



**City of
Kalgoorlie
Boulder**

MINUTES

of the ORDINARY Meeting of Council

held at 7:00PM

on

27 APRIL, 2021

at the

Kalgoorlie Town Hall

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7:00pm welcoming the gallery and those present and recited the Acknowledgement of Country.

2 OPENING PRAYER

The opening prayer was conducted by Lieutenant BJ Baillie from the Salvation Army.

3 DISCLAIMER READING

THE MAYOR READ THE DISCLAIMER TO THOSE PRESENT.

PLEASE NOTE THIS MEETING IS BEING RECORDED AND STREAMED LIVE ON THE COUNCIL'S WEBSITE IN ACCORDANCE WITH COUNCIL'S RECORDING AND STREAMING OF COUNCIL MEETINGS POLICY, WHICH CAN BE VIEWED ON COUNCIL'S WEBSITE.

ALL REASONABLE CARE IS TAKEN TO MAINTAIN YOUR PRIVACY; HOWEVER, AS A VISITOR IN THE PUBLIC GALLERY, YOUR PRESENCE MAY BE RECORDED. BY REMAINING IN THE PUBLIC GALLERY, IT IS ASSUMED YOUR CONSENT IS GIVEN IF YOUR IMAGE IS BROADCAST.

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICER'S RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCIL'S DECISION.

4 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**IN ATTENDANCE:**

Mayor John Bowler
Cr Lisa Malicky
Cr Deborah Botica
Cr Mandy Reidy
Cr Gary Brown
Cr Glenn Wilson
Cr Pam Townsend
Cr Nardia Turner

Cr Linden Brownley
Cr Dave Grills
Cr Terrence Winner
Cr John Matthew

MEMBERS OF STAFF:

Mr John Walker	Chief Executive Officer
Mr Italo Pisedda	General Manager Infrastructure & Environment
Ms Holly Phillips	Chief Of Staff
Mr David Trevaskis	Chief Financial Officer
Ms Lauren Chapman-Holle	Media Relations Advisor
Ms Alyce Spokes	ICT Manager
Ms Eve Reitmajer	PA to Chief Financial Officer

VISITORS:

18

PRESS:

2

APOLOGIES – ELECTED MEMBERS:

Cr Laurie Ayers

APOLOGIES – MEMBERS OF STAFF:

Nil

LEAVE OF ABSENCE:

Nil

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 PUBLIC ACCESS AND PUBLIC QUESTION TIME**Public Access**

Nil

Public Question Time

Amy Astill of South Kalgoorlie asked the following questions regarding the minutes of the Special Council Meeting held on 29 March 2021:

1. Under clause 11.2 of the *Local Government Act 1995* the resolution and vote of an item in any meeting of Council must be made publicly available to the electorate. It is beyond doubt that the electors who voted you into Council deserve to see the resolution and how you all voted in item 9.1 entitled 'Senior Staffing Matter' in the Special Meeting of Council. As the meeting was 'in camera' I agree that discussions do not need to be made known to the electors but factors like the vote do. Can the Council explain why the resolution and vote from the special meeting has not been released to the public despite legislation you are governed by?

Response from Mayor John Bowler:

There is no clause 11.2 of the *Local Government Act*. However if you find the clause you are referring to please pass the details on to staff and we will include an answer in the minutes.

Division 7 of the Act provides rights to access to information but section 5.95 limits that right for confidential items, as does Council Local Law on Standing Orders and the Code of Conduct.

2. The City's Strategic Community Plan states that the City will focus on enhancing quality of life, ensuring the City maintains strong civic leadership, improving the external and internal image of the City, and encouraging community engagement in decision-making. It aligns with the Plan and the *Local Government Act 1995* that the outcome of the independent investigation into the Senior Staffing Matter be made publicly available, as the primary accountability of the Council is to the electors. Can the Council explain when the outcome of the independent investigation will be released to the public?

Response from Mayor John Bowler:

Council has a responsibility to its employees and as this is an issue relating to an employee it is confidential.

3. Is Council aware of exactly how many resignations there have been in 2021 alone, from Council? High resignation rate and inability to fill certain roles poses serious concern to the community about staff safety and workplace culture, because if misconduct was not occurring in the workplace, then the issues of staff retention and attraction wouldn't exist. Can the Council confirm and put on public record how many staff resignations there have been in 2021 alone, and the number of these staffers who were granted exit interviews?

