafeguarding@dlgsc.wa.gov.au) is responsible for

- Coordinating the Pilot program and providing support to local governments engaged in the program to implement the Policy.
- Providing any support required to progress implementation of the Policy in local governments.
- Being available to provide advice and receive feedback when required.
- Collating responses to evaluation and make necessary changes to implementation resources.

Primary contact:

Tom Fleming, Principal Policy Officer, DLGSC

Phone: (08) 9492 9691 Email: tom.fleming@dlgsc.wa.gov.au

Local Government

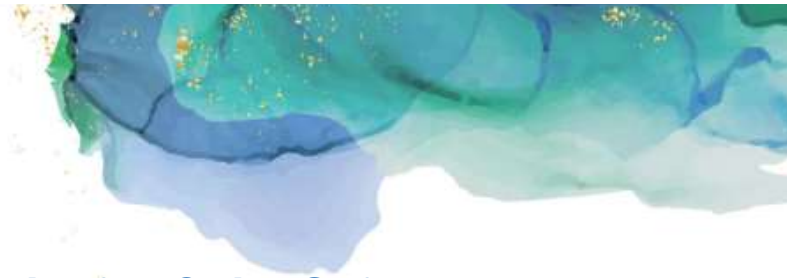
Each local government involved in the pilot is responsible for:

- Nominating a contact person(s) to act as a liaison between DLGSC and their agency.
- Progressing implementation of the Policy in line with the implementation checklist.
- Providing regular updates to the Unit as required/agreed.
- Contacting the Unit to report any barriers to implementation.
- Completing an evaluation of the implementation at the conclusion of the trial period.

Additional resources

Each local government will be provided with copies of the necessary resources to facilitate implementation of the Policy, these include:

- Child Safe Awareness Policy Pilot program project plan (this document)
- Child Safe Awareness Policy template for local government
- Implementation checklist
- Resources for Child Safe Organisations
- Referral pathways information
- Tranche 1 Child Safe Messages
- Child Safe Awareness Policy Frequently Asked Questions
- Guidelines for promoting Child Safe Messages



Implementation Checklist for Child Safe Awareness Policy for local government

Please use the below checklist to ensure all steps are taken to effectively implement the Child Safe Awareness Policy for local government.

- 1. Adapt policy (from template) to local government area by
 - including additional Policy Principles (if required),
 - addition related local government policies and legislation, and
 - transferring to local government policy template
- 2. Seek policy approval by Council through normal approval process
- 3. Distribute local government staff communication to raise internal awareness of policy as per usual local government process (newsletter/ intranet/ information session etc)
- 4. Develop operational document for local government to accompany implementation of the Policy clearly outlining allocation of tasks and responsibilities to specified roles within local government
- 5. Communicate with responsible staff to determine required actions and timelines for completion including the promotion of child safe messages
- 6. Provide necessary information to staff within specified roles including awareness of referral pathways resource and resources for child safe organisations information
- 7. Promote child safe message posters in line with Guidelines for promoting child safe messages
- 8. External communication to the broader community of adoption of policy (social media/ website content) using communications materials
- 9. Update Operational Plans and Job Descriptions (if required)
- 10. Update any advice/instructions for contractors, hirers, occupants (where required)

Additional actions to complete within 12 months of implementation

- 11. Policy monitoring
- 12. Policy reporting (if required)
- 13. Policy review and updating (if required)

11.4 2022 COMPLIANCE AUDIT RETURN

File Reference:	ADM044
Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	17/03/2023
Disclosure of Interest:	Nil
Attachments:	1. 2022 Compliance Audit Return ↓

SUMMARY:

Council is requested to consider adopting the 2022 Compliance Audit Return (CAR), as presented, as the official return for the Shire of West Arthur for the period 1 January 2022 to 31 December 2022.

BACKGROUND:

Each year, a local government is required to carry out a compliance audit for the period 1 January to 31 December of the previous calendar year. The local government's Audit & Risk Committee is required to review the CAR and report the results of that review to Council.

COMMENT:

Council's Audit and Risk Committee met on 16 March 2023 and recommended that Council adopt the CAR, as presented.

The Audit & Risk Committee noted that the Shire appears to be mostly compliant with its legislative requirements. The only exceptions in the 2022 CAR are:

- Finance (Q3) – The auditor's report for the financial year ended 30 June 2022 was not received by the Shire by 31 December 2022. This was outside the Shire's control as the audit was delayed due to illness of the auditor.
- Other (Q7) – The Shire prepared a report of the training completed by council members in the 2021/2022 financial year, but it was not updated on our website. The website has since been updated accordingly.

CONSULTATION:

Manager Corporate Services

Manager Financial Reporting

Administration Officer

STATUTORY ENVIRONMENT:

Local Government Act 1995 – section 7.13(1)(i) – Regulations as to audits

Local Government (Audit) Regulations 1996 – reg. 14 – Compliance audits by local governments

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Failure to comply with legislation, resulting in financial loss, reputational damage, etc
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Complete the annual compliance audit return and take note of non-compliance issues to ensure mistakes are not repeated

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-023

Moved: Cr Robyn Lubcke

Seconded: Cr Adam Squires

That Council adopt the 2022 Compliance Audit Return as presented.

CARRIED

[Home \(/\)](#) / [Compliance Audit Return \(/CAR/\)](#) / **Compliance Audit Return Form**

Compliance Audit Return Form

Start ✓
Details ✓
Commercial Enterprises ✓
Delegation ✓
Disclosure of Interest ✓
Disposal of Property ✓
Elections ✓
Finance ✓
IPR ✓
Employees ✓
Conduct ✓
Other ✓
Tenders ✓
Documents ✓
Review

Finalise

Print

Details

Local Government

West Arthur, Shire of

Created By

Vincent Fordham Lamont

Year of Return

2022

3/1/23, 6:26 PM

Compliance Audit Return Form - Statutory

Status

Draft

Commercial Enterprises by Local Governments

1. Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2022? *

N/A

Add comments

Please enter comments *

No major trading undertakings in 2022.

2. Has the local government prepared a business plan for each major land transaction that was not exempt in 2022? *

N/A

Add comments

Please enter comments *

No major land transactions in 2022.

3. Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2022? *

N/A

Add comments

Please enter comments *

No major land transactions in 2022.

4. Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2022? *

N/A

Add comments

—

5. During 2022, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority? *

N/A

Add comments

—

Delegation of Power/Duty

1. Were all delegations to committees resolved by absolute majority? *

N/A

Add comments

Please enter comments *

There are no delegations to any Council committee.

2. Were all delegations to committees in writing? *

N/A

Add comments

—

3. Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995? *

N/A

Add comments

—

4. Were all delegations to committees recorded in a register of delegations? *

N/A

Add comments

3/1/23, 6:26 PM

Compliance Audit Return Form - Starter Form

—

5. Has council reviewed delegations to its committees in the 2021/2022 financial year? *

Yes

Add comments

Please enter comments *

Review carried out in 2022, and continuing into 2023. New delegations register will be finalised in 2023.

6. Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995? *

Yes

Add comments

—

7. Were all delegations to the CEO resolved by an absolute majority? *

N/A

Add comments

Please enter comments *

No new delegations.

8. Were all delegations to the CEO in writing? *

N/A

Add comments

—

9. Were all delegations by the CEO to any employee in writing? *

N/A

Add comments

Please enter comments *

No new delegations.

10. Were all decisions by the Council to amend or revoke a delegation made by absolute majority? *

N/A

Add comments

Please enter comments *

No delegations revoked.

11. Has the CEO kept a register of all delegations made under Division 4 of the Local Government Act 1995 to the CEO and to employees? *

Yes

Add comments

—

12. Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year? *

Yes

Add comments

—

13. Did all persons exercising a delegated power or duty under the Local Government Act 1995 keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996 regulation 19? *

Yes

Add comments

3/1/23, 6:26 PM

Compliance Audit Return Form - Statutory

—

Disclosure of Interest

1. Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter? *

Yes

Add comments

—

2. Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting? *

Yes

Add comments

—

3. Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made? *

Yes

Add comments

—

4. Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day? *

Yes

Add comments

—

5. Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2022? *

Yes

Add comments

—

6. On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return? *

Yes

Add comments

—

7. Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995? *

Yes

Add comments

—

8. Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28? *

Yes

Add comments

—

3/11/23, 6:26 PM

Compliance Audit Return Form - Council Clerk

9. When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person? *

Yes

Add comments

—

10. Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return? *

Yes

Add comments

—

11. Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A? *

Yes

Add comments

—

12. Did the CEO publish an up-to-date version of the gift register on the local government's website? *

Yes

Add comments

—

13. When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people? *

Yes

Add comments

—

14. Have copies of all records removed from the register under section 5.89A(6) Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure? *

Yes

Add comments

—

15. Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report? *

Yes

Add comments

—

16. Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application? *

N/A

Add comments

—

17. Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered? *

N/A

Add comments

—

3/1/23, 6:26 PM

Compliance Audit Return Form - Statel Portal

18. Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)? *

Yes

Add comments

—

19. Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995? *

No

Add comments

—

20. Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website? *

Yes

Add comments

—

21. Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? *

Yes

Add comments

—

Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website? *

Yes

Disposal of Property

1. Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)? *

Yes

Add comments

—

2. Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property? *

Yes

Add comments

—

Elections

1. Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulation 30G(1) and regulation 30G(2) of the Local Government (Elections) Regulations 1997? *

N/A

Add comments

Please enter comments *

Not an election year.

2. Did the CEO remove any disclosure of gifts forms relating to unsuccessful candidates, or successful candidates that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997? *

N/A

Add comments

31/11/23, 0:20 FIVE

Compliance Audit Return Form - Section 1.1.1.1

Please enter comments *

Not an election year.

3. Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997? *

N/A

Add comments

Please enter comments *

Not an election year.

Finance

1. Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995? *

Yes

Add comments

—

2. Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority? *

N/A

Add comments

Please enter comments *

Audit and Risk Committee has not been delegated any powers or duties.

3. Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022? *

No

Add comments

Please enter comments *

Auditor visit for EOFY audit was delayed due to illness of auditor, and then the OAG being closed for all of January. We did not receive it until 15 February 2023.

4. Where the local government determined that matters raised in the auditor’s report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters? *

Yes

Add comments

—

5. Where matters identified as significant were reported in the auditor’s report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government? *

Yes

Add comments

Please enter comments *

Given that this CAR relates to the 2022 calendar year, and that the only auditors report we received in 2022 was in relation to the 2020/21 financial year, our response is in relation to the 2020/21 auditor's report.

6. Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government’s official website? *

Yes

Add comments

—

7. Was the auditor’s report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit? *

Yes

Add comments

3/1/23, 6:26 PM

Compliance Audit Return Form - Standard 1.1.1

—

Integrated Planning and Reporting

1. Has the local government adopted by absolute majority a strategic community plan? *

Yes

Add comments

Please provide the adoption date or the date of the most recent review *

27/07/2021

—

2. Has the local government adopted by absolute majority a corporate business plan? *

Yes

Add comments

Please provide the adoption date or the date of the most recent review *

27/07/2021

—

3. Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)? *

Yes

Add comments

—

Local Government Employees

1. Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A? *

Yes

Add comments

—

2. Was all information provided in applications for the position of CEO true and accurate? *

N/A

Add comments

Please enter comments *

No applications for CEO received this year.

3. Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995? *

Yes

Add comments

—

4. Did the CEO inform council of each proposal to employ or dismiss senior employee? *

Yes

Add comments

—

5. Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so? *

N/A

Add comments

3/1/23, 6:26 PM

Compliance Audit Return Form - Starter Pack

—

Official Conduct

1. Has the local government designated an employee to be its complaints officer? *

Yes

Add comments

—

2. Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995? *

Yes

Add comments

—

3. Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995? *

Yes

Add comments

—

4. Has the CEO published an up-to-date version of the register of the complaints on the local government's official website? *

Yes

Add comments

—

Other

1. Did the CEO review the appropriateness and effectiveness of the local government’s financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2022?

Yes

Add comments

Please provide the date of council’s resolution to accept the report. *

09/03/2022

—

2. Did the CEO review the appropriateness and effectiveness of the local government’s systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2022?

Yes

Add comments

Please provide the date of council’s resolution to accept the report. *

09/03/2022

—

3. Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?

Yes

Add comments

—

3/17/23, 9:28 PM

Compliance Audit Return Form - Standard 1.01(a)

4. Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?

Yes

Add comments

—

5. Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?

Yes

Add comments

—

6. Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?

Yes

Add comments

—

7. Did the local government prepare a report on the training completed by council members in the 2021/2022 financial year and publish it on the local government's official website by 31 July 2022?

No

Add comments

OQ-CouncilMemberTrainingPublishComments *

The website has since been updated accordingly.

8. By 30 September 2022, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2022?

Yes

Add comments

—

9. When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?

Yes

Add comments

—

Tenders for Providing Goods and Services

1. Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less? *

Yes

Add comments

—

2. Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations? *

Yes

Add comments

—

3. When regulations 11(1), 12(2) or 13 of the Local Government (Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)? *

Yes

Add comments

01/11/23, 9:29 PM

Compliance with Local Government (Functions and General) Regulations 1996, Regulation 12

—

4. Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract? *

N/A

Add comments

—

5. If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation? *

Yes

Add comments

—

6. Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16? *

Yes

Add comments

—

7. Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website? *

Yes

Add comments

—

8. Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender? *

Yes

Add comments

—

9. Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept? *

Yes

Add comments

—

10. Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted? *

Yes

Add comments

—

11. Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22? *

Yes

Add comments

—

12. Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice? *

Yes

Add comments

11/23, 11/23/11

Completed last year from 11/23/11

—

13. Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer? *

Yes

Add comments

—

14. Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24? *

Yes

Add comments

—

15. Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE? *

N/A

Add comments

Please enter comments *

No such panels created.

16. If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation? *

N/A

Add comments

—

17. Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application? *

N/A

Add comments

—

18. Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG? *

N/A

Add comments

—

19. Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications? *

N/A

Add comments

—

20. Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept? *

N/A

Add comments

—

21. Did the CEO send each applicant written notice advising them of the outcome of their application? *

N/A

Add comments

3/1/23, 6:26 PM

Compliance Audit Return Form - Starter Form

—

22. Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F? *

Yes

Add comments

—

Documents

There are no notes to display.

Close	Previous	Next
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11.5 WALGA BEST PRACTICE GOVERNANCE REVIEW

File Reference:	ADM145
Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/03/2023
Disclosure of Interest:	Nil
Attachments:	1. Best Practice Governance Review Model for Feedback ↓

SUMMARY:

Council is requested to consider WALGA State Council's resolution, made at its 1 March meeting, as follows:

That:

- 1. The Best Practice Governance Review Stage 3 Final Report be received;*
- 2. The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
- 3. Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
- 4. Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
- 5. Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

BACKGROUND:

The Steering Committee guiding WALGA's Best Practice Governance Review has finalised its report (see <https://walga.asn.au/getattachment/WALGA%E2%80%99s-Best-Practice-Governance-Review/BPGR-Steering-Committee-Stage-3-Final-Report.pdf?lang=en-AU>) and recommended a preferred governance model for WALGA, based on submissions from Local Governments.

Submissions were received from 99 Local Governments, representing over 70 percent of the sector. 62 percent of Councils submitted in favour of change, with Model 1 – the two-tier model retaining State Council and Zones and creating a new board – the most strongly supported change model.

On the basis of Local Government submissions, the Steering Committee recommended progressing with constitutional amendments to give effect to a slightly revised Model 1, details of which are contained in the final report.

State Council, at its 1 March meeting, considered the Steering Committee's recommendations and resolved as follows:

That:

- 1. The Best Practice Governance Review Stage 3 Final Report be received;*
- 2. The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
- 3. Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
- 4. Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*

5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

Accordingly, as per point 3, feedback is sought in relation to the proposed model, outlined in the *Recommended Direction* section of the final report, and also available in the attached summary document.

COMMENT:

The Steering Committee recommended to State Council that WALGA’s governance model be amended in accordance with the roles and processes outlined below, broadly in accordance with Model 1 (from the original model options).

GOVERNANCE BODY	STRUCTURE	ROLE
BOARD	Up to 11 Board members, comprising 8 representative members being the President, the Deputy President and 6 members elected from and by State Council (3 metropolitan, 3 country). The Board will appoint up to 3 independent, skills or constituency directors. The Board would meet 6 times per year.	The Board will be responsible for the governance of WALGA including strategy/strategic planning, financial oversight, policy development and endorsement, advocacy priorities and employment of the CEO. The Board can form Committees, which would have responsibility for specific functions, such as policy development, the Honours Program, and selection and nominations to Boards and Committees. The Board is required to consult with State Council on the Strategic Plan and the annual State Budget submission. The Board will follow a consensus decision-making process.
STATE COUNCIL	24 State Council members plus the President. State Councillors are elected from and by the Zones (12 from Metropolitan Zones, 12 from Country Zones). State Council would meet at least 3 times per year.	The role of the State Council will be to elect the President, Deputy President and members to the Board, initiate and contribute to policy positions and advocacy for input into the Board, and to liaise with Zones and Members on policy and advocacy. State Council meetings will make decisions by way of voting.
ZONES	5 Metropolitan Zones, 12 Country Zones, meeting at least 3 times per year.	Zones would have the same role as they currently do, that is to raise policy issues, elect representatives to the State Council, provide guidance to their State Council representative, regional cooperation and information sharing, and undertake regional advocacy and projects as directed by the Zone.

The model has several inherent accountabilities. The President, Deputy President and Board Members are elected from and by the State Council every two years, providing State Council with significant input into the membership of the board. Further, eight members of State Council will occupy dual roles as State Councillors and Board Members, solidifying the link between State Council and the Board. The Board will be required to consult with State Council in regard to the corporate strategy or strategic plan, and the annual State Budget submission, and will be able to consult with State Council on any other matter.

Further details can be found in the attached summary. The CEO, having read the report, supports the Stat Council's resolution and has no additional feedback to provide.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Provide informed decision making based on our strategic directions and legal requirements and that these are open, transparent and adequately communicated to the community

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices

- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Nil
Risk Likelihood (based on history and with existing controls)	N/A
Risk Consequence	N/A
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	N/A
Principal Risk Theme	N/A
Risk Action Plan (Controls or Treatment Proposed)	N/A

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-024

Moved: Cr Karen Harrington

Seconded: Cr Adam Squires

That Council support the new WALGA governance model described in the attached summary and authorise the CEO to advise WALGA accordingly.

CARRIED

WALGA BEST PRACTICE GOVERNANCE REVIEW



GOVERNANCE MODEL FOR FEEDBACK

MARCH 2023






GOVERNANCE MODEL FOR FEEDBACK

The Steering Committee recommends to State Council that WALGA's governance model be amended in accordance with the roles and processes outlined below, broadly in accordance with Model 1.

Model 1 – Details

Overview

GOVERNANCE BODY	STRUCTURE	ROLE
 BOARD	Up to 11 Board members, comprising 8 representative members being the President, the Deputy President and 6 members elected from and by State Council (3 metropolitan, 3 country). The Board will appoint up to 3 independent, skills or constituency directors. The Board would meet 6 times per year.	The Board will be responsible for the governance of WALGA including strategy/strategic planning, financial oversight, policy development and endorsement, advocacy priorities and employment of the CEO. The Board can form Committees, which would have responsibility for specific functions, such as policy development, the Honours Program, and selection and nominations to Boards and Committees. The Board is required to consult with State Council on the Strategic Plan and the annual State Budget submission. The Board will follow a consensus decision-making process.
 STATE COUNCIL	24 State Council members plus the President. State Councillors are elected from and by the Zones (12 from Metropolitan Zones, 12 from Country Zones). State Council would meet at least 3 times per year.	The role of the State Council will be to elect the President, Deputy President and members to the Board, initiate and contribute to policy positions and advocacy for input into the Board, and to liaise with Zones and Members on policy and advocacy. State Council meetings will make decisions by way of voting.
 ZONES	5 Metropolitan Zones, 12 Country Zones, meeting at least 3 times per year.	Zones would have the same role as they currently do, that is to raise policy issues, elect representatives to the State Council, provide guidance to their State Council representative, regional cooperation and information sharing, and undertake regional advocacy and projects as directed by the Zone.

The table above provides an overview of the proposed governance model including the role of each governance layer.

The model has several inherent accountabilities. The President, Deputy President and Board Members are elected from and by the State Council every two years, providing State Council with significant input into the membership of the board. Further, eight members of State Council will occupy dual roles as State Councillors and Board Members, solidifying the link between State Council and the Board.

The Board will be required to consult with State Council in regards to the corporate strategy or strategic plan, and the annual State Budget submission, and will be able to consult with State Council on any other matter.

WALGA **Best Practice Governance Review** – Governance Model for Feedback

Roles and Responsibilities

President

State Council shall elect a President from amongst its members. The President is the Chair and an ex officio (non-voting) member of State Council, and is the Chair and voting member of the Board. The President's role is a key one within the Association. The President is considered both the "lead" State Councillor and Board member, utilising experience, skills and leadership abilities to facilitate governance processes.

The responsibilities of the President are to:

- Represent and advocate the decisions of the Board
- Act as a link between meetings with the Board, State Council and Association management
- Be the interface of WALGA with external stakeholders
- Act as a spokesperson as required, in consultation with the CEO
- Develop an effective working relationship with the CEO
- Ensure timely and accurate dissemination of information to the Board
- Establish Working Groups, as required, to report directly to the Board

The President will be limited to serving two terms, up to a total of four years, as is currently the case.

Deputy President

The Deputy President is elected by State Council to ensure continuity of operation for the Association in the event that the President is either absent or temporarily unable to fulfil their responsibilities. In such circumstances, the Deputy President shall undertake the roles and responsibilities of the President. The Deputy President in exercising the roles and responsibilities of the President is to be mindful that the position is temporary and to work within the current direction of the Association.

The Deputy President is a Board Member and a State Councillor, and has responsibilities in those roles.

The Deputy President will be elected from the alternate constituency to the President and will be limited to serving two terms, up to a total of four years, as is currently the case.

Board

The Board is the governing board of WALGA, responsible for all matters relating to the management and affairs of the Association, including:

- Primarily, to govern the successful operation of the Association through the CEO and senior management
- Monitoring financial management, including the annual budget and annual subscriptions
- At least once a year, causing the Association's accounts to be audited by a person or persons appointed by the Board
- Monitoring and controlling compliance and organisational performance
- Ensuring effective identification, assessment and management of risk
- Developing, evaluation and succession of the Chief Executive Officer
- Approving the use of the common seal of the Association
- Strategy and strategic planning, subject to consulting with State Council
- Policy development (involving State Council) and endorsement
- Endorsement of advocacy priorities
- Endorsement of the annual State Budget submission, subject to consultation with State Council
- Ensuring effective communication and liaison with Members and stakeholders

- Constitutional amendments for consideration by members at a general meeting
- Expulsion of Ordinary and Associate members
- Awarding Local Government Honours (delegated to the Honours Panel)
- Overseeing the nomination and selection process for Local Government vacancies on Boards and Committees (delegated to the Selection Committee)

All Board Members, including independent members, will be limited to four terms in the role, up to a total of eight years, and remuneration will be paid to Board Members in accordance with industry standards and the workload of the role.

The responsibilities of the Board do not include responsibility for running the business of the Association. All operation matters remain the responsibility of the CEO.

The Board may from time to time as it deems necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit, except the powers to:

- Acquire, hold and dispose of real property
- Borrow money
- Set subscriptions levels

Independent Board Members

The Board may choose to appoint up to three independent members, who will have the duties and obligations of a Board Member. At their first meeting following election by State Council, the Board will complete skills and diversity matrices and determine:

- skills or diversity gaps to be filled by independent members; and
- the process for filling the positions, such as through the Selection Committee process.

Independent Board Member positions may be filled by Elected Members, but State Councillors will not be eligible to be appointed as Independent Board Members.

State Council

State Council is responsible for:

- Initiating, reviewing, and contributing to policy positions for consideration by the Board
- Advocacy to the Board, and contributing to advocacy priorities
- Liaising with Zones and Members on policy and advocacy
- Giving consideration to any direction or decision made by members at an AGM
- Input into the focus and contents of WALGA's annual State Budget submission
- Contributing to WALGA's Strategic Plan and Corporate Strategy

The main focus of State Council is policy and advocacy for the Association, with the ultimate decision-making powers resting with the Board. Therefore, all decisions of State Council require endorsement by the Board to become a WALGA policy or advocacy position.

State Councillors will not be term limited, and will continue to receive an annual allowance.

WALGA **Best Practice Governance Review** – Governance Model for Feedback

Zones

As per current arrangements, there will be five metropolitan and 12 country Zones. Each member of a Zone shall be entitled to be represented by a delegate or delegates elected or appointed by the member to represent its interests. Zones shall determine the number of delegates to which each member is entitled to be represented by on the Zone.

The function of each Zone shall be:

- Electing a representative(s) and deputy representative(s) to State Council;
- Providing guidance to the representative(s) on State Council;
- Raising policy matters for State Council;
- Regional cooperation and information sharing; and
- Any other functions deemed appropriate by the members of the Zone.

WALGA will continue to provide secretariat services for Zones as requested.

Delegated Committees, Policy Teams and Policy Forums

Delegated Committees

With the establishment of the Board, the Finance & Services Committee and the CEO Performance Review Committee will be abolished, with these responsibilities to be undertaken by the Board. The positions on the Honours Panel and Selection Committee currently reserved for State Councillors will be changed to Board positions. The Municipal Waste Advisory Council (MWAC) will remain unchanged.

Policy Teams

The Board will have the power to form Policy Teams to assist in policy development. Membership of the Policy Teams will be drawn from State Council.

Local Government House Trust (LGHT)

Under current arrangements, two State Councillors serve on the LGHT Board of Management. These positions will be changed to Board Member positions.

Working Groups

The President will have the power to form Working Groups as and when needed.

Election Process

Board Members

The President and the Deputy President are elected by State Council. The additional six representative members are elected by and from the State Council, with three from the metropolitan constituency and three from the country constituency. The Board can also appoint up to three independent, skills or constituency members. The appointment process for independent member positions will be decided by the Board.

State Councillors

State Council members are elected by and from the Zones (12 from the metropolitan Zones, 12 from the country Zones). State Council then elect a President (ex-officio, non-voting member) and a Deputy President from its members. An additional State Council member is then elected by and from the President's Zone. The constitutional requirements for the President to alternate between the metropolitan and country constituencies, and for the President and Deputy President to represent different constituencies, will continue.

Zone Delegates

Zone delegates would be elected by Councils to the Zone as per current practice.

All the above positions will be elected for two-year terms.

Administrative Arrangements**Publication of Agendas and Minutes**

State Council Agendas and Minutes will continue to be distributed to all Members and published on the WALGA website (with confidential content redacted). Agendas and Minutes from Policy Team, Working Group and Delegated Committee meetings will be provided to State Council and the Board. Board Agendas and Minutes will be provided to State Council.

Observers at Meetings

State Council meetings and Board meetings will continue to be open to observers from any Member Local Government (senior officers and Elected Members). The Board will have the ability to meet behind closed doors to deal with confidential matters.

Consultation Process

State Council will continue to consider Zone feedback in relation to State Council Agenda items along with the composite recommendations in the Revised Agenda. Similarly, State Council resolutions and feedback will be incorporated into the Board Agenda for consideration.

Zone Secretariat Support

The WALGA secretariat will continue to provide secretariat support for Zones if requested.

WALGA **Best Practice Governance Review** – Governance Model for Feedback

Recommendation to State Council

The Steering Committee put forward the recommendation below to State Council for consideration at its meeting on 1 March 2023.

The revised Model 1, as outlined above, aligns with:

- The principles endorsed by State Council and WALGA's members at the 2022 Annual General Meeting
- Member feedback, as detailed in this report, and
- The independent research undertaken by Ipsos.

The recommended amendments to the governance model aim to balance concerns regarding representation with a desire for change evident in Council endorsed submissions and in the research undertaken by Ipsos. Ultimately, the overarching goal of the Best Practice Governance Review is to ensure WALGA is well placed to deliver strong, clear, focused, and consistent policy positions, drive advocacy impact on behalf of the Local Government sector and embed agility and responsiveness.

RECOMMENDATION

That:

- 1. The Best Practice Governance Review Stage 3 Final Report be received;**
- 2. The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be endorsed;**
- 3. Members be engaged on the detail of the model; and**
- 4. Constitutional changes be developed for consideration at the July 2023 State Council meeting.**

State Council Decision

State Council, at their meeting on 1 March 2023, considered the Steering Committee's Final Report and recommendation, and resolved as follows:

RESOLUTION

That:

- 1. The Best Practice Governance Review Stage 3 Final Report be received;**
- 2. The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;**
- 3. Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;**
- 4. Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and**
- 5. Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.**

Next Steps

As per point 3 of State Council's 1 March resolution, feedback is sought from Members in relation to the proposed model. Feedback can be provided to associationgovernance@walga.asn.au.

An Agenda item will be included in the May State Council Agenda for consideration by Zones and State Council. Feedback received by Friday, 31 March will be included in the Agenda item for Zone meetings. Feedback received after 31 March, but before Friday, 21 April, will be provided to State Council directly.

After consideration by State Council at the May meeting, the Best Practice Governance Review will move into Stage 4, the drafting of governance documents.

Amendments to the Constitution will be developed to be considered by State Council at their July 2023 meeting, followed by WALGA's members at the 2023 Annual General Meeting.

Significant Member engagement on the detail of the model, as outlined in this report, will be undertaken during this stage of the project, including correspondence and presentations to members.

12 CORPORATE SERVICES

12.1 2022/2023 HALF YEARLY BUDGET REVIEW

File Reference:	ADM131
Location:	N/A
Applicant:	N/A
Author:	Melinda King, Manager Financial Reporting
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	17/03/2023
Disclosure of Interest:	Nil
Attachments:	1. 2022/2023 Half Yearly Budget Review ↓

SUMMARY:

Council is requested to consider approving the attached budget review for the eight month period from 1 July 2022 to 28 February 2023 and consider adopting the budget amendments recommended in the attached 2022/2023 half yearly budget review.

BACKGROUND:

Local governments are required to conduct at least one budget review between six and nine months into a financial year.

The budget review is a comparison of the year to date actual results with the adopted budget.

The following reports are included for information:

- Budget Review
- Explanation of Variances

COMMENT:

Comments are provided in the Explanation of Variances.

CONSULTATION:

Chief Executive Officer

Manager Corporate Services

Manager Works and Services

Shire of West Arthur Audit & Risk Committee

STATUTORY ENVIRONMENT:

Local governments are required to conduct a budget review between 1 January and 31 March each financial year. This is a requirement covered by Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

Regulation 33A(2) and (3) requires the results of the budget review to be submitted to Council within 30 days of the review. Council is then to consider the review and determine whether or not to adopt the review. Regulation 33A(4) states that within 30 days after Council has made a determination a copy of the review and determination is to be provided to the Department.

The *Local Government Act 1995* Part 6, Division 4, s6.8 requires any expenditure for an additional purpose that is not included in the annual budget to be authorised in advance by resolution (absolute majority required).

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Acceptance of the recommendations will alter the allocations of budgeted expenditure.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Failing to undertake a legislated requirement to review the annual budget
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure the budget review is included in the Compliance Calendar.

VOTING REQUIREMENTS:

Absolute Majority

RESOLUTION CO-2023-025

Moved: Cr Graeme Peirce

Seconded: Cr Duncan South

That Council adopts the following recommendations from the Audit & Risk Committee

1. That Council adopts the budget review for the 2022/2023 financial year, as presented.
2. That Council, in view of the calculated budget surplus shown in the budget review, approve the following budget amendments:
 - An additional \$6,250 to fund a style guide for the Shire of West Arthur.
 - An additional \$15,000 to fund ICT equipment for Council Chambers.
 - An additional \$5,955 to fund ICT cyber security for depot connectivity.
 - An additional \$2,500 for an additional staff laptop.
 - \$8,160 to fund the minor strategic review which falls due.