Response from Mayor John Bowler:

Council is kept regularly up to date on staff movements through benchmarking reports and other reports provided to it.

2021 is a difficult year for all organisations to recruit and in a high paying city like Kalgoorlie-Boulder it is often hard to retain staff in Local Government.

There is no doubt that at present, every business in Kalgoorlie-Boulder has problems attracting and keeping staff.

All staff are offered exit interviews.

Kieran Hanna of Kalgoorlie asked the following questions regarding the minutes of the Special Council Meeting held on 29 March 2021 and item 15.2.8 respectively:

1. I refer to the council's three-hour special meeting on 23 April 2021. As widely reported in the media, this meeting was closed to the public and debated a report on a special staffing matter pertaining to the CEO which, as of Monday 26 April is still confidential. Why is the council being so secretive about the suspension of the CEO, the conduct and details of the report and the outcomes of the marathon meeting last week? Do they not believe that the citizens of Kalgoorlie-Boulder deserve to know what one of the highest paid public servants in Australia has been up to?

Response from Mayor John Bowler:

The Council is not being secretive but issues relating to an employee are confidential – and all Australians would expect the same from their employer.

2. I refer to 'Division 3 – Standards of review of performance of CEOs' from the *Local Government Legislation Amendment Act 2019*. Does Council believe standards of performance for all members covered by the Act should apply retrospectively and that, according to Division 3, a performance review (in this case the report debated at the special meeting of Council, 23 April 2021) conducted by the local government should be carried out in an impartial and transparent manner? If not, to what extent does Council think the citizens of Kalgoorlie-Boulder deserve to know what the circumstances of this meeting were?

Response from the Mayor:

The review of the performance of a CEO under the Act are not relevant to this matter, and the investigation undertaken was not a performance review as prescribed.

As this is an issue relating to an employee it is confidential and I cannot make any comment.

Sarah Hinton of West Lamington asked the following questions regarding the minutes of the Special Council Meeting held on 29 March 2021. Ms Hinton was not present and the Mayor read her questions on her behalf:

1. When will the minutes from the Extra Council meeting from April 23 2021 be uploaded to the council website?

Response from the Mayor:

By tomorrow, which is only two working days since the Special Council Meeting.

2. If the result to reinstate John Walker came to a vote, when will residents be made aware of which councillors voted to reinstate and which councillors did not?

Response from the Mayor:

They won't be. Under Council's Standing Orders the voting of individual Councillors is not disclosed.

3. Can Council please explain if the investigation into allegations of misconduct by John Walker was internal or if there was an independent investigator?

Response from the Mayor:

There was an independent investigation.

Simone Pickering of Kalgoorlie asked the following questions regarding the minutes of the Special Council Meeting held on 29 March 2021 and item 15.2.8:

1. On the 25 April 2021 ABC Goldfields reported that the City of Kalgoorlie-Boulder has reinstated CEO John Walker following an investigation into alleged workplace misconduct.

What supports and protection is being made available for the wider organisation such as protection from retribution for parties to the investigation such as complainant(s) and witnesses and in considering the matter on Friday did Council move to ensure adequate support services would be communicated to employees as a matter of urgency?

Response from the Mayor:

It is not expected that there will be any retribution by any party.

Council staff were communicated to by the Manager of People today regarding a number of matters including support services.

2. In regard to general principles applying to termination. If the CEO responds to a serious misconduct allegation, say for example sexual harassment, would the response be provided to the complainant and the public in the interest of transparency?

Response from the Mayor:

As this is an issue relating to an employee, it is confidential and I cannot make any comment.

3. Under the Councillor Code of Conduct a council member should base decisions on relevant and factually correct recommendations. Would a correctly instituted legal investigation and subsequent findings be relevant and factually correct?

Response from the Mayor:

As this is an issue relating to an employee, it is confidential and I cannot make any comment.

Loek Ruiterman of Kalgoorlie asked the following questions regarding the *Local Government Act 1995*:

1. Please explain how you, the local government, interpret chapter 3.31 (a) (b) of the *Local Government Act 1995*?

Response from the Mayor:

It is a general procedure for allowing Council to enter property.

2. Please explain how you, the local government, interpret chapter 8.35 (1) (2) of the *Local Government Act 1995*?

Response from the Mayor:

It is a provision relating to funds being misapplied for purposes not authorised by law.

3. Please explain how you, the local government, interpret chapter 8.38 (1) of the *Local Government Act 1995*?

Response from the Mayor:

This is a clause outlining liability for misappropriation of funds.

As these matters relate to an item that has been prosecuted already and you, Mr Ruiterman, were fined and ordered to pay costs – no further comment will be made.

Marilyn Green of Lamington asked the following questions regarding item 15.2.8:

1. Decisions relating to potential termination of a CEO must be made public in a transparent manner. If an investigation determined that a CEO should be terminated, would that be made public in the interests of transparency?

Response from the Mayor:

It is the decision of Council that would determine the fate of the CEO and that would be made public if the CEO was dismissed because he would no longer be an employee of the Council and not afforded the protection offered by the employer-employee relationship.

2. Under the Councillor Code of Conduct a council member must disclose interests. If a council member has ties to someone subject to council discussions and does not disclose an impartiality would that be a code of conduct issue?

Response from the Mayor:

No. It would need to be a pecuniary, proximity or impartiality interest as defined by the *Local Government Act 1995*. Knowing somebody is not an interest.

Suzanne Jacqueline Williams of Boulder asked the following questions relating to the minutes of the Special Council Meeting held on 29 March 2021:

1. At the Ordinary Council Meeting 10 and 27 February 2020 I asked Council why I was not supported after being marginalised and victimised to the point I took a month off for workplace bullying, after speaking and recording my name against the extension of CEO contract in a Special Council meeting.

Can Council please outline what steps are being taken to prevent this marginalisation, victimisation and harassment that I experienced from happening to elected members who voted against the motion?

Response from the Mayor:

Council does not recognise your assumptions, therefore the question is null and void.

2. Can Council please investigate my claims of marginalisation, victimisation and harassment while on Council?

Response from the Mayor:

All matters you raised when last on Council were dealt with by the Department of Local Government and the file was closed.

7 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8 NOTATIONS OF INTEREST

8.1 INTEREST AFFECTING IMPARTIALITY CITY OF KALGOORLIE-BOULDER CODE OF CONDUCT

Nil

8.2 FINANCIAL INTEREST LOCAL GOVERNMENT ACT SECTION 5.60A

Nil

8.3 PROXIMITY INTEREST LOCAL GOVERNMENT ACT SECTION 5.60B

Nil

9 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED BY: CR GLENN WILSON
SECONDED BY: CR MANDY REIDY

THAT COUNCIL APPROVE THE LEAVE REQUESTS.

**CARRIED
(12/0)**

9.1 APPLICANT: CR LAURIE AYERS

CR LAURIE AYERS REQUESTED LEAVE OF ABSENCE FROM 28 APRIL 2021 TO 18 MAY 2021 INCLUSIVE.

9.2 APPLICANT: CR GARY BROWN

CR GARY BROWN REQUESTED LEAVE OF ABSENCE FROM 28 APRIL 2021 TO 19 MAY 2021 INCLUSIVE.

9.3 APPLICANT: CR PAM TOWNSEND

CR PAM TOWNSEND REQUESTED LEAVE OF ABSENCE FROM 24 MAY 2021 TO 7 JUNE 2021 INCLUSIVE

10 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSIONS

24.03.2021	Met new Chamber of Mines Regional Manager
26.03.2021	GVROC meeting in Norseman
27.03.2021	Attended farewell memorial service for former Councillor Barrie Thomson
27.03.2021	Ran quiz night for women's basketball
29.03.2021	Met resident who camps in the bush
29.03.2021	Attended Special Council Meeting
30.03.2021	Attended Baptist College opening of a new classroom wing
31.03.2021	Zoom meeting of RCAWA
06.04.2021	Met with Kalgoorlie-Boulder Racing Club
12.04.2021	Met Senator Matt O'Sullivan on cashless debit card
13.04.2021	Accepted Perkolilli Trophy from Perth resident
15.04.2021	Council information meeting on projects update
16.04.2021	Met with new Kalgoorlie MLA Ali Kent
16.04.2021	Attended WA Ballet at GAC

11 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

MOVED BY: CR JOHN MATTHEW
SECONDED BY: CR LISA MALICKY

[Minutes of Ordinary Council Meeting held on 22 March 2021](#)

That the minutes of the Ordinary meeting held on 22 March 2021 be confirmed as a true record of that meeting.