.CARRIED BY ABSOLUTE MAJORITY

**SHIRE OF WEST ARTHUR
STATEMENT OF BUDGET REVIEW
(NATURE OR TYPE)
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

Note	Budget v Actual		Predicted		
	Annual Budget (a)	YTD Actual (b)	Variance Permanent (c)	Variance Timing (Carryover) (d)	Year End (a)+(c)+(d)
	\$	\$	\$	\$	\$
OPERATING ACTIVITIES					
Net current assets at start of financial year surplus/(deficit)					
	1,481,341	1,481,231	0	0	1,481,341
Revenue from operating activities (excluding rates)					
Operating grants, subsidies and contributions	550,100	456,540	137,335	0	687,435 ▲
Profit on asset disposals	20,676	8,308	0	0	20,676 ▲
4.1.1 Fees and charges	295,450	235,451	10,000	0	305,450 ▲
4.1.2 Service charges	0	0	0	0	0
4.1.7 Interest earnings	118,897	78,911	25,000	0	143,897 ▲
4.1.8 Other revenue	68,353	28,597	13,000	0	81,353 ▲
	1,053,476	807,807	185,335	0	1,238,811
Expenditure from operating activities					
4.2.1 Employee costs	(1,996,848)	(1,224,602)	0	0	(1,996,848) ▲
Materials and contracts	(1,131,500)	(786,010)	(179,655)	0	(1,311,155) ▲
4.2.3 Utility charges	(90,405)	(57,045)	0	0	(90,405)
Depreciation on non-current assets	(2,217,441)	(414,527)	0	0	(2,217,441)
Interest expenses	(25,062)	(11,646)	0	0	(25,062)
Insurance expenses	(117,423)	(116,509)	0	0	(117,423)
4.2.6 Loss on asset disposals	(17,355)	0	0	0	(17,355)
4.2.7 Other expenditure	(48,000)	(14,213)	0	0	(48,000)
	(5,644,034)	(2,624,552)	(179,655)	0	(5,823,689)
Operating activities excluded from budget					
Depreciation on assets	2,217,441	414,527	0	0	2,217,441
4.4.3 (Profit)/loss on asset disposal	(3,321)	(8,308)	0	0	(3,321)
Adjust provisions and accruals	0	(38,807)			0
Amount attributable to operating activities	(895,097)	31,898	5,680	0	(889,417)
INVESTING ACTIVITIES					
4.1.3 Non-operating grants, subsidies and contributions	1,200,962	643,923	0	0	1,200,962
Purchase land held for resale	0	0	0	0	0
Purchase land and buildings	(734,749)	(37,324)	0	548,468	(186,281) ▼
Purchase plant and equipment	(635,696)	(211,183)	(2,283)	0	(637,979) ▲
Purchase furniture and equipment	0	0	0	0	0
Purchase and construction of infrastructure-roads	(1,083,221)	(339,351)	0	0	(1,083,221)
Purchase and construction of infrastructure-other	(627,656)	(496,694)	0	95,000	(532,656) ▼
Purchase of investments	0	0	0	0	0
Proceeds from disposal of assets	144,050	80,000	55,000	0	199,050 ▲
Proceeds from sale of investments	0	0	0	0	0
Amount attributable to investing activities	(1,736,310)	(360,629)	52,717	643,468	(1,040,125)
FINANCING ACTIVITIES					
Proceeds from new borrowings	270,000	270,000	0	0	270,000
Proceeds from advances	0	0	0	0	0
Proceeds from self supporting loans	29,031	14,396	0	0	29,031
Transfers from cash backed reserves (restricted assets)	993,650	0	88	(643,468)	350,270 ▼
Repayment of debentures	(101,198)	(50,031)	0	0	(101,198)
Advances to community groups	0	0	0	0	0
Transfers to cash backed reserves (restricted assets)	(445,499)	(49,197)	0	0	(445,499)
Amount attributable to financing activities	745,984	185,168	88	(643,468)	102,604
Budget deficiency before general rates	(1,885,423)	(143,563)	58,485	0	(1,826,938)
Estimated amount to be raised from general rates	1,885,423	1,883,801			1,885,423
Closing funding surplus/(deficit)	0	1,740,238	58,485	0	58,485 ▲
Expected restricted cash at year end					0
Closing funding surplus/(deficit) after restricted cash considered					58,485

**SHIRE OF WEST ARTHUR
NOTES TO THE REVIEW OF THE ANNUAL BUDGET
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

4. PREDICTED VARIANCES

Comments/Reason for Variance	Variance \$	
	Permanent	Timing
4.1 OPERATING REVENUE (EXCLUDING RATES)		
4.1.1 PROFIT ON ASSET DISPOSAL		
No material variance expected	0	
4.1.2 FEES AND CHARGES		
Rental income expected to be above budget	10,000	
4.1.3 GRANTS, SUBSIDIES AND CONTRIBUTIONS		
General Purpose Grant will be above budget	93,083	
Local Roads Grant will be above budget	44,252	
4.1.7 INTEREST EARNINGS		
Interest on Municipal account expected to be greater than budgeted.	25,000	
4.1.8 OTHER REVENUE		
Reimbursement of legal cost expected to be above budget	13,000	
	Predicted Variances Carried Forward	0
	Predicted Variances Brought Forward	185,335
4.2 OPERATING EXPENSES		
4.2.1 EMPLOYEE COSTS		
No material variance expected		
4.2.2 MATERIAL AND CONTRACTS		
Refresh the Shire logo approved by Council	(5,850)	
Repairs to loader - funded by reserve	(52,805)	
Long term financial plan expected to be above budget	(4,000)	
Animal control above budget	(4,000)	
Recreation and Culture materials below budget	12,000	
Bridge maintenance expected to be above budget.	(40,000)	
Plant op costs including fuel to be above budget (excluding loader funded by reserve)	(75,000)	
Admin overheads expected to be above budget	(10,000)	
4.2.3 UTILITY CHARGES		
No Material Variance		
4.2.4 DEPRECIATION (NON CURRENT ASSETS)		
No Material Variance		
4.2.4 INTEREST EXPENSES		
No Material Variance		
4.2.5 INSURANCE EXPENSES		
No Material Variance		
4.2.6 LOSS ON ASSET DISPOSAL		
No Material Variance		
4.2.7 OTHER EXPENDITURE		
No Material Variance	0	
	Predicted Variances Carried Forward	5,680
		0

**SHIRE OF WEST ARTHUR
NOTES TO THE REVIEW OF THE ANNUAL BUDGET
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

4. PREDICTED VARIANCES

Comments/Reason for Variance

	Variance \$	
	Permanent	Timing
Predicted Variances Brought Forward	5,680	0
4.3 CAPITAL REVENUE		
4.3.1 GRANTS, SUBSIDIES AND CONTRIBUTIONS		
No Material Variance		
4.3.2 PROCEEDS FROM DISPOSAL OF ASSETS		
Water tanker and mower will not be sold	(10,000)	
Proceeds on sale of loader will be above budget	65,000	
4.3.3 PROCEEDS FROM NEW DEBENTURES		
No Material Variance		
4.3.4 PROCEEDS FROM SALE OF INVESTMENT		
No Material Variance		
4.3.5 PROCEEDS FROM ADVANCES		
No Material Variance		
4.3.6 SELF-SUPPORTING LOAN PRINCIPAL		
No Material Variance		
Predicted Variances Carried Forward	60,680	0
Predicted Variances Brought Forward	60,680	0
4.4 CAPITAL EXPENSES		
4.4.1 LAND HELD FOR RESALE		
No Material Variance		
4.4.2 LAND AND BUILDINGS		
Staff housing improvements will be below budget		25,000
Community housing improvements will be below budget		50,000
New staff house - expenditure will not occur this year		473,468
4.4.3 PLANT AND EQUIPMENT		
Loader purchase will be below budget	17,167	
Water tank will be above budget - Council approved	(35,450)	
Mower will be below budget	16,000	
4.4.4 FURNITURE AND EQUIPMENT		
No Material Variance		
4.4.5 INFRASTRUCTURE ASSETS - ROADS		
Design of Darkan Railway Reserve carpark to be funded from budgeted road project materials - to be determined. \$10,000 required and sufficient funds available. No additional cash contribution required.	0	
Additional wage and plant allocations were allowed for in the budget as projects to be determined. To be allocated to RRG project - Williams Darkan Road.	0	
No Material Variance		
4.4.6 INFRASTRUCTURE ASSETS - OTHER		
Refuse site expenditure will be below budget		95,000
4.4.7 PURCHASES OF INVESTMENT		
No Material Variance		
4.4.8 REPAYMENT OF DEBENTURES		
No Material Variance		
4.4.9 ADVANCES TO COMMUNITY GROUPS		
No Material Variance		
Predicted Variances Carried Forward	58,397	643,468

**SHIRE OF WEST ARTHUR
NOTES TO THE REVIEW OF THE ANNUAL BUDGET
FOR THE PERIOD ENDED 28 FEBRUARY 2023**

4. PREDICTED VARIANCES

Comments/Reason for Variance

	Variance \$	
	Permanent	Timing
Predicted Variances Brought Forward	58,397	643,468
4.5 OTHER ITEMS		
4.5.10 TRANSFER TO RESERVES (RESTRICTED ASSETS)		
No Material Variance		
4.5.11 TRANSFER FROM RESERVES (RESTRICTED ASSETS)		
Loader repairs to be funded from reserve	52,805	
Loader net purchase cost to be below budget	(82,167)	
Additional water tank cost to be funded from reserve	35,450	
Housing reserve transfers will be below budget		(25,000)
Community housing reserve transfer will be below budget		(50,000)
New staff house will be below budget - to be budgeted in 2023/2024		(473,468)
Sale of water tank and mower below budget	10,000	
Mower cost will be below budget	(16,000)	
Refuse site transfer will be below budget		(95,000)
4.5.1 RATE REVENUE		
No Material Variance		
4.5.2 OPENING FUNDING SURPLUS(DEFICIT)		
No Variance	0	
4.5.3 NON-CASH WRITE BACK OF PROFIT (LOSS)		
No Material Variance	0	
Total Predicted Variances as per Annual Budget Review	58,485	0
Budget Amendment Requests		
Style Guide	(6,250)	
IT equipment for Council Chambers	(15,000)	
Depot cyber security for depot connectivity	(5,955)	
Additional laptop for project officer	(2,500)	
Minor Strategic Review	(8,160)	
Total budget amendments for Council consideration	(37,865)	

12.2 TRANSFER OF DEPARTMENT OF TRANSPORT LICENSING SERVICES FROM SHIRE OF WEST ARTHUR TO THE DARKAN POST OFFICE.

File Reference:	ADM145
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/03/2023
Disclosure of Interest:	Nil
Attachments:	1. Email From Department of Transport ↓

SUMMARY:

Council is requested to consider supporting the transfer of the provision of licensing services for the Shire of West Arthur to Darkan Post Office.

BACKGROUND:

The Author held discussions with the proprietors of the Darkan Post Office and Department of Transport (DoT) last year. Darkan Post office is already processing some transactions, taking payment for license renewals and registration renewals. We wanted to support local business by providing them with an additional income. The Post Office is open from 9:00 AM to 5:00 PM daily and has capacity to process additional transactions.

We have given the undertaking to DoT to resume licensing services at the Shire if the service provided by the Darkan Post Office does not meet the standards of DoT or the community.

COMMENT:

DoT has requested that Council pass a resolution to the effect:

- that the Council supports the transfer of the provision of licensing services for the Shire of West Arthur to Darkan Post Office;
- that the Council understands that the DoT may consider other potentially suitable providers and that the DoT may run a limited tender process through which an alternative provider may be appointed;
- that the Council notes the DoT's commitment to licensing services not being compromised or diminished in the community and considers for the Shire to resume services again if arrangements fail to meet the needs of the community; and
- that any potential conflicts of interest between the Shire and/or Council and the Darkan Post Office, as the Shire's proposed alternative provider, are to be declared and noted.

CONSULTATION:

Chief Executive Officer

Proprietors of Darkan Post Office

Department of Transport

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There will be very little impact on the shire.

STRATEGIC IMPLICATIONS:

Nil

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Service provided by Darkan post Office is not to the standard required by the Community.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (6)
Principal Risk Theme	Business Disruption
Risk Action Plan (Controls or Treatment Proposed)	May have to resume Licensing Service at the Shire.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-026

Moved: Cr Robyn Lubcke

Seconded: Cr Adam Squires

1. That Council support the transfer of the provision of licensing services from the Shire of West Arthur to Darkan Post Office;
2. That Council confirm that it understands that the Department of Transport may consider other potentially suitable providers and that the Department of Transport may run a limited tender process through which an alternative provider may be appointed;
3. That Council note the Department of Transport’s commitment to licensing services not being compromised or diminished in the community and agrees that the Shire will resume services again if arrangements fail to meet the needs of the community; and
4. That Council agree that any potential conflicts of interest between the Shire and/or Council and the Darkan Post Office, as the Shire’s proposed alternative provider, are to be declared and noted.

CARRIED

From: [SAA](#)
To: [Vin Fordham Lamont](#); [Rajinder Sunner](#)
Cc: [SAA](#)
Subject: Proposed Transfer of Licensing Services from Shire of West Arthur to the Darkan Post Office
Date: Wednesday, 22 February 2023 10:24:25 AM
Attachments: [image001.png](#)

Good morning Vin and Raj

In regard to the transfer of licensing services that we have been working on, there is just one piece of the puzzle that I have forgotten to follow up on. Usually where a Shire wishes to withdraw from the services and transition to an alternative provider we ask that the matter be considered by Shire Council.

If this hasn't occurred already, we ask that the Shire Council discusses and resolves as a minuted action the following:

- that the Council supports the transfer of the provision of licensing services for the Shire of West Arthur to Darkan Post Office;
- that the Council understands that the DoT may consider other potentially suitable providers and that the DoT may run a limited tender process through which an alternative provider may be appointed;
- that the Council notes the DoT's commitment to licensing services not being compromised or diminished in the community and considers for the Shire to resume services again if arrangements fail to meet the needs of the community; and
- that any potential conflicts of interest between the Shire and/or Council and the Darkan Post Office, as the Shire's proposed alternative provider, are to be declared and noted.

Please could you forward a copy of your advice to be emailed to SAA@transport.wa.gov.au or mailed to:

Manager Statutory Agency Agreements
Commercial Management
GPO BOX R1290
Perth WA 6884

Once I have this, I can proceed with the next step which is for our Procurement team to invite the Darkan LPO to make a formal application for the provision of licensing services.

Please let me know if you have any queries regarding the above

Kind regards

Asia Lewis

Principal Statutory Agreements Officer | Driver and Vehicle Services | Department of Transport

GPO Box R1290, Perth WA 6844

Tel: (08) 6551 6165

Email: Asia.Lewis@transport.wa.gov.au | Web: www.transport.wa.gov.au



Government of Western Australia
Department of Transport

Empowering a
thriving community



We acknowledge the Traditional Custodians of this land and pay respect to the Elders past, present and future.

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12.3 FINANCIAL REPORTS - FEBRUARY 2023

File Reference:	ADM339
Location:	N/A
Applicant:	N/A
Author:	Melinda King, Manager Financial Reporting
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	16/03/2023
Disclosure of Interest:	Nil
Attachments:	1. Monthly Financial Report 28 February 2023 ↓

SUMMARY:

Council is requested to consider the financial reports for the periods ending 28 February 2023.

BACKGROUND:

The financial reports for the period ending 28 February 2023 are included as attachments.

COMMENT:

If you have any questions regarding details in the financial reports, please contact the office prior to Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

CONSULTATION:

Not required.

STATUTORY ENVIRONMENT:

Section 34 (1) (a) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare a monthly statement of financial activity including annual budget estimates, monthly budget estimates, actual monthly expenditure, revenue and income, material variances between monthly budget and actual figures and net current assets.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

There are no financial implications. Reported income and expenditure is assessed by management as being consistent with the 2022/23 Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Ensure that the local community is provided with value for money through the prudent expenditure of rates

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or

consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Not preparing monthly financial statement which affects Council's ability to oversee the Shire's financial management.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Prepare monthly financial statement for Council

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-027

Moved: Cr Karen Harrington

Seconded: Cr Duncan South

That Council accepts the Financial Reports for the period ending 28 February 2023 as presented.

CARRIED

**SHIRE OF WEST ARTHUR
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 28 February 2023**

	Note	Annual Budget 2022/2023 \$	YTD Budget (a) \$	YTD Actual (b) \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(a) %	Var.
Opening Funding Surplus (Deficit)	2	1,481,341	1,481,341	1,481,231	(110)	(0%)	
Revenue from operating activities							
Rates		1,885,423	1,881,716	1,883,801	2,085	0%	
Rating Grants, Subsidies and Contributions	6	550,100	350,030	456,540	106,510	30%	▲
Fees and Charges		295,450	225,750	235,451	9,701	4%	
Investment Earnings		118,897	60,870	78,911	18,041	30%	▲
Other Revenue		68,353	14,174	28,597	14,423	102%	▲
Profit on Disposal of Assets		20,676	14,596	8,308	(6,288)		
		2,938,899	2,547,136	2,691,608	144,472		
Expenditure from operating activities							
Employee Costs		(1,996,848)	(1,552,069)	(1,496,792)	55,277	4%	
Overhead and wage allocations			268,459	272,190	3,731		
Materials and Contracts		(1,131,500)	(818,764)	(899,121)	(80,357)	(10%)	
Deprecn and POC allocations			111,561	113,111	1,550		
Utility Charges		(90,405)	(60,270)	(57,045)	3,225	5%	
Depreciation on Non-Current Assets		(2,217,441)	(406,904)	(414,527)	(7,623)	(2%)	
Interest Expenses		(25,062)	(10,204)	(11,646)	(1,442)	(14%)	
Finance Expenses		(117,423)	(117,423)	(116,509)	914	1%	
Other Expenditure		(48,000)	(12,750)	(14,213)	(1,463)	(11%)	
Profit on Disposal of Assets		(17,355)	0	0	0		
		(5,644,034)	(2,598,364)	(2,624,552)	(26,188)		
Rating activities excluded from budget							
Back Depreciation		2,217,441	406,904	414,527	7,623	2%	
Net (Profit)/Loss on Asset Disposal		(3,321)	(14,596)	(8,308)	6,288	(43%)	
Net Provisions and Accruals		0	(38,807)	(38,807)	0	0%	
Amount attributable to operating activities		(491,015)	302,273	434,468	132,195		
Investing activities							
Grants, Subsidies and Contributions	6	1,200,962	640,274	643,923	3,649	1%	
Proceeds from Disposal of Assets		144,050	84,050	80,000	(4,050)	(5%)	
Plant and Buildings	7	(734,749)	(40,000)	(37,324)	2,676	7%	
Infrastructure Assets - Roads	7	(1,083,221)	(322,223)	(339,351)	(17,128)	(5%)	
Infrastructure Assets - Other	7	(627,656)	(494,042)	(496,694)	(2,652)	(1%)	
Plant and Equipment	7	(635,696)	(218,700)	(211,183)	7,517	3%	
Leasehold and Equipment	7	0	0	0	0		
Amount attributable to investing activities		(1,736,310)	(350,641)	(360,629)	(9,988)		
Financing Activities							
Proceeds from Self Supporting Loan - repayments		29,031	14,396	14,396	0	0%	
Transfer from Reserves	5	993,650	0	0	0		
Payment of Debentures		(101,198)	(50,031)	(50,031)	0	0%	
Proceeds from new borrowings		270,000	270,000	270,000	0		
Transfer to Reserves	5	(445,499)	(49,596)	(49,197)	399	1%	
Amount attributable to financing activities		745,984	184,769	185,168	399		
					0		
Opening Funding Surplus (Deficit)	2	0	1,617,742	1,740,238	122,496	8%	

states a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

refer to Note 1 for an explanation of the reasons for the variance.