[Minutes of Special Council Meeting held on 29 March 2021](#)

That the minutes of the Special meeting held on 29 March 2021 be confirmed as a true record of that meeting.

CARRIED
(12/0)

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 MOTION PUT FORWARD BY CR MANDY REIDY - ORGANISATIONAL REVIEW

COUNCIL RESOLUTION

MOVED BY: CR MANDY REIDY
SECONDED BY: CR LISA MALICKY

THAT:

1. COUNCIL ENGAGE AN INDEPENDENT INDUSTRIAL RELATION AND OR HUMAN RESOURCES PROFESSIONAL TO CONDUCT AN ORGANISATIONAL REVIEW INTO WORKPLACE CULTURE, FAIRWORK PRACTICES AND EQUAL OPPORTUNITY POLICIES AND MAKE RECOMMENDATIONS FOR COUNCIL TO CONSIDER.
2. COUNCIL ENGAGE AN INDEPENDENT HUMAN RESOURCES PROFESSIONAL TO REVIEW THE COMPLAINTS POLICY AND PROCESS AND TO MAKE RECOMMENDATIONS TO ENSURE TO MAKE THEM FAIR AND IMPARTIAL TO ALL PARTIES.
3. THE REVIEW SHOULD BE A PRIORITY AND BE COMMENCED BY MAY 2021. THE COPY OF THE OUTCOME IN ITS ENTIRETY IS TO BE GIVEN DIRECTLY TO COUNCILLORS AND BE PRESENTED BY THE JULY 2021 OCM AS AN ORDINARY ITEM.

CARRIED
(12/0)

THE CEO ADVISED THAT THE CITY, WHILE WELCOMING AND SUPPORTING THE MOTION, HAD ALREADY STARTED WORK IN THIS AREA. OVER THE LAST COUPLE OF MONTHS IT HAD BEGUN A REVIEW OF THE GRIEVANCE DISPUTE COMPLAINT HANDLING PROCEDURES; ENGAGED LGIS TO CONDUCT WORKPLACE BEHAVIOUR TRAINING - AND CONSULTANT QUOTES HAD ALREADY BEEN RECEIVED FOR UP TO 200 PEOPLE IN EACH OF THOSE BEHAVIOURAL WORKSHOPS; UNDER THE LOCAL GOVERNMENT REGULATIONS IMPLEMENTATION OF THE CODE OF CONDUCT FOR EMPLOYEES WITH REGULAR FOLLOW-UP CODE OF CONDUCT TRAINING; THE MANAGEMENT TEAM HAD COMMENCED DEVELOPMENT OF VALUES AND BEHAVIOURS; WORKSHOPS WITH A LOCAL CULTURE CONSULTANT FOR EMPLOYEES WOULD FOLLOW SHORTLY AND THE CITY HAD COMMENCED WITH THE LOCAL TAFE A DIPLOMA OF MANAGEMENT WHICH 15 CITY STAFF WOULD BE PUT THROUGH, PLUS ANOTHER FOUR OR FIVE WOULD COMPLETE THE DIPLOMA OF MANAGEMENT THROUGH THE AUSTRALIAN INSTITUTE OF MANAGEMENT.

13 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

14 REPORTS OF COMMITTEES

14.1 YOUTH COUNCIL MINUTES - 23 MARCH 2021

At this point the Mayor advised the meeting that reports 14.1.1 to 14.1.4, including the Committee and Officer Recommendations, would be adopted en bloc.

COUNCIL RESOLUTION

MOVED BY: CR LISA MALICKY
SECONDED BY: CR DEBORAH BOTICA

That the Officer and Committee Recommendations in relation to the following agenda items be carried en bloc:

- 14.1.1 Youth Council Application Emily Coate
- 14.1.2 Youth Council Application Faith Tiotala
- 14.1.3 Youth Council Application Dylan Wade
- 14.1.4 Youth Council Application Braydon Donnell

**CARRIED
(12/0)
EN BLOC**

14.1.1 YOUTH COUNCIL APPLICATION EMILY COATE

Responsible Officer: Holly Phillips
Chief Of Staff

Author: Sean Smith
Youth Development Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Absolute

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR LISA MALICKY
SECONDED BY: CR DEBORAH BOTICA

That Council approves the application of Emily Coate to the Kalgoorlie-Boulder Youth Council.

**CARRIED BY ABSOLUTE MAJORITY
(12/0)
EN BLOC**

EXECUTIVE SUMMARY

An application has been received for Emily Coate to join the Kalgoorlie-Boulder Youth Council. City officers recommend the appointment after careful consideration

of their application.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Themes:

- **SAFE:** We support families and youth.
- **EMPOWERED:** We provide opportunities for genuine engagement with the community to inform the Council's decision-making.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

Emily Coate has submitted an application to join the Kalgoorlie-Boulder Youth Council (KBYC).

Emily is dedicated to her school studies and highly involved in the community and currently the Head Girl at John Paul College (JPC), runs the Year 7 mentoring program at JPC, and is on the referee panel at the Kalgoorlie-Boulder Basketball Association. Emily has a strong variety of interests and hobbies including basketball, netball, hockey, squash, playing guitar, cooking and reading.

Identifying as a strong leader who can work well with others, Emily is keen to join the KBYC to better supply young people with opportunities in the community. The issues she has identified affecting young people in Kalgoorlie Boulder are impacts of mental health on young people and the stigma surrounding mental health. The other issue she has identified is the prevalence of racism in the community and the need for stronger education to combat this within the youth community.

STATUTORY IMPLICATIONS

The Kalgoorlie-Boulder Youth Council is a committee established under the *Local Government Act 1995* (sec 5.8). The Kalgoorlie-Boulder Youth Council is solely an advisory body and under Section 5.10 of the *Local Government Act 1995* requires an absolute majority vote before an appointment of a person to the committee can be made.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

CONFIDENTIAL ATTACHMENT

Emily Coate Kalgoorlie-Boulder Youth Council Application

14.1.2 YOUTH COUNCIL APPLICATION FAITH TIOTALA

Responsible Officer: Holly Phillips
Chief Of Staff

Author: Sean Smith
Youth Development Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Absolute

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR LISA MALICKY
SECONDED BY: CR DEBORAH BOTICA

That Council approves the application of Faith Tiotala to the Kalgoorlie-Boulder Youth Council.

**CARRIED BY ABSOLUTE MAJORITY
(12/0)
EN BLOC**

EXECUTIVE SUMMARY

An application has been received for Faith Tiotala to join the Kalgoorlie-Boulder Youth Council. City officers recommend the appointment after careful consideration of their application.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Themes:

- **SAFE:** We support families and youth.
- **EMPOWERED:** We provide opportunities for genuine engagement with the community to inform the Council's decision-making.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

Faith Tiotala has submitted an application to join the Kalgoorlie-Boulder Youth Council (KBYC).

Faith has a strong passion for supporting the development of young people. Currently working as a Youth Support Worker, Faith would like to be more involved

in advocating for young people in Kalgoorlie-Boulder. As a former member on the KBYC when she was in high school she brings to the position experience in voicing youth advocacy and driving youth projects.

The two key concerns Faith has identified impacting young people in Kalgoorlie-Boulder are alcohol and drug use related issues, as well as limited employment opportunities for young people. Faith believes the KBYC in combatting these issues could provide recreational and diversional activities catering to ages 12-18, while providing workshop and development opportunities for young people aged 18-25 to increase their employment opportunities.

STATUTORY IMPLICATIONS

The Kalgoorlie-Boulder Youth Council is a committee established under the *Local Government Act 1995* (sec 5.8). The Kalgoorlie-Boulder Youth Council is solely an advisory body and under Section 5.10 of the *Local Government Act 1995* requires an absolute majority vote before an appointment of a person to the committee can be made.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

CONFIDENTIAL ATTACHMENT

Faith Tiotala Kalgoorlie-Boulder Youth Council Application

14.1.3 YOUTH COUNCIL APPLICATION DYLAN WADE

Responsible Officer: Holly Phillips
Chief Of Staff

Author: Sean Smith
Youth Development Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Absolute

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR LISA MALICKY
SECONDED BY: CR DEBORAH BOTICA

That Council approves the application of Dylan Wade to the Kalgoorlie-Boulder Youth Council.