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

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2023

Note 1: 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 budget materially.
 The material variance adopted by Council for the 2022/23 year is \$10,000 or 10% whichever is the greater.

Operating Grants, Subsidies and Contributions

69,812 WALGGC - General Purpose Grant additional received	Permanent variance
33,189 WALGGC - Local Roads Grant additional received	Permanent variance

Interest Earnings

18,041 Municipal interest above budget. Permanent variance

Other Revenue

12,749 Recovery of legal costs - added to rate debtors

Employee Costs

55,277 Employee costs are below budget. Timing variance

Materials and Contracts

18,677 There are several non reportable timing variances.
 (99,034) Plant operation costs are above budget ytd. \$52,805 loader repair to be funded from the plant reserve.

Infrastructure Assets - Roads

(17,128) See capital expenditure report - wage and plant allocations above budget - timing variance

Plant and Equipment

15,770 Mower purchased was below budget

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2023

Note 2: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

	Note	Last Years Closing	Current
		30 June 2022	28 Feb 2023
		\$	\$
Current Assets			
Cash Unrestricted	3	1,331,333	1,489,219
Cash Restricted - reserves	5	2,834,020	2,883,217
Cash Restricted - unspent grants		512,197	23,605
Receivables - Rates	4	131,031	240,787
Receivables - Other	4	174,351	49,107
Inventories		17,256	17,256
		5,000,188	4,703,191
Less: Current Liabilities			
Payables		(172,740)	(56,131)
Unspent grants, contributions and reimbursements 21/22		(512,197)	(23,605)
Unspent grants, contributions and reimbursements current 22/23		0	0
		(684,937)	(79,736)
Less: Cash Reserves	5	(2,834,020)	(2,883,217)
Net Current Funding Position		1,481,231	1,740,238

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2023

Note 3: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
(a) Cash Deposits							
Municipal Bank Account	535,605			535,605	NAB	0.01%	At Call
Municipal Bank - Bendigo	31,118			31,118	Bendigo	0.01%	At Call
Municipal Cash Maximiser	60,000			60,000	NAB	0.95%	At Call
Trust Bank Account			2,644	2,644	NAB	0.01%	At Call
Trust Cash Maximiser			5,269	5,269	NAB	0.95%	At Call
Reserve Cash Maximiser		180		180	NAB	0.95%	At Call
Bendigo Reserve		538		538	Bendigo	0.80%	At Call
(b) Term Deposits							
Municipal term deposit	300,000			300,000	NAB	3.30%	21/03/2023
Municipal term deposit	300,000			300,000	NAB	4.00%	18/04/2023
Bendigo term deposit	286,000			286,000	Bendigo	4.05%	28/04/2023
Trust term deposit			65,000	65,000	NAB	4.24%	28/06/2023
Reserve term deposit		1,235,256		1,235,256	BOQ	4.30%	30/06/2023
Reserve term deposit		1,647,243		1,647,243	Bendigo	4.10%	28/06/2023
Total	1,512,723	2,883,217	72,913	4,468,853			

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2023

Note 4: Receivables

Receivables - Rates Receivable	28 Feb 2023	30 June 2022
	\$	\$
Opening Arrears Previous Years	200,216	237,534
Levied this year (incl rubbish & ESL)	1,989,821	1,876,228
<u>Less</u> Collections to date	(1,885,666)	(1,919,009)
Equals Current Outstanding	304,371	194,753
Add paid in advance	5,601	5,463
Net Rates Collectable	309,972	200,216
% Collected	86.10%	90.79%
Less Recognised as doubtful	(69,185)	(69,185)

Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
Receivables - General	10,849	7,181	1,339	29,738	49,107
Balance per Trial Balance					
Sundry Debtors					0
Receivables - Other					0
Total Receivables General Outstanding					49,107

Amounts shown above include GST (where applicable)

90+ day amount includes funding including \$26,497 LRCI to be received when annual report/acquittal finalised and accepted.

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2023

Note 5: Cash Backed 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
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	121,149	3,634	2,103	0	0	0	0	124,783	123,252
Plant Reserve	454,017	13,620	7,881	290,178	0	(194,650)	0	563,165	461,898
Building Reserve	734,309	22,029	12,747	0	0	(565,000)	0	191,338	747,056
Town Development Reserve	1,528	46	27	0	0	0	0	1,574	1,555
Recreation Reserve	163,284	4,900	2,835	0	0	0	0	168,184	166,119
Heritage Reserve	6,091	183	106	300	0	0	0	6,574	6,197
Community Housing Reserve	169,135	5,074	2,936	20,000	0	(50,000)	0	144,209	172,071
Waste Management Reserve	122,753	3,683	2,131	0	0	(100,000)	0	26,436	124,884
Darkan Swimming Pool Reserve	49,219	1,477	854	5,000	0	0	0	55,696	50,073
Information Technology Reserve	66,549	1,996	1,155	3,000	0	(14,000)	0	57,545	67,705
Darkan Sport and Community Centre Reserve	325,422	9,763	5,649	30,000	0	0	0	365,185	331,071
Arthur River Country Club Renewal Reserve	40,150	1,205	697	6,000	0	0	0	47,355	40,846
Museum Reserve	128,701	3,861	2,234	0	0	(5,000)	0	127,562	130,935
Moodiarrup Sports Club Reserve	17,581	527	305	5,000	0	0	0	23,108	17,887
Landcare Reserve	32,989	990	573	0	0	(5,000)	0	28,979	33,562
Corporate Planning and Valuation Reserve	19,945	598	346	0	0	(16,000)	0	4,543	20,291
Kids Central Members Reserve	7,156	215	124	0	0	0	0	7,371	7,280
The Shed Reserve	12,824	385	223	0	0	0	0	13,209	13,047
Recreation Trails Reserve	1,218	36	21	0	0	0	0	1,254	1,239
Community Gym Reserve	12,003	360	208	1,000	0	(9,000)	0	4,363	12,212
Economic Development Reserve	113,847	3,415	1,976	0	0	(35,000)	0	82,262	115,824
Road Reserve	234,148	7,024	4,065	0	0	0	0	241,172	238,213
	2,834,020	85,021	49,197	360,478	0	(993,650)	0	2,285,869	2,883,217

Note: Reserve transfers are generally completed at year end unless funds are required sooner.

**SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2023**

6: Grants and Contributions	Grant Provider	Type	Opening	Budget		Revenue Current year (f)	YTD Actual		Unspent Grant	Comment
			Balance	Operating	Capital		Revenue Carried Forward	(Expended)		
			(a)	(b)	(c)		(g)	(a)+(f)+(g)		
General Purpose Funding				\$	\$	\$	\$	\$		
Grants Commission - General	WALGGC - General Purpose Grant	Operating	0	55,000	0	111,062	0	0	0	
Grants Commission - Roads	WALGGC - Local Roads Grant	Operating	0	80,000	0	93,189	0	0	0	
Law, Order and Public Safety										
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Operating - Tied	0	49,844	0	37,383	0	(37,383)	0	
FESA Grant - Arthur River Fire Shed	Dept. of Fire & Emergency Services	Non-operating	0	0	3,649	3,649	0	(3,649)	0	
Purchase of generators		Non-operating	0	0	13,498	0	0	0	0	
Education and Welfare										
Covid-19 Youth Recovery Grants Program	Department of Communities	Operating - Tied	0	5,000	0	0	5,000	(5,000)	0	
	Dept. of Infrastructure, Transport, Regional								0 Youth grant carried forward to 22/23	
Federal Road & Community Infrastructure - Phase 3	Development and Communications	Non-operating	0	0	476,544	0	421,451	(421,451)	Received prior year recognised as a	
Federal Road & Community Infrastructure - Phase 3	Dept. of Infrastructure, Transport, Regional								0 liability until spent.	
Operating grant	Development and Communications	Operating - Tied	0	214,000	0	0	62,141	(62,141)	0	
Other small grants - events		Non-operating		1,000	0	0	0	0	0	
Transport										
Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	329,877	0	0	0	0	
RRG Grants - Capital Projects	Regional Road Group	Non-operating	0	0	377,394	218,823	0	(218,823)	0	
Direct Grant	Main Roads - Direct Grant	Operating	0	144,256	0	147,359	0	0	0	
TALS			0	549,100	1,200,962	611,465	488,592	(748,447)	0	
VIMARY										
Operating	Operating Grants, Subsidies and Contributions		0	279,256	0	351,610	0	0	0	
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions		0	268,844	0	37,383	67,141	(104,524)	0	
Non-operating	Non-operating Grants, Subsidies and Contributions		0	1,000	1,200,962	222,472	421,451	(643,923)	0	
TALS			0	549,100	1,200,962	611,465	488,592	(748,447)	0	

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 28 February 2023

Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance Total YTD to Budget	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget		
		\$	\$	\$	\$	\$	\$		
Land and Buildings									
Law, Order and Public Safety									
Arthur River Fire Shed		0	(3,649)	(3,649)	0	(3,649)	(3,649)	0 Funded by ESL Capital Grant	
Housing									
Renovations to existing joint venture community housing units		0	0	0	(4,640)	(50,000)	(54,640)	54,640	
Recreation And Culture									
Darkan Sports Precinct - Upgrade power		(550)	(6,000)	(6,550)		(90,000)	(90,000)	83,450	
Other Property & Services									
Staff housing improvements/renovations		0	0	0	(3,360)	(25,000)	(28,360)	28,360	
New staff house		0	0	0	(14,100)	(500,000)	(514,100)	514,100	
Office - Shire Depot		0	(27,125)	(27,125)	(4,000)	(40,000)	(44,000)	16,875	
Buildings Total		(550)	(36,774)	(37,324)	(26,100)	(708,649)	(734,749)	697,425	
Infrastructure									
Community Amenities									
Darkan Refuse Site		(692)	0	(692)	(20,000)	(100,000)	(120,000)	119,308	
Recreation And Culture									
Darkan Railway Reserve - redevelopment of play and youth area		(24,700)	(328,755)	(353,455)	(30,000)	(362,369)	(392,369)	38,914	
Lake Towerrinning - Access improvement		(33,405)	(77,909)	(111,314)	(5,000)	(70,000)	(75,000)	(36,314) Wages greater than budget.	
Lake Towerrinning - Shade and landscaping		(5,788)	(14,787)	(20,575)	(8,000)	(12,287)	(20,287)	(288)	
Economic Development									
Potable water Infrastructure		(475)	(10,183)	(10,658)	0	(20,000)	(20,000)	9,342	
Infrastructure Total		(65,060)	(431,634)	(496,694)	(63,000)	(564,656)	(627,656)	130,962	
Plant , Equip. & Vehicles									
Transport									
Loader		0	0	0	0	(320,000)	(320,000)	320,000	
Water tanker		0	0	0	0	(70,000)	(70,000)	70,000	
Passenger Vehicles		0	(104,162)	(104,162)	0	(96,300)	(96,300)	(7,862)	
Mower		0	(24,230)	(24,230)	0	(40,000)	(40,000)	15,770 Purchase below budget	
Trailer		0	(82,791)	(82,791)	0	(82,400)	(82,400)	(391)	
Generators		0	0	0	0	(26,996)	(26,996)	26,996	
Plant, Equip & Vehicles Total		0	(211,183)	(211,183)	0	(635,696)	(635,696)	424,513	
Roads									
Regional Road Group									
Boyup Brook Arthur Road		(10,530)	0	(10,530)	(109,492)	(202,100)	(311,592)	301,062	
Darkan Williams Road		(304,644)	(19,379)	(324,023)	(219,068)	(35,431)	(254,499)	(69,524) Wage and plant allocations greater than budget. Proposed to be funded from unallocated project below. Material cost will be below budget.	
Regional Road Group Total		(315,174)	(19,379)	(334,553)	(328,560)	(237,531)	(566,091)	231,538	
Roads to Recovery									
Trigwell Bridge Road		(3,352)	(280)	(3,632)	(154,094)	(62,871)	(216,965)	213,333	
Howie Road		(1,166)	0	(1,166)	(102,141)	(18,424)	(120,565)	119,399	
Roads to Recovery Total		(4,518)	(280)	(4,798)	(256,235)	(81,295)	(337,530)	332,732	
Shire Funded									
Dust Suppression		0	0	0	(12,600)	(7,000)	(19,600)	19,600	
To be determined		0	0	0	(115,000)	(45,000)	(160,000)	160,000 Proposed to use wage and plant allocation portion on RRG project.	
Shire Funded Total		0	0	0	(127,600)	(52,000)	(179,600)	179,600	
Roads Total		(319,692)	(19,659)	(339,351)	(712,395)	(370,826)	(1,083,221)	743,870	
Capital Expenditure Total		(385,302)	(699,250)	(1,084,552)	(801,495)	(2,279,827)	(3,081,322)	1,996,770	

12.4 2021-2022 AUDIT REPORT - SIGNIFICANT FINDINGS

File Reference:	ADM133
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	16/03/2023
Disclosure of Interest:	Nil
Attachments:	1. Draft Letter to the Minister of Local Government ↓ 2. Management Letter Audit 2022 - Confidential

SUMMARY:

Council is requested to consider the items raised in the 2021-2022 annual audit report, note the management responses and authorise the CEO to write to the minister for Local Government pursuant to the Local Government Act 1995 Section 7.12A(4)(a), and include the management response to the significant finding in the audit report.

BACKGROUND:

The *Local Government Act 1995* (LGA) requires that Council accepts the draft Annual Report each financial year, including the Financial and Auditor's Reports, no later than 31 December or within two months of the Auditor's Report becoming available if that is not received prior to 31 December.

The Auditor's report was received on 15 February 2023. The Audit and Risk Committee met with the Auditor on 14 February 2023 and Council adopted the 2021/2022 Annual Report on 23 February 2023.

COMMENT:

Section 7.12A(4)(a) of the LGA states that "a local government must prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters".

Officers have prepared the report containing our responses and the Audit and Risk Committee is now being asked to consider the issues raised (particularly those deemed to be significant) and formally recommend to Council that they be endorsed.

This will ensure compliance with legislative requirements and complete the process.

The Audit and Risk Committee met on 16 March 2023 and resolved to:

1. Consider the items raised in the 2021-2022 annual audit report, note the management responses, and recommend endorsement of those responses/actions to Council.
2. Recommend that Council authorise the CEO to write to the Minister for Local Government pursuant to the *Local Government Act 1995* Section 7.12A(4)(a), and include the management response to the significant finding in the audit report.

CONSULTATION:

Auditor

Office of the Auditor General

Chief Executive Officer

Manager Financial Reporting

Projects Officer

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 7.12A(4)(a) –Duties of Local Government with respect to audit;
Local Government Act 1995 Section 5.27 – Electors’ general meetings;
Local Government Act 1995 Section 5.29 – Convening electors’ meetings;
Local Government Act 1995 Section 5.53 – Annual reports;
Local Government Act 1995 Section 5.54 – Acceptance of annual reports;
Local Government Act 1995 Section 5.55 – Notice of annual reports; and
Local Government Act 1995 Section 5.55A – Publication of annual report.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management – Inspirational, Dynamic, Transparent

Outcome: Establish and maintain sound business and governance structures

Strategy: Provide informed decision making based on our strategic directions and legal requirements and that these are open, transparent and adequately communicated with the community.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure

- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Failing to adopt the annual report, and hold the annual electors meeting with legislated time frame.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Compliance Failure.
Risk Action Plan (Controls or Treatment Proposed)	Adopt the annual report as presented and hold the annual electors meeting as prescribed under legislation.

VOTING REQUIREMENTS:

Absolute Majority

RESOLUTION CO-2023-028

Moved: Cr Robyn Lubcke
 Seconded: Cr Adam Squires

1. That Council consider the items raised in the 2021-2022 annual audit report, note the management responses, and adopt those responses/actions.
2. That Council authorise the CEO to write to the Minister for Local Government pursuant to the *Local Government Act 1995* Section 7.12A(4)(a), and include the management response to the significant finding in the audit report.

CARRIED BY ABSOLUTE MAJORITY



Shire of West Arthur

Our Reference:

Your Reference:

Enquiries to:

Burrowes Street,
DARKAN, W.A. 6392
Telephone: (08) 9736 2222
Facsimile: (08) 9736 2212
email: shire@westarthur.wa.gov.au

31 March 2023

Hon John Carey BA MLA
Minister for Housing; Lands; Homelessness
Department of Local Government,
7th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Email: minister.carey@dpc.wa.gov.au

Dear Minister,

Significant Finding- Fair Value of Infrastructure Assets – Frequency of Valuations

In accordance with Section 7.12A (4) (a) Local Government Act 1995, please be advised that the 1 July 2021 to 30 June 2022 Annual Financial Audit reported a significant matter associated with revaluations of infrastructure Bridges Assets.

The auditors reported stated that:

FAIR VALUE OF INFRASTRUCTURE BRIDGES ASSETS – FREQUENCY OF VALUATIONS:

Finding

The Shire has not performed a robust assessment to determine whether its bridges infrastructure assets represent fair value. Instead a high-level assessment has been performed, which concluded that there were no factors or triggering events that would impact the fair value of bridges infrastructure assets relevant to 30 June 2022.

Whilst acknowledging management's assessment we note that this conclusion appears somewhat inconsistent with the outcomes (revaluation increments) of independent valuations that were obtained for other assets such as buildings and roads infrastructure.

The audit findings were reported to the Shire of West Arthur Council Audit and Risk Committee on 16 March 2023.

Shire will carry out revaluations of the Shire's bridges before 30 June 2023.

Yours faithfully,

Vincent (Vin) Fordham Lamont
Chief Executive Officer

ATTACHMENT

SHIRE OF WEST ARTHUR

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2022

FINDINGS IDENTIFIED DURING THE FINAL AUDIT

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
Findings identified in Current Year			
1. Fair Value of Infrastructure Assets - Frequency of Valuations	✓		
2. Daily Banking Controls - Cheques		✓	
Findings identified in Prior Year			
3. Business Continuity Plan and Information Technology Disaster Recovery Plan		✓	
4. Leave Provisions		✓	

KEY TO RATINGS

The Ratings in this management letter are based on the audit team’s assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating could indicate the need for a modified audit opinion in the current year, or in a subsequent reporting period if not addressed. However, even if the issue is not likely to impact the audit report, it should be addressed promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

1. FAIR VALUE OF INFRASTRUCTURE BRIDGES ASSETS – FREQUENCY OF VALUATIONS

Finding

The Shire has not performed a robust assessment to determine whether its bridges infrastructure assets represent fair value. Instead a high-level assessment has been performed, which concluded that there were no factors or triggering events that would impact the fair value of bridges infrastructure assets relevant to 30 June 2022.

Whilst acknowledging management’s assessment we note that this conclusion appears somewhat inconsistent with the outcomes (revaluation increments) of independent valuations that were obtained for other assets such as buildings and roads infrastructure.

Rating: Significant Implication

Without a robust assessment of fair value of the Shire’s infrastructure assets, there is a risk that the fair value of those assets may not have been assessed adequately and in compliance with *AASB 13 Fair Value Measurement*, as well as Regulation 17A(4)(b) of the Local Government (Financial Management) Regulations 1996 (the Regulations).

ALL CORRESPONDENCE TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

ATTACHMENT

SHIRE OF WEST ARTHUR**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2022****FINDINGS IDENTIFIED DURING THE FINAL AUDIT****Recommendation**

The Shire should consider implementing as part of the preparation of financial statements each year a formal robust process to determine whether indicators exist annually, that would trigger a requirement to perform a formal revaluation of the Assets. Where indicators exist a robust fair value assessment should be performed capturing the requirements of *AASB 13 Fair Value Measurement*. This process is to ensure that the Shire's infrastructure assets are recorded at fair value in compliance with *AASB 13 Fair Value Measurement* and the Regulations.

This may entail obtaining relevant input from an independent valuer as to whether or not they consider there are any prevailing market factors which may indicate that the fair value of relevant assets is likely to have been impacted to any significant / material extent from the prior year. Where a fair value assessment has been performed internally, the LG entity may consider having this assessment peer reviewed by an independent valuer to obtain assurance over the valuation methodology applied, inputs and the reasonableness of the valuation model applied.

Management comment

Noted. A revaluation of the Shire's bridges will be performed at 30 June 2023.

Responsible person: Melinda King

Completion date: 30 June 2023

2. DAILY BANKING CONTROLS - CHEQUES**Finding**

Sample testing of daily banking processes identified two large cheques which were not banked until 4 days and 8 days after receipt.

Rating: Moderate**Implication**

Risk that error or fraud may not be detected on a timely basis.

Recommendation

Banking be completed regularly with large deposits banked daily.

Management Comment

Noted and improvements have been made. Banking is completed daily.

Responsible Person: Manager Corporate Services

Completion Date: December 2022

ALL CORRESPONDENCE TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

ATTACHMENT

SHIRE OF WEST ARTHUR**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2022****FINDINGS IDENTIFIED DURING THE FINAL AUDIT****FINDINGS IDENTIFIED IN PRIOR YEAR****3. BUSINESS CONTINUITY PLAN AND INFORMATION TECHNOLOGY DISASTER RECOVERY PLAN****Finding 2022 and 2021**

The Shire of West Arthur does not have a Business Continuity Plan or an approved Information Technology Disaster Recovery Plan in place.

Rating: Moderate (2021: Moderate)**Implication**

Without a Business Continuity Plan and Information Technology Disaster Recovery Plan in place there is a risk of significant delays and business interruption in the event of unforeseen circumstances in respect to the Shire's business.

Recommendation

The Shire develop a Business Continuity Plan and Information Technology Disaster Recovery Plan based on an evaluation of risks which may disrupt critical business functions. The evaluation should identify critical systems and processes, minimum resources and response times needed to assure/resume operations.

An incident response plan - containing the information needed to respond to an incident (e.g. emergency contact lists, responsibilities) and a disaster recovery plan - detailing the steps to be taken to recover operations, should be developed based on the business continuity plan.

Plans should be communicated to staff and tested on a periodic basis to ensure that staff are familiar with their responsibilities. This should also include testing of IT system backups

Management Comment 2022

*Business continuity plan is being developed by a consultant.
IT disaster recovery plan has been completed.*

Management Comment 2021

Business continuity plan draft started. Noted to follow up.
IT disaster recovery plan to be drafted.

Responsible Person: Manager Corporate Services**Completion Date: January 2023**

ALL CORRESPONDENCE TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

ATTACHMENT

SHIRE OF WEST ARTHUR**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2022****FINDINGS IDENTIFIED DURING THE FINAL AUDIT****4. LEAVE PROVISIONS****Finding 2022 and 2021**

Testing identified one employee with an annual leave balance of greater than eight weeks.

Rating: Moderate (2021: Moderate)**Implication**

The rate of pay for annual leave is the employee's current rate of pay at the time the leave is taken. This may result in a financial burden for the Shire when leave is paid out in one lump sum for example, when an employee resigns or is terminated.

Recommendation

We recommend employees with leave balances of greater than eight weeks be encouraged to take regular leave where practicable.

Management Comment 2022

Policy has been prepared to limit accrued annual leave. Managers and staff have been made aware of any excessive leave. Leave form has been received from employee with excessive leave.

Management Comment 2021

Add annual audit of leave balances to compliance calendar. Relevant manager to arrange leave for employee with excessive balance.

Responsible Officer: Manager Corporate Services

Completion Date: 30 June 2023

ALL CORRESPONDENCE TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

13 WORKS AND SERVICES

Nil

14 REGULATORY SERVICES**14.1 BUSHFIRE RISK MITIGATION COORDINATOR RESOURCING**

File Reference:	ADM119
Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/03/2023
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Arthur River MAF ↓2. Bowelling MAF ↓3. Darkan MAF ↓4. Duranillin MAF ↓5. BRMC Business Plan Template ↓6. BRMC Overview ↓7. Bushfire Risk Mitigation Coordinator JDF ↓8. LG Grant Agreement - BRMC Template ↓

SUMMARY:

Council is requested to consider providing in-principle support for a jointly funded Bushfire Risk Mitigation Coordinator, to progress Bushfire Risk Mitigation Activities across the Shire.

BACKGROUND:

The Department of Fire and Emergency Services (DFES) manages a Bushfire Risk Management (BRM) program, involving the identification and mitigation of bushfire risks within local government areas. Through the development and implementation of LG BRM Plans, stakeholders are expected to work together to effectively manage bushfire risk to protect local communities and their assets. Although landowners and land managers are responsible for managing their risk, the extent to which this takes place is often affected by the availability of resources and funding to undertake mitigation activities.

COMMENT:

DFES has made contact with the Shire to discuss the funding of a new position. The Bushfire Risk Mitigation Coordinator (BRMC) is a position that DFES is introducing across WA. This position is responsible for ensuring LG mitigation programs (previously identified under the Bushfire Risk Planning process) are effectively planned, implemented and evaluated.

The main duties of this position include:

- Prepare and complete annual and long-term mitigation programs
- Manage grant applications to secure funding for LG mitigation works
- Coordinate the completion of treatments with contractors and Brigades
- Report to LGs on the status and success of their mitigation program
- Provide BRM training to LG staff and volunteers

- Provide support at bushfires (where approved)

The BRMC is proposed to provide significant benefit to local governments and their communities by achieving:

- An increase in the number of mitigation activities, leading to a reduction in bushfire risk and greater protection of lives and assets.
- Improved visibility and understanding of LG mitigation works through regular reporting of annual and 3+ year mitigation programs.
- More coordinated approach to bushfire mitigation and improved consultation between landowners and land managers.

DFES is offering (subject to final endorsement) a BRMC grant for a period of three years, commencing on 01 July 2022 and ending on 30 June 2025. This position is proposed to be shared by 2, 3 or 4 local governments (LGs), with the Shire of West Arthur's contribution towards the BRMC's grant depending on the number of LGs involved. The allocation from DFES is summarised in the payment schedule below.

Year	BRMC Budget	% Contribution	DFES Contribution \$ (Ex GST)
2023-24	\$155,024	DFES 50% Shire 50%	\$77,512
2024-25	\$160,386	DFES 30% Shire 70%	\$48,116
2025-26	\$165,894	DFES 30% Shire 70%	\$49,768

Should other Shires join the program, the above costs will be shared. It is proposed that a minimum of 1 day per week would be required for West Arthur. Costs associated with 1 day per week for the Shire are:

Year	BRMC Budget	% Contribution Shire / DFES	West Arthur 1 day / week	DFES share 5 days / week
2023-24	\$155,024	50/50	\$15,503	\$77,512
2024-25	\$160,386	70/30	\$22,454	\$48,116
2025-26	\$165,894	70/30	\$23,225	\$49,768

The BRMC would be responsible for applying for and managing Mitigation Activity Funding (MAF), which is a fully funded DFES program to reduce bushfire hazards that present an extreme, very high or high risk to assets. It is likely that funding received under this program would be in excess of \$100,000 per annum.

Attached are some maps from the DFES mapping system - everything shaded purple is classed as MAF Tenure. Please note - the MAF Tenure layer may contain anomalies and does not guarantee MAF eligibility or funding but gives a very good indicator of areas where mitigation works can be undertaken. Additionally, not shown on these pictures are bridges located throughout our shire which are eligible for mitigation works.

CONSULTATION:

Community Emergency Services Manager

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The financial implications will be dependent on the number of Shires who participate. This is likely to be only a 1 day per week proposition for the Shire of West Arthur.

In Year 1, the cost to the Shire would be \$15,503. Due to the decreasing % contribution by DFES in years 2 and 3 the financial impact to the Shire will range from \$22,454 in Year 2 to \$23,225 in Year 3.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Community – Safe, Friendly and Inclusive

Outcome: A safe place to live, work and visit

Strategy: Communication of risks and hazards to the community and assistance with management of these

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Failing to undertake risk mitigation activities will present an increased safety risk for the community
Risk Likelihood (based on history and with existing controls)	Likely (4)
Risk Consequence	Severe (5)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Extreme (20)
Principal Risk Theme	Inadequate safety or security practices
Risk Action Plan (Controls or Treatment Proposed)	Signing up to the BRMC program will minimise the risks associated with not undertaking required bush fire risk mitigation works

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-029

Moved: Cr Karen Harrington
 Seconded: Cr Duncan South

That Council support in-principle, the proposal for a shared Bushfire Risk Mitigation Coordinator, for 1 day per week at a cost of \$15,503 in Year 1, \$22,454 in Year 2 and \$23,225 in Year 3.

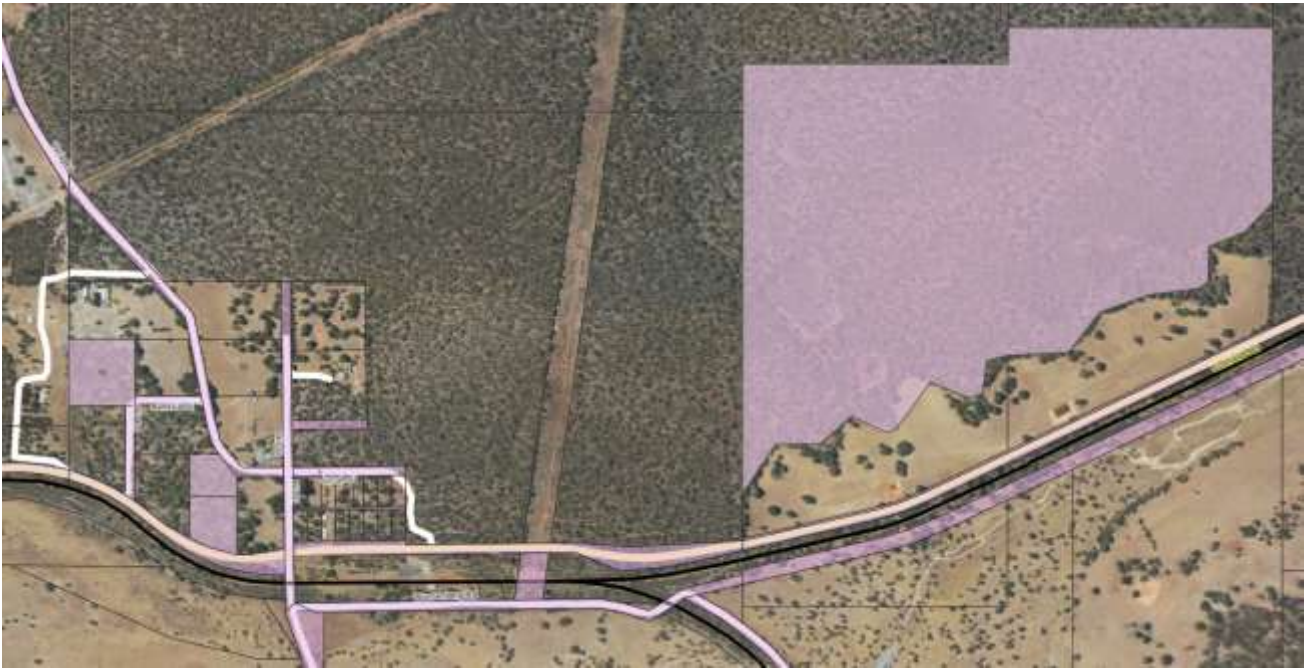
In Favour: Nil

Against: Crs Neil Morrell, Graeme Peirce, Karen Harrington, Robyn Lubcke, Duncan South and Adam Squires

LOST 0/6

Councillors felt that this would be an unnecessary cost to the Shire, with the potential benefit being outweighed by the expense.











**BUSHFIRE RISK MITIGATION COORDINATOR
BUSINESS PLAN**

<insert date>

Acronyms

ASTP	Annual Scheduled Treatment Plan
BFAC	Bush Fire Advisory Committee
BRMB	Bushfire Risk Management Branch
BRMC	Bushfire Risk Mitigation Coordinator
BRMO	Bushfire Risk Management Officer
CEO	Chief Executive Officer
DFES	Department of Fire and Emergency Services
DOAC	District Officers Advisory Committee
LG	Local Government
MAFGP	Mitigation Activity Fund Grants Program
MWG	Mitigation Working Group
ROAC	Regional Officers Advisory Committee
TPSR	Treatment Plan Status Report

Purpose

The BRMC Business Plan documents the priorities, key tasks and objectives for the BRMC. The plan enables the BRMC, associated local governments and DFES to have a shared understanding of the BRMC's responsibilities and expected outcomes.

Role of the BRMC

The BRMC is responsible for developing and implementing local government bushfire mitigation programs. The BRMC works closely with relevant stakeholders to identify and prioritise mitigation activities within designated local governments and ensures treatment plans are effectively planned, delivered and evaluated.

Review Process

The Business Plan should be reviewed, at a minimum, on a quarterly (September, December, March & June) basis to ensure the objectives and deliverables stated in table 1 are being met. The review process should include the BRMC, LG representative and DFES BRMO or District Officer and should identify any issues likely to prevent the achievement of the BRMC's objectives. Attempts should be made to immediately resolve any performance issues and the LG CEO and DFES Regional Superintendent should be advised if the measures taken are not successful.

Meetings

Coordinating a LG mitigation program requires continuous, extensive consultation with landowners and stakeholders. BRMCs are required to attend and present at various forums to ensure the successful delivery of the program. These include, but are not limited to:

- Present and update the BFAC on the status of each LG's ASTP and 3-Year Indicative Treatment Plan.
- Assist with the facilitation of DOAC/ROAC meetings to increase the awareness and progression of LG mitigation programs.
- Present at LG Council meetings to ensure Councillors have an appropriate understanding of their LG's mitigation program and are supportive of the approach and progress of priority treatments.
- Where a LG MWG is deemed necessary, the BRMC will establish and chair the MWG (refer to MWG Terms of Reference).

Training

BRMCs are required to complete DFES' induction program during the initial weeks of employment. DFES' BRMB will coordinate the training with the BRMC and DFES' Regional BRMO and it is expected that all induction courses/tasks are completed in a timely manner.

To increase the competency and support the professional development of the BRMC, DFES' BRMB have developed a training calendar that extends over the BRMC's three-year contract period. The BRMC is required to attend the designated training and obtain any necessary accreditation.

Bushfire Risk Mitigation Coordinator			
Task / Objective	Deliverable	When	KPI
Identify, prioritise & schedule 12 months of treatment activities for each LG mitigation program	ASTP	Annually (by August)	All treatment data entered into BRMS. ASTP created, reviewed and approved by BRMC & BRMO.
Complete MAFGP application	MAFGP Application and Agreement	Biannual (according to MAGP rounds)	Application submitted to DFES BRMB. Invoices submitted & Grant Agreement executed
Monitor the status of all scheduled MAFGP treatments and provide progress report when requested	MAFGP Progress Report	6 months following allocation as requested by BRMB	Status report reviewed and approved by DFES BRMB
Acquit all MAFGP treatments in accordance with MAFGP Guidelines	Completed MAFGP Acquittal	12 months following allocation as requested by BRMB	Acquittal report signed by DFES Regional Superintendent and LG CEO and finalised by DFES BRMB.
Attend MAFGP Assurance Review	Attend Assurance Review	As requested by OBRM	Attendance at MAFGP Assurance Review
Ensure the status and accuracy of all treatments in the ASTP are valid	TPSR	Ongoing	All treatment data entered into BRMS is current. TPSR reviewed by BRMC, BRMO & DFES BRMB.
Identify, prioritise and propose treatment activities for the following 36 months (ASTP + 36 months)	3-Year Indicative Treatment Plan	Annually (by October)	All treatment data entered into BRMS. 3-Year Indicative Treatment Plan created, reviewed and approved by BRMC & BRMO.
Undertake treatment evaluations and risk re-assessments for all completed treatments in the LG mitigation program	Treatment Plan Status Report	Ongoing	All relevant BRM data entered into BRMS. TPSR reviewed by BRMC, BRMO & DFES BRMB.
Write a case study on a completed mitigation activity that has been coordinated by the BRMC	Treatment Case Study	Annual	Treatment Case Study template completed by the BRMC & submitted to the BRMO & DFES BRMB

Table 1: BRMC Objectives and Deliverables

Approvals

Signature of LG CEO (Grantee)

Print full name of LG CEO (Grantee)

Dated _____

Signature of DFES Regional
Superintendent

Print full name of DFES Regional
Superintendent

Dated _____

Signature of BRMC

Print full name of BRMC

Dated _____



FOR A SAFER STATE

Bushfire Risk Mitigation Coordinator

Overview

Background

- Currently 93 LGs participating in the BRM program, of which 69 have an endorsed BRM Plan
- Bushfire Risk Planning Coordinators (BRPC) positions develop a LG's BRM Plan
- BRPC contracts will end on 30 June 2023
- Bushfire Risk Mitigation Coordinators (BRMC) have been introduced to plan, implement and evaluate LG mitigation programs
- 6 BRMCs currently working across the State, servicing 17 LGs
- Additional BRMCs to be appointed in 2023-24
- Anticipated that over 50 LGs will be assigned a BRMC by 2024-25



BRMC Role & Responsibilities

- BRMC is dedicated to planning, implementing and evaluating LG mitigation programs

- Responsibilities include:
 - Prepare and complete annual and long-term mitigation programs
 - Manage grant applications to secure funding for LG mitigation works
 - Coordinate the completion of treatments with contractors and Brigades
 - Report to LGs on the status and success of their mitigation program
 - Provide BRM training to LG staff and volunteers
 - Provide support at bushfires (where approved)

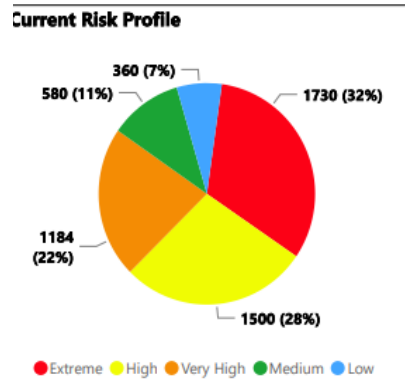


Dashboard and Reports

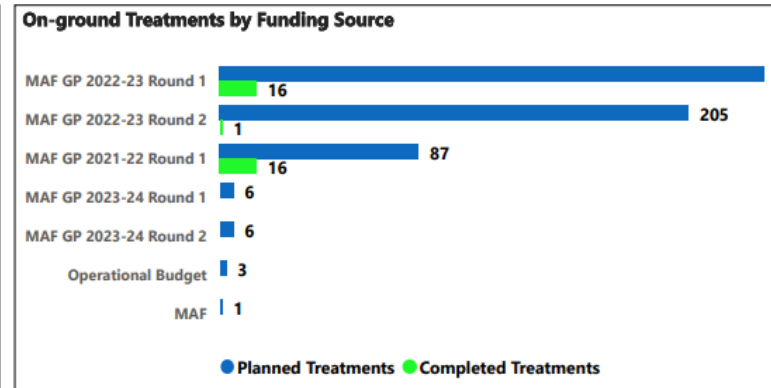
- BRMCs will report to LG and relevant stakeholders on the progress of each LG’s mitigation program
- Reports can be customised to suit the needs of each LG

Bushfire Risk Management Program Overview 2022-23

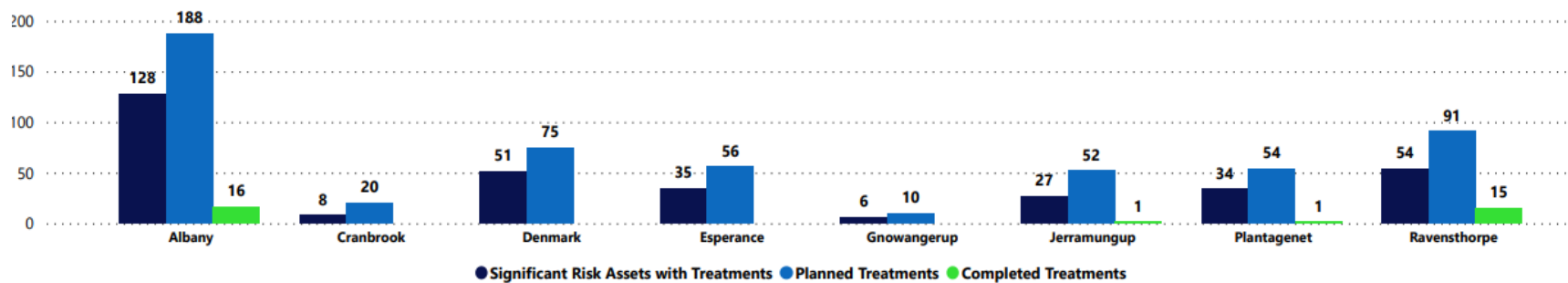
Local Government All	TOTAL Assets recorded 5392	Significant Risk Assets 4414	Significant Risk Assets without a Treatment 2508	N.B. MAF Treatments are proposed only and may not have been allocated funding through the Grants Program
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Treatment Type	Planned Treatments	Completed Treatments
Mechanical Works	373	19
Planned Burning	60	9
Fire Access Road / Track(s)	57	
Chemical Works	50	3
Access - Install Gates	2	1
Firebreak(s)	2	1
Asset Fire Protection / Defence System	1	
Water Point / Tank / Bore	1	
Total	546	33



Significant Risk Assets with On-ground Treatments Planned v Completed per Local Government



BRMC Package

- LGs must have an endorsed BRM Plan to be eligible for a BRMC
- BRMC is employed on a 3-year contract
- BRMC is a LG employee and will be hosted by 1 LG
- Funding for the BRMC is shared between DFES and LG:
 - Year 1 – DFES pay 50% of BRMC costs
 - Years 2 & 3 – DFES pay 30% of BRMC costs
 - Recommended BRMC budget is \$155k (2023-24)
- The cost to each LG is dependent on how many LG are involved i.e. if 4 LGs participate then costs for year 2 onwards is approx \$28k each
- It is expected that 1 BRMC will coordinate the completion of over 100 treatments per year
- The cost of employing a BRMC equates to a LG having to pay \$1000 per treatment* (for treatments funded by the Mitigation Activity Fund)

* Approximate cost and includes delivery of on-ground works





Next Steps

- Discuss BRMC package with identified LGs
- Obtain in principle support from each LG to participate in the BRMC program from 2023-24
- Finalise BRMC Grant Agreement with specified LGs
- Recruit, train and integrate BRMC within LGs from July 2023



Bushfire Risk Mitigation Coordinator

Job Description Form

The Government of Western Australia's Bushfire Risk Management (BRM) program is a state-wide initiative that is responsible for the development and implementation of local government BRM Plans. The program involves the collaboration of stakeholders, across all land tenure, to identify and mitigate bushfire risk within local communities.

The Role

The Bushfire Risk Mitigation Coordinator (BRMC) is responsible for developing and implementing local government bushfire treatment programs. The BRMC works closely with relevant stakeholders to identify and prioritise mitigation activities within designated local governments and ensures treatment plans are effectively planned, completed and evaluated.

Responsibilities

Mitigation Planning

- Review local government(s) bushfire risks to determine treatment priorities, including Annual Scheduled Treatment Plan and 3-year Indicative Treatment Plan.
- Liaise with DFES' BRMO, CESM (where appointed) and other relevant stakeholders to confirm and document appropriate treatment strategies for LG bushfire risks within the BRM Plan.
- Prepare, submit and manage Mitigation Activity Fund Grants Program applications to support the provision of funds required to implement LG treatment programs.
- Prepare and obtain approval of planned burning prescriptions, and other necessary applications/permits, that are required to implement mitigation activities.

Mitigation Implementation and Evaluation

- Manage contractors to ensure the agreed mitigation works are performed on time, within budget and to the required standards.
- Perform risk re-assessments following the completion of treatment activities and ensure risk assessments have been completed using the current BRM methodology.
- Inform relevant stakeholders of the status of treatment activities and escalate, to DFES' BRMO, all risks and issues that may prevent the successful completion of mitigation works.
- Manage the acquittal of all BRM grant applications, including the MAFGP, in accordance with the relevant grants program.

- According to experience and availability, facilitate implementation of prescribed burns with LG staff and volunteers.
- Ensure all BRM data, relevant to local government(s) Annual Scheduled Treatment Plan and 3-year Indicative Treatment Plan is captured in DFES' Bushfire Risk Management System (BRMS).

Other

- Liaise with DFES' BRMO, and other landholders, to support the effective implementation of "tenure-blind" mitigation programs.
- Complete reports and other requests for BRM information, as required, within established timeframes.
- Provide BRM training, where appropriate, to LG staff and volunteers.
- Present relevant LG mitigation programs at BFAC.
- Arrangements for the BRMC to attend bushfires within their jurisdiction are to be discussed and confirmed between the relevant LG, BRMC and DFES region.

Selection Criteria

Essential Pre-requisite

1. Possession of a current unrestricted C Class Western Australian driver's licence (as a minimum) which must remain valid for the duration of employment.

Essential

1. Demonstrated experience and knowledge of emergency management and bushfire risk management, including understanding of the role of landholders and agencies in the management of bushfire risk.
2. Demonstrated experience in applying bushfire mitigation strategies that sustain the natural environment by maintaining conservation values and biodiversity.
3. Demonstrated conceptual, analytical and problem-solving skills.
4. Understanding and experience in the application of risk management principles.
5. Well-developed communication and interpersonal skills, with demonstrated ability to liaise, consult and negotiate effectively with a wide range of stakeholders including contractors, government officers, industry and private landowners.
6. Proven ability to plan, prioritise and organise workloads to meet agreed timeframes

7. Proven experience working with ICT based systems including ability to effectively perform data entry, analysis and reporting.

Highly Desirable

1. Experience in rural fire management including planned burning and firefighting, with an understanding of the principles of bushfire behaviour and suppression activities.
2. Experience applying and managing external grants and funding.
3. Knowledge and understanding of DFES' Bushfire Risk Management System.
4. Experience in managing projects



<insert LG logos>

**BUSHFIRE RISK MITIGATION COORDINATOR
GRANT AGREEMENT**

<insert month/year>

THIS GRANT AGREEMENT is made on of

BETWEEN:

**The State of Western Australia acting through its Department of Fire and
Emergency Services
("Grantor")**

And

**The Local Government of
("1st Organisation")**

A.B.N. (if applicable)

And

**The Local Government of
("2nd Organisation")**

A.B.N. (if applicable)

And

**The Local Government of
("3rd Organisation")**

A.B.N. (if applicable)

And

**The Local Government of
("4th Organisation")**

A.B.N. (if applicable)

RECITALS

The 1st, 2nd, 3rd and 4th Organisations have applied to the Grantor for financial assistance to undertake the Approved Purpose and the Grantor has agreed to provide a grant subject to the terms and conditions of this Agreement.

THE PARTIES AGREE as follows:

1. DEFINITIONS AND INTERPRETATION

In this Agreement, unless the context otherwise requires:

Agreement means this Grant Agreement, including its recitals and any schedules or annexures (if any).

Acquittal occurs when the Grantor has advised the Organisation that the reports and financial information provided by the Grantee in accordance with clause 3.6 are satisfactory.

Approved Purpose means the purpose or purposes set out in item 1 of Schedule 1.

Audit means the verification and certification the Grant has been spent in accordance with this Agreement by either an independent registered company auditor (as defined by the Corporations Act 2001) or the Office of the Auditor General for Western Australia.

Page 2 of 24

Auditor means an accountant in public practice, who is a certified public practitioner (or equivalent) and is a member of either Chartered Accountants Australia and New Zealand (CAANZ), CPA Australia or the Institute of Public Accountants (IPA) and who is independent from the Organisation. Auditor must be registered as a company auditor or equivalent under a law in force in Western Australia.

Auditor General means the Auditor General established by the Auditor General Act 2006.

BRM means Bushfire Risk Management

BRMC means Bushfire Risk Mitigation Coordinator

BRMS means Bushfire Risk Management System

Business Day means a day other than a Saturday, Sunday or public holiday in Western Australia.

Grant Funds means the amount or amounts specified in item 6 of Schedule 1.

Grantee refers to the 1st Organisation in this Agreement.

Organisation means either the 1st, 2nd, 3rd and 4th Organisation or all as the context requires.

Party means each of the Grantor or the 1st, 2nd, 3rd and 4th Organisation as the context requires and **Parties** means all of them.

Program means the initiative or activities to be undertaken with the Grant Fund specified in item 2 of Schedule 1.

2. PAYMENT OF GRANT FUNDS

Subject to the terms and conditions of this Agreement, the Grantor will pay to the Grantee, on behalf of the Organisation, the Grant Funds in accordance with the payment schedule specified in item 6 of Schedule 1.

3 OBLIGATIONS OF ORGANISATION

3.1 Use of Grant Payment

The Organisation will use the Grant Funds solely for the Approved Purpose.

3.2 No Changes

The Organisation will not make any changes to the Approved Purpose without the prior written consent of the Grantor.

3.3 No Endorsement

The Organisation agree that nothing in this Agreement constitutes an endorsement by the Grantor of any goods or services provided by the Organisation.

3.4 Request for Information

The Organisation is to provide the Grantor with any documents or information relating to this Agreement or the program within ten (10) business days of receiving such a request from the Grantor.

3.6 Accounts and Reporting

- (a) The Organisation is to comply with Reporting Requirements as specified in Schedule 2 and such additional information as requested by the Grantor.
- (b) The Organisation is to keep proper financial records, including invoices and receipts, in accordance with generally accepted accounting principles and practices.
- (c) All reporting of financial information is to be certified by the Chairperson, CEO or equivalent of the Organisation.

3.7 Special Conditions of Grant

The Organisation agrees to comply with the special conditions (if any) specified in item 4 of Schedule 1.

3.8 General Undertaking of Organisation

The Organisation must:

- (a) at all times duly perform and observe its obligations under this Agreement and will promptly inform the Grantor of any occurrence, which might adversely affect its ability to do so in a material way;
- (b) undertake its responsibilities under this Agreement with integrity, good faith and probity in accordance with good corporate governance practices;
- (c) not, nor attempt to, sell, transfer, assign, mortgage, charge or otherwise dispose of or deal with any of its rights, entitlements and powers or obligations under this Agreement;
- (d) comply with all State and Commonwealth laws, rules, regulations and by-laws;
- (e) cooperate fully with the Grantor in the administration of this Agreement; and
- (f) upon reasonable notice, provide the Grantor or its agents, with access at any reasonable time and from time to time to the Organisation's premises, financial records, other documents, equipment and other property directly related to the Approved Purpose for the purpose of audit and inspection by the Grantor in order to verify compliance by the Organisation with this Agreement.

4. REPAYMENT AND RETENTION OF GRANT FUNDS

The Grantee, on behalf of the Organisation, must repay the Grantor any funds that the Grantor has paid which are not used in accordance with this

Page 4 of 24

Agreement unless there has been written agreement otherwise between the parties. The Grantee must promptly repay the Grantor all unspent Grant Funds associated with this Agreement.

5. LIMITATION OF LIABILITY

The Grantor does not accept any responsibility or liability for the success or otherwise of the Approved Purpose and is not liable for any losses which may be suffered by the Organisation in undertaking the Approved Purpose.

6. FREEDOM OF INFORMATION ACT 1992 AND FINANCIAL MANAGEMENT ACT 2006

- (a) The Organisation acknowledges and agrees that this Agreement and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Agreement, including its terms and the details of the Organisation.
- (b) The parties acknowledge and agree that, despite any provision of this Agreement to the contrary, the powers and responsibilities of the Auditor General under the *Financial Management Act 2006* are not limited or affected by this Agreement.
- (c) The Organisation must allow the Auditor General, or an authorised representative, to have access to and examine the Organisation's records and information concerning this Agreement.

7. NOTICES

Any notice or other communication that may or must be given under this Agreement:

- (a) must be in writing;
- (b) may be given by an authorised officer of the Party giving notice;
- (c) may be:
 - (i) hand delivered or sent by prepaid post to the address of the Party receiving the notice as set out in item 5 of Schedule 1; or
 - (ii) sent by email to the email address of the Party receiving the notice as set out in item 5 of Schedule 1;
- (d) subject to paragraph (e), is taken to be received:
 - (i) in the case of hand delivery, on the date of delivery;
 - (ii) in the case of post, on the third Business Day after posting; and
 - (iii) in the case of email, on the date of transmission; and
- (e) if received after 5.00 pm or on a day other than a Business Day, is taken to be received on the next Business Day.

8. DEFAULT AND TERMINATION

8.1 Event of Default by the Organisation

An Event of Default occurs if:

- (a) the Organisation breaches any of its obligations under this Agreement which continues without remedy for ten (10) business days after notice in writing has been served on the Organisation by the Grantor;
- (b) the Organisation becomes insolvent or is deemed to be insolvent under the *Corporations Act 2001 (Cth)*; or
- (c) if the Grantor has reasonable grounds to believe that the Organisation is unwilling or unable to comply with its obligations under this Agreement.

8.2 Effect of Event of Default

If an Event of Default occurs, the Grantor may either:

- (a) terminate the Agreement by providing a further ten (10) business days notice in writing to the Organisation of the Event of Default; or
- (b) suspend payment of the Grant Funds until the Event of Default is remedied; or
- (c) recall all unspent Grant Funds, relating to the salaries, in accordance with Annex A.

8.3 Termination

The Agreement may be terminated by mutual consent and agreement by all parties.

8.4 Recommencement of Grant Payment

The Grantor may, in its absolute discretion, recommence payment of the Grant Funds if and when the Organisation has rectified the Event of Default as per clause 8.2(b) and 8.2(c). If the Agreement is terminated under clause 8.2(a) it is considered terminated and recommencement cannot occur.

8.5 Acquittal

Acquittal of each financial year's Grant Funds is required at the end of the respective financial year in accordance with Schedule 2. This arrangement will be in place for the entire Agreement period. Where applicable, payment of the Grant Funds is dependent on the successful acquittal of the previous year's grant. Acquittal of the final financial year's Grant Fund will signal termination by performance of the Agreement.

9. GOODS AND SERVICES TAX (GST)

- (a) For the purposes of clause 9:
 - (i) "GST" means the goods and services tax applicable to any taxable supplies as determined by the GST Act; and

- (ii) "GST Act" means *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and includes all associated legislation and regulations;
 - (iii) the terms "supply", "tax invoice", "taxable supply" and "value" have the same meanings as in the GST Act.
- (b) If the supply of anything under this Agreement is a taxable supply under the GST Act, the Grant Funds shall be inclusive of GST.
 - (c) The obligation of the Grantor to pay the GST on any supply by the Organisation under this Agreement is conditional upon the prior issue by the Organisation to the Grantor of a tax invoice, which complies with the GST Act. This provision applies notwithstanding any law to the contrary.
 - (d) If the parties agree that the Grantor will issue the Organisation with a Recipient Created Tax Invoice (RCTI), then the parties hereby agree that:
 - (i) the Grantor will issue a RCTI in respect of GST payable on the supply of the program and the Organisation will not issue tax invoice in respect of that supply;
 - (ii) the Organisation warrants that it is registered for the purposes of GST and the Organisation will notify the Grantor in writing if it ceases to be registered for the purposes of GST during the term of this Agreement ("the Term");
 - (iii) the Grantor warrants that it is registered for the purposes of GST and the Grantor will notify the Organisation in writing if it ceases to be registered for the purposes of GST, or if it ceases to satisfy the requirements of the *GST Act* during the Term; and
 - (iv) the Grantor will indemnify and keep indemnified the Grantee for GST and any related penalty that may arise from an understatement of the GST payable on the supply of the program for which the Grantor issues a RCTI under this Agreement.

10. RELATIONSHIP

The Parties agree that nothing in this Agreement may be construed to make either of them a partner, agent, employee or joint venturer of the other.

11. WAIVER

- (a) No right under this Agreement shall be deemed to be waived except by notice in writing signed by both parties.
- (b) A waiver by either party will not prejudice that party's rights in relation to any further breach of this Agreement by the other party.
- (c) Any failure to enforce this Agreement, or any forbearance, delay or indulgence granted by one party to the other party, will not be construed as a waiver any rights.

12. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties and supersedes all communications, negotiations, arrangements and agreements, whether oral or written, between the parties with respect to the subject matter of this Agreement.

13. VARIATION

Any modification, amendment or other variation to this Agreement must be made in writing and duly executed by all parties.

14. DISPUTE RESOLUTION

Before resorting to external dispute resolution mechanisms, the Parties shall in good faith attempt to settle by negotiation any dispute in relation to this Agreement, and where practical, each Party shall refer the matter to personnel who have authority to intervene and facilitate some form of resolution.

Executed by the Parties hereto:

For and on behalf of the Grantor:

<p>_____ Signature of Authorised Person</p> <p>Dated _____</p>	<p>Darren Klemm AFSM</p> <p>_____ Print full name of Authorised Person</p> <p>Fire and Emergency Services Commissioner</p> <p>_____ Position of Authorised Person</p>
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For and on behalf of the 1st Organisation:

<p>_____ Signature of Authorised Person</p> <p>Dated _____</p>	<p>_____ Print full name of Authorised Person</p> <p>_____ Position of Authorised Person</p>
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For and on behalf of the 2nd Organisation:

Signature of Authorised Person

Print full name of Authorised Person

Dated _____

Position of Authorised Person

For and on behalf of the 3rd Organisation:

Signature of Authorised Person

Print full name of Authorised Person

Dated _____

Position of Authorised Person

For and on behalf of the 4th Organisation:

Signature of Authorised Person

Print full name of Authorised Person

Dated _____

Position of Authorised Person

SCHEDULE 1

DEFINITION OF PROGRAM OR SERVICE TO BE FUNDED

1. Approved Purpose of Grant

The Approved Purpose of the Grant is to enable the Organisation to pay the salary of the BRMC, as described in Annex A, to work with stakeholders and plan, complete and evaluate BRM activities. The Grant Funds can only be used to pay the salary component of the recommended BRMC budget (Annex A). All local government parties to this Agreement agree to cover the residual salary amount and all other recommended costs such as allowances and non-salary items as per Annex A.

2. Program Definition and/or Anticipated Activities

The BRM Program is the identification and classification of bushfire risk within the participating local government(s) respective areas. The program involves the development and implementation of a treatment plan in respect of the identified risk(s), through the utilisation of shared resources and the cooperation between local governments, State Agencies, private owners and/or occupiers of land.

BRM Plans document the bushfire related risk to community assets and outline treatments to mitigate these risks. The BRMC, through the coordination of local government mitigation activities, performs a vital role in managing bushfire risk within local communities. The BRMC is responsible for ensuring local government mitigation programs are effectively developed, implemented and evaluated

a) Responsibilities of the Organisation

- i) The Organisation, through the BRMC, will prepare and submit the reports as specified in Annex B to DFES' BRM Branch.
- ii) The Organisation agrees that the BRMC position will be employed under and administered by the Grantee, for the period covered by this Agreement.
- iii) The Organisation must cooperate fully with Grantor in respect of the administration of this Agreement.
- iv) The Organisation must properly provide for the care, safety, security and protection of all records as defined herein, (whether created by Grantor, the Organisation or any other person) that are in their custody or control.
- v) Unless the Grantor agrees otherwise in writing, the Organisation must provide everything necessary to enable it to fully comply with all its obligations under this Agreement.
- vi) The Organisation must take out and maintain insurance in relation to all insurable liabilities of the Organisation under this Agreement, as specified in Schedule 1 of this Agreement.
- vii) The Organisation agrees to use local or regional human resources, products and services for the BRM Program wherever possible.

- viii) The Organisation must obtain oversight of the BRMC's daily activities to ensure they work within the terms of this Agreement and achieve the program's objectives, as per the BRM induction package, in a timely manner.
- ix) The Organisation must nominate a suitable employee to manage the BRMC's obligations, as identified in this Agreement, and must provide their contact details to the Grantor.
- x) It is recommended the Organisation provide the equipment, as set out in Annex A, to the BRMC.
- xi) The Grantee agrees to procure and maintain Workers Compensation Insurance or comparable Personal Accident Insurance for the position of the BRMC.

b) Responsibilities of the Grantor

- i) The Grantor will provide strategic assistance and advice to the Organisation concerning the implementation of their BRM Plan.
- ii) The Grantor will provide templates, guidelines and the procedures (where available) necessary for the Organisation to implement their BRM Plan.
- iii) The Grantor will provide technical expert advice and support through the Bushfire Risk Management Officer assigned to the Region or where not allocated through the Bushfire Risk Management Branch.
- iv) The Grantor will provide training to the BRMC in the BRM process and the use of the BRMS.
- v) The Grantor will inform the Organisation of any updates or changes to the BRM process or BRMS.
- vi) The Grantor will provide BRMS Information Technology support to the Organisation.
- vii) The Grantor will ensure that the licence for the use of BRMS remains in force, at its own cost, for the duration of the grant period.
- viii) The Grantor will provide the Organisation with the required template to complete the acquittal of the Grant Funds.

c) Appointment of the BRMC

The following conditions must be adhered to during the appointment of the BRMC:

- i) The selection process for the position of the BRMC will be managed by the Grantee in consultation with all parties to this Agreement.
- ii) The Grantor will be entitled to nominate at least one representative to the selection panel if a panel is required.

- iii) The BRMC will undertake the role as per the agreed Job Description Form (JDF) as set out at Annex G.
- iv) The BRMC will be an employee of the Grantee and will be employed under the relevant Local Government Industry Award or a contract arrangement for the duration of the grant period unless a variation is sought.
- v) Although the Grantee will host the BRMC, the BRMC's time (Annex E) and equipment will be shared between the Organisations in this Agreement, where applicable, to ensure the success of the BRM program for all participants.

d) Training

- i) The Grantor will provide the BRMC with the necessary BRM and BRMS training, through self-paced and/or workplace delivery strategies.
- ii) The Grantor will coordinate the BRMC induction process.
- iii) The Organisation will direct the BRMC to adhere to the conditions, processes and procedures contained within the induction package.

3. Agreement Term

This Agreement is effective from 01 July 2022 to 30 June 2025, as outlined in item 4 Schedule 1.

Unless terminated earlier, this Agreement will be considered fully performed and terminated at the time of Acquittal of the final year's Grant Fund.

4. Special Conditions of Grant

The Period of the Agreement for the Organisation will be 36 months from 01 July 2022 – 30 June 2025. All Organisation parties to the Agreement, and sharing the services of the BRMC, will abide by the terms of the Agreement. The Agreement will be reviewed by the Grantor and Organisation on an annual basis.

a) Use of BRMS

- i) A BRMS account will be established by the Grantor following successful completion of the identified training by the BRMC.
- ii) All BRMS technical queries will be made to the Grantor through the BRMS Administrator.
- iii) Parties acknowledge that the performance of BRMS is dependent on the internet speeds of each Organisation.

b) BRMS and BRM Material

- i) The BRMS logo and all BRM program materials including Induction Manual, Guidelines, Handbook, training manuals and brochures will be provided by the Grantor to the Organisation royalty-free to be used only as set out in this Agreement.

- ii) The Grantor's ownership of the intellectual property rights in the materials must be acknowledged whenever the materials are published, copied or circulated.
- iii) The Organisation will provide the Grantor with public recognition on all literature and promotional material for the BRM program, in the format approved by the Grantor.
- iv) The Organisation may not amend the BRM program material in any way, unless approved by the Grantor in writing.
- v) Should the Grantor amend BRM material in any way then the Organisation are obliged to ensure they publish and/or circulate the most recent version.
- vi) The BRM program material may not be used by the Organisation for commercial gain.

c) Unavailability of BRMC

Where the appointed BRMC is unavailable at any time during the Agreement Term, the Grantee will promptly advise the Grantor and propose a substitute. Any substitute must be approved by the Grantor. The Grantor may not unreasonably withhold its approval of a substitute, but it may give its approval subject to such conditions, as it reasonably considers necessary to protect its interests under this Agreement.

d) Intellectual Property Rights

- i) The Intellectual Property Rights in BRMS is owned by Amristar Solutions Pty Ltd. The Organisation acknowledges that the use of BRMS is subject to a licence agreement between the owners of the Intellectual Property Rights and the Grantor.
- ii) Upon expiry of the BRMS licence agreement, the Organisation shall no longer make use of BRMS unless with written permission of the owner of the Intellectual Property Rights and the Grantor.
- iii) The obligations of the Organisation under this clause are continuing obligations and survive expiration or termination of this Agreement.
- iv) The Organisation further acknowledge that the Intellectual Property Rights in the data supplied to them for the purposes of mapping are owned by the entities that provide these layers to the Organisation and the terms of any agreement that the data provider may require must be adhered to. In addition, the Confidentiality provisions of this Agreement will apply to the data.
- v) Relevant information and images contained in the BRM Planning Guidelines and templates are published in accordance with the SAI Global licencing agreement. The agreement does not extend to additional documents outside of specified material.

e) Confidentiality

- i) The Grantor may publicly disclose the identity of the Grantee, the value of this Agreement and a description of the BRM program.
- ii) The Organisation acknowledges that this Agreement, and information held or compiled by the Grantor or the State of Western Australia in relation to this Agreement, is subject to the *Freedom of Information Act 1992*.
- iii) In addition to the general definition of Confidential Information the following information is specified as confidential: all information and documentation provided by external parties for use in the BRMS that relates to critical infrastructure and/or threatened environmental areas and/or culturally sensitive areas and/or is specified by the external party as confidential.
- iv) The Organisation must keep all Confidential Information confidential. The Organisation must not use or disclose the Confidential Information to any person except:
 - 1) where necessary for the purpose of performing tasks within the BRM program; or
 - 2) as authorised in writing by the Grantor or the external party, as the case may be; or
 - 3) to the extent that the Confidential Information is public knowledge (other than because of a breach of this clause by the Organisation); or
 - 4) as required by any law, judicial or parliamentary body or governmental agency; or
 - 5) when required (and only to the extent required) to the Organisation professional advisers, and the Organisation must ensure that such professional advisers are bound by the confidentiality obligations imposed on the Organisation under this clause.
- v) Except to the extent that the Organisation are required by law to retain any records, the Organisation must return all records containing Confidential Information immediately at the expiration or termination of this Agreement.

f) Data Security

The Organisation must:

- i) prohibit and prevent any officer, employee, contractor or agent of the Organisation who does not have the appropriate level of security clearance from gaining access to BRMS or the Confidential Information and without limiting this requirement, use reasonable endeavours to prevent any unauthorised person from gaining access to BRMS or the Confidential Information; and
- ii) notify the Grantor immediately, and comply with all directions of the Grantor, if an Organisation becomes aware of any contravention of data security requirements.

Page 14 of 24

g) Access

- i) The Organisation must keep accurate, complete and current written record in respect of this Agreement and must comply with the directions of the Grantor in relation to the keeping of records, whether those directions relate to the period before or after the expiry of this Agreement.
- ii) The Organisation must allow the Grantor to have reasonable access to all records in the custody or control of the Organisation and to examine, audit, copy and use these records. For this purpose, subject to the Grantor giving reasonable prior notice, the Organisation(s) must allow the Grantor to have reasonable access to any premises used or occupied in connection with the BRMP program.
- iii) The Organisation must do everything necessary to obtain any third-party consents, which are required to enable the Grantor to have access to records under this clause.
- iv) The Organisation acknowledges that the Grantor will have access to all data within BRMS.
- v) A participating Organisation will not have access to any other Organisation's data unless shared assets and/or treatments warrant this requirement. Approval for sharing the data must be provided to the respective Organisation and the Grantor so that the necessary BRMS access privileges can be granted.

h) Indemnity

Each Organisation indemnifies the Grantor, the State of Western Australia and all their respective officers, employees and agents against all costs, losses, expenses, claims, damages and other liabilities (including, without limitation, legal costs and expenses) as a result of any action, suit, claim, demand or proceeding taken or made by any third party arising from or in connection with:

- i) any breach of contract by an Organisation under this Agreement;
- ii) any wilful, tortious or unlawful act or omission of an Organisation or all officers, employees, agents or contractors of an Organisation;
- iii) any breach of a State, Commonwealth or Territory law relevant to this Agreement by an Organisation; or
- iv) any claim for damages arising out of the BRM program and/or risk treatments undertaken or not undertaken by an Organisation.

i) Insurance

- i) The following insurance is required:
 - 1) The Grantee: Workers Compensation Insurance or comparable Personal Accident Insurance for the position of the BRMC for the duration of the employment contract.

- 2) Each Organisation: Professional indemnity insurance and Public Liability Insurance for the duration of this Agreement plus six months after termination.
- ii) Each Organisation must provide the Grantor with sufficient evidence of the insurances required under this clause (including, if requested, a copy of any policy) and provide a certificate of currency of insurance, as requested by the Grantor at any time.
- iii) If an Organisation becomes aware of any event or incident occurring, which gives rise or is likely to give rise to a claim under any insurance required under this clause, it must as soon as reasonably practicable notify the Grantor in writing of that event or incident.
- iv) Failure to comply with this clause will not invalidate or otherwise affect any indemnities, liabilities and releases of this Agreement.
- v) The obligations of the Organisation under this clause are continuing obligations and survive expiration or termination of this Agreement for so long as the obligations of the Organisation under this clause continue.
- vi) Nothing in this clause limits an Organisation's other liabilities under this Agreement.

j) Notices

Notices or other communication can be sent by email to the email address of the recipient as set out in item 5 of Schedule 1.

k) Grant Funds

The Grantee will ensure that the bank account into which the Grant Funds are deposited is not overdrawn at any time during the term of this Agreement.

5. Notice Addresses

- (a) Grantor : Fire and Emergency Services Commissioner
Registered Mail: Bushfire Risk Management Branch
GPO Box P1174 PERTH WA 6844
Email: BRMP@dfes.wa.gov.au
- (b) Organisation:
Registered Mail:
Email:
- (c) Organisation:
Registered Mail:
Email:
- (d) Organisation:
Registered Mail:
Email:

- (e) Organisation:
Registered Mail:
Email:

PAYMENT SCHEDULE

6. Method of payment and total amount of Grant Funds

Payment of the Grant Funds (exclusive of GST) will be made in the amounts detailed below and within ten (10) business days of receipt of an invoice from the Grantee.

PAYMENT SCHEDULE	AMOUNT TO BE PAID (\$)	PAYMENT DATE
2022-23 DFES 50% funding LG(s) 50% funding	Grant Amount TOTAL \$76,542	Within ten (10) business days of receipt of an invoice from the Grantee
2023-24 DFES 30% funding LG(s) 70% funding	Grant Amount TOTAL \$46,508	Within ten (10) business days of receipt of an invoice from the Grantee
2024-25 DFES 30% funding LG(s) 70% funding	Grant Amount TOTAL \$48,116	Within ten (10) business days of receipt of an invoice from the Grantee

7. Vehicle

It is recommended that the vehicle used by the BRMC meets the proposed specifications (Annex C).

8. System Requirements

The Information Communications Technology (ICT) equipment used by the BRMC should meet the minimum specifications (Annex D) to ensure adequate performance of BRMS.

SCHEDULE 2

REPORTING REQUIREMENTS

1. Acquittance Report

The Grant Funds must be acquitted on an annual basis within 30 business days of the Grantor providing the Grantee with an Acquittance Report template. The Grantee must provide the Grantor with a completed and signed Acquittance Report, which is to include:

- a. A final statement of income and expenditure consisting of:
 - i. an expenditure/financial statement (exclusive of GST) signed by the Chief Executive Officer or Accountable Officer, detailing budgeted expenditure in accordance with the Approved Budget and actual expenditure on the BRM program described in the request; and
 - ii. An extract from the payroll system that evidences a breakdown of the BRMC salary.

The Organisation must ensure that:

- i. any unexpended funds held by the Organisation are returned to the Grantor as per invoice payment terms.
 - ii. financial accounts and records to enable identification of the grant, payments and receipts will be maintained and provided when requested.
- b. Audited Inspection
 - i. Upon receipt of the Organisations financial reports the Grantor may request an inspection of the financial records by an Auditor appointed by the Grantor. Costs associated with this audit will be paid by the Grantor.
 - ii. If a preliminary survey by the appointed Auditor reveals that the appropriate accounting standards have not been complied with; the Grantor may recommend that any further payments of Grants be withheld, or Grant Funds are returned to the Grantor, until agreed action has been taken.

2. Treatment Reports

The BRMC is required to provide DFES, and their respective LGs, with an update on the status of each local government's mitigation program (Annex B).

3. Business Plan

The Business Plan describes the key tasks to be completed by the BRMC and performance indicators to ensure the desired outcomes are achieved. The plan enables the respective LGs and DFES to manage the BRMC's workload and provides a mechanism to establish and maintain effective LG mitigation programs.

ANNEX A

Recommended BRMC Budget

ITEM Funded	Grant Period		
	2022-23	2023-24	2024-25
SALARY			
Salary/Wages	\$ 91,047.00	\$ 94,915.00	\$ 98,896.00
ON COSTS			
Workers Compensation Superannuation Leave	\$ 23,362.66	\$ 24,355.19	\$ 25,376.71
Subtotal Salary	\$114,409.66	\$119,270.19	\$124,272.71
ICT COST			
Laptop Computer, accessories and data card	\$ 3,272.40	-	-
Mobile Phone & Usage	\$ 1,818.00	\$ 1,836.18	\$ 1,854.54
VEHICLE COSTS			
Lease/Service	\$ 15,301.50	\$ 15,454.52	\$ 15,609.06
Fuel	\$ 10,908.00	\$ 11,017.08	\$ 11,127.25
OTHER			
other (inc equipment and PPE)	\$ 1,818.00	\$ 1,836.18	\$ 1,854.54
Training	\$ 1,515.00	\$ 1,530.15	\$ 1,545.45
Travel Allowance	\$ 4,040.00	\$ 4,080.40	\$ 4,121.20
Other (furniture/fittings/administration)			
Subtotal Ancillary Costs	\$38,672.90	\$35,754.51	\$36,112.05
GRAND TOTAL (EX GST) rounded	\$153,083	\$155,025	\$160,385

Approved Grant (salary component only)

ITEM Funded	Grant Period		
	2022-23	2023-24	2024-25
TOTAL (EX GST)			
Salary/Wages	\$76,542	\$46,508	\$48,116

The Grant Funds can only be used to pay the salary component of the recommended BRMC budget.

ANNEX B

Reporting

The BRMC is responsible for preparing, submitting and coordinating the approval of all the deliverables stated in the BRMC's Business Plan.

ANNEX C

Recommended Base Vehicle Specifications

- Diesel 4 x 4 including low range capability
 - Dual Cab ute with secure lockable canopy
- Air conditioned
- Reversing Camera and sensors
- Tinted windows
- Heavy Duty Bullbar
- Driving Lights
- Cell Fi (Phone booster) if available from hire company
- Automatic transmission
- Seat covers
- Heavy duty floor mats
- DFES and Local Government logos

ANNEX D

Recommended Minimum System Requirements

Hardware	Tablet/laptop and docking station Desktop single monitor	Specifications to suit minimum system requirements on software
Web Browser	Google Chrome (Windows and Linux)	Latest stable version supported / preferred browser for BRMS
	Microsoft Edge	Latest stable version supported
	Microsoft Internet Explorer (Windows)	Version 11 (Internet Explorer's Compatibility View is not supported)
	Mozilla Firefox (Windows and Linux)	Latest stable version supported
Applications	Microsoft Office Pro (word, excel, outlook, publisher)	Latest version
	Microsoft Visio/Project	Latest version
	Microsoft Outlook	Latest version
	Adobe Acrobat pro	Latest version
	Local Government mapping and records management system	Latest version
Operating System	Windows	Windows 10 or latest version
Mobile Phone	Smart Phone	Latest version

ANNEX E

Bushfire Risk Mitigation Coordinator Allocation

The BRMC will work within the following Organisations to assist with the development, implementation and monitoring of each local government’s bushfire mitigation programs.

<u>Year of Support</u>	<u>Grantee (Host LG)</u>	<u>Organisation (Local Government)</u>	<u>Support Days per Fortnight</u>
2022-23	<insert LG name>	<insert LG name>	<insert days>
2023-24	<insert LG name>	<insert LG name>	<insert days>
2024-25	<insert LG name>	<insert LG name>	<insert days>

ANNEX F

Location:

The BRMC will be employed (hosted) by the <insert LG name> for the period of the grant.

ANNEX G

Bushfire Risk Mitigation Coordinator

Job Description Form

The Government of Western Australia’s Bushfire Risk Management (BRM) program is a state-wide initiative that is responsible for the development and implementation of local government BRM Plans. The program involves the collaboration of stakeholders, across all land tenure, to identify and mitigate bushfire risk within local communities.

The Role

The Bushfire Risk Mitigation Coordinator (BRMC) is responsible for developing and implementing local government bushfire treatment programs. The BRMC works closely with relevant stakeholders to identify and prioritise mitigation activities within designated local governments and ensures treatment plans are effectively planned, delivered and evaluated.

Responsibilities

Mitigation Planning

- Review local government(s) bushfire risks to determine treatment priorities, including Annual Scheduled Treatment Plan and 3-year Indicative Treatment Plan.
- Liaise with DFES’ BRMO, CESM (where appointed) and other relevant stakeholders to confirm and document appropriate treatment strategies for LG bushfire risks within the BRM Plan.

- Prepare, submit and manage Mitigation Activity Fund Grants Program applications to support the provision of funds required to implement LG treatment programs.
- Prepare and obtain approval of planned burning prescriptions, and other necessary applications/permits, that are required to implement mitigation activities.

Mitigation Implementation and Evaluation

- Manage contractors to ensure the agreed mitigation works are performed on time, within budget and to the required standards.
- Perform risk re-assessments following the completion of treatment activities and ensure risk assessments have been completed using the current BRM methodology.
- Inform relevant stakeholders of the status of treatment activities and escalate, to DFES' BRMO, all risks and issues that may prevent the successful completion of mitigation works.
- Manage the acquittal of all BRM grant applications, including the MAFGP, in accordance with the relevant grants program.
- According to experience and availability, facilitate implementation of prescribed burns with LG staff and volunteers.
- Ensure all BRM data, relevant to local government(s) Annual Scheduled Treatment Plan and 3-year Indicative Treatment Plan is captured in DFES' Bushfire Risk Management System (BRMS).

Other

- Liaise with DFES' BRMO, and other landholders, to support the effective implementation of "tenure-blind" mitigation programs.
- Complete reports and other requests for BRM information, as required, within established timeframes.
- Provide BRM training, where appropriate, to LG staff and volunteers.
- Present relevant LG mitigation programs at BFAC.
- Arrangements for the BRMC to attend bushfires within their jurisdiction are to be discussed and confirmed between the relevant LG, BRMC and DFES region.

Selection Criteria

Essential Pre-requisite

1. Possession of a current unrestricted C Class Western Australian driver's licence (as a minimum) which must remain valid for the duration of employment.

Essential

1. Demonstrated experience and knowledge of emergency management and bushfire risk management, including understanding of the role of landholders and agencies in the management of bushfire risk.
2. Demonstrated experience in applying bushfire mitigation strategies that sustain the natural environment by maintaining conservation values and biodiversity.
3. Demonstrated conceptual, analytical and problem-solving skills.
4. Understanding and experience in the application of risk management principles.
5. Well-developed communication and interpersonal skills, with demonstrated ability to liaise, consult and negotiate effectively with a wide range of stakeholders including contractors, government officers, industry and private landowners.
6. Proven ability to plan, prioritise and organise workloads to meet agreed timeframes
7. Proven experience working with ICT based systems including ability to effectively perform data entry, analysis and reporting.

Highly Desirable

1. Experience in rural fire management including planned burning and firefighting, with an understanding of the principles of bushfire behaviour and suppression activities.
2. Experience applying and managing external grants and funding.
3. Knowledge and understanding of DFES' Bushfire Risk Management System.
4. Experience in managing projects

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING**MOTION TO ACCEPT LATE ITEM****RESOLUTION CO-2023-030**

Moved: Cr Duncan South

Seconded: Cr Graeme Peirce

That Council accepts the Late Item as 16.1 Temporary or Acting CEO Policy.

CARRIED**16.1 TEMPORARY OR ACTING CEO POLICY****File Reference:** ADM015**Location:** N/A**Applicant:** N/A**Author:** Vin Fordham Lamont, Chief Executive Officer**Authorising Officer:** Vin Fordham Lamont, Chief Executive Officer**Date:** 17/03/2023**Disclosure of Interest:** Nil**Attachments:** 1. [Draft Temporary Employment or Appointment of Acting CEO](#)**SUMMARY:**

Council is requested to consider adopting the attached draft Temporary Employment or Appointment of Acting CEO policy.

BACKGROUND:

Section 5.39C (1) of the *Local Government Act 1995* (LGA) states that:

“A local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following –

- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.”

COMMENT:

Council’s policy manual is currently under review. One of the tasks undertaken was to draft a policy to comply with s5.39C(1) of the LGA, as described above. Given that the CEO plans to take some leave over the next few months, it is an appropriate time for Council to consider adopting the drafted policy (see attached).

CONSULTATION:

Belinda Knight, Local Government Consultant

WALGA Governance Adviser

STATUTORY ENVIRONMENT:

Local Government Act 1995

s5.39C Policy for temporary employment or appointment of CEO

s2.7(2)(b) Role of council

POLICY IMPLICATIONS:

New policy will be added to the policy manual.

FINANCIAL IMPLICATIONS:

There will be costs involved as any officer acting as CEO is entitled to receive a higher duties allowance.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure

- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

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

Description of Key Risk	Council operates with an acting CEO not formally approved, opening it up to potential litigation
Risk Likelihood (based on history and with existing controls)	Likely (4)
Risk Consequence	Significant (4)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	High (16)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Adopt the policy to make us compliant

VOTING REQUIREMENTS:

Absolute Majority

RESOLUTION CO-2023-031

Moved: Cr Robyn Lubcke
 Seconded: Cr Adam Squires

That Council adopt the attached draft Temporary Employment or Appointment of Acting CEO policy and approve its inclusion in the Policy Manual.

CARRIED BY ABSOLUTE MAJORITY



Policy Title	Temporary Employment or Appointment of Acting CEO
Policy Type	Governance
Responsible Officer	Chief Executive Officer

Purpose

To establish a Policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of West Arthur's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or a temporary vacancy in the substantive office.

Scope

This Policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of West Arthur.

Definitions

Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Policy Statement

1. Acting and Temporary CEO Requirements and Qualification

1. When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in s5.41 of the *Local Government Act 1995*, and other duties as set out in the *Act* and associated *Regulations*.
2. Through this policy and in accordance with *section 5.36(2)(a)* of the *Act*, the Council determines that a person appointed to the substantive position of Manager Corporate Services and/or Manager Works & Services are considered suitably qualified to perform the role of Acting or Temporary CEO.
3. A person appointed to act in the position of Manager Corporate Services or Manager Works & Services are not included in the determination set out in Clause 3 (2).

2. Appoint Acting CEO – Planned and unplanned leave for periods up to four (4) weeks

1. The CEO is authorised to appoint the Manager Corporate Services or Manager Works & Services in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding four (4) weeks, subject to the CEO's consideration of the Managers' performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
2. The CEO must appoint an Acting CEO for any leave periods greater than 48 hours and less than 4 weeks.

3. The CEO is to immediately advise all Council members when and for what period of time the Manager Corporate Services is appointed as Acting CEO.
4. If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (2), then the following line of succession shall apply:
 - a. The Manager Corporate Services will be appointed as Acting CEO; or
 - b. Conduct an external recruitment process in accordance with clause 4(1)(c).
5. Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 4 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

3. Appoint Acting CEO for extended leave periods greater than four (4) weeks but less than 12 months.

1. This clause applies to the following periods of extended leave:
 - Substantive CEO's extended planned leave which may include accumulated annual leave, long service leave or personal leave; and
 - Substantive CEO's extended unplanned leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
2. The Council will, by resolution, appoint an Acting CEO for periods greater than four (4) weeks but less than 12 months, as follows:
 - a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 4(1)(c).
3. The President will liaise with the CEO, or in their unplanned absence the Manager Corporate Services to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
4. Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Corporate Services.

4. Appoint Temporary CEO – Substantive Vacancy

1. In the event that the substantive CEO's employment with the Shire of West Arthur is ending, the Council when determining to appoint a Temporary CEO may either:
 - a. by resolution, appoint Manager Corporate Services as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b. by resolution, appoint Manager Corporate Services as the Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c. following an external recruitment process in accordance with the principles of merit and equity prescribed in s5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
2. The President will liaise with the Manager Corporate Services to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
3. The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Manager Corporate Services.

5. Remuneration and conditions of Acting or Temporary CEO

1. An employee appointed as Acting shall be remunerated at 100 % of the cash component only of the substantive CEO’s total reward package.
2. Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of s5.39(1) and (2)(a) of the Act.
3. Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

History	17/05/2022
Delegation	Nil
Relevant Legislation	<i>s.5.39 Contracts for CEO and senior employees Local Government Act 1995</i> <i>s.5.39C Policy for temporary employment or appointment of CEO</i> <i>s.5.40 Principles affecting employment by Local Governments</i>
Related Documentation	Nil

17 MATTERS BEHIND CLOSED DOORS

Nil

18 CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 8.18pm.