**CARRIED BY ABSOLUTE MAJORITY
(12/0)
EN BLOC**

EXECUTIVE SUMMARY

An application has been received for Dylan Wade to join the Kalgoorlie-Boulder Youth Council. City officers recommend the appointment after careful consideration of their application.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Themes:

- **SAFE:** We support families and youth.
- **EMPOWERED:** We provide opportunities for genuine engagement with the community to inform the Council's decision-making.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

Dylan Wade has submitted an application to join the Kalgoorlie-Boulder Youth Council (KBYC).

Dylan was born and raised in Kalgoorlie-Boulder with interests in reading, writing, animals and politics. Dylan's passion for politics and raising awareness about

community issues was extended by volunteering for the campaign of a Kalgoorlie candidate in the recent 2021 West Australian state election.

During this time Dylan has become more connected and versed on issues and concerns in the local community. Dylan has applied to be part of the KBYC to learn more about issues affecting young people and believes he can bring a fresh voice to the group while further advocating for inclusivity and equality. The two key issues Dylan has identified as affecting young people are mental health and lack of education surrounding mental health. In combatting this Dylan proposes sponsoring local people who have experience to engage with young people by promoting acceptance and education in the community.

STATUTORY IMPLICATIONS

The Kalgoorlie-Boulder Youth Council is a committee established under the *Local Government Act 1995* (sec 5.8). The Kalgoorlie-Boulder Youth Council is solely an advisory body and under Section 5.10 of the *Local Government Act 1995* requires an absolute majority vote before an appointment of a person to the committee can be made.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

CONFIDENTIAL ATTACHMENT

Dylan Wade Kalgoorlie-Boulder Youth Council Application

14.1.4 YOUTH COUNCIL APPLICATION BRAYDON DONNELL

Responsible Officer: Holly Phillips
Chief Of Staff

Author: Sean Smith
Youth Development Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Absolute

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR LISA MALICKY
SECONDED BY: CR DEBORAH BOTICA

That Council approves the application of Braydon Donnell to the Kalgoorlie-Boulder Youth Council.

**CARRIED BY ABSOLUTE MAJORITY
(12/0)
EN BLOC**

EXECUTIVE SUMMARY

An application has been received for Braydon Donnell to join the Kalgoorlie-Boulder Youth Council. City officers recommend the appointment after careful consideration of their application.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **SAFE:** We support families and youth.
- **EMPOWERED:** We provide opportunities for genuine engagement with the community to inform the Council's decision-making.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

Braydon Donnell has submitted an application to join the Kalgoorlie-Boulder Youth Council (KBYC).

Braydon has lived in Kalgoorlie-Boulder for 8 years after moving from Victoria. His hobbies include touch rugby, volleyball and he is an avid fan of anime. Braydon has

a keen interest in graphic design and hoping to develop his skills in this area. Braydon's current occupation is a Youth and Family Support Worker at the Kalgoorlie- Boulder Youth Crisis Accommodation. He is also a youth leader as part of his church's Youth Group and volunteers at the Salvation Army's "The Shed" drop in youth centre.

Braydon's motivation to join the KBYC is to expand his experience in learning about issues facing young people. He also believes KBYC has the potential to impact a wide range of lives throughout Kalgoorlie-Boulder and that he has experience and drive to offer. The two issues Braydon has identified affecting young people are drugs and alcohol as a result of boredom, as well as a lack of safe spaces for young people to seek and access youth services such as counselling.

STATUTORY IMPLICATIONS

The Kalgoorlie-Boulder Youth Council is a committee established under the *Local Government Act 1995* (sec 5.8). The Kalgoorlie-Boulder Youth Council is solely an advisory body and under Section 5.10 of the *Local Government Act 1995* requires an absolute majority vote before an appointment of a person to the committee can be made.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

CONFIDENTIAL ATTACHMENT

Braydon Donnell Kalgoorlie-Boulder Youth Council Application

14.1.5 YOUTH COUNCIL RESIGNATION MISHKA ENKHBADRAL

Responsible Officer: Holly Phillips
Chief Of Staff

Author: Sean Smith
Youth Development Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR GARY BROWN
SECONDED BY: CR PAM TOWNSEND

That Council accepts the resignation of Youth Councillor Mishka Enkhbadral.

**CARRIED
(12/0)**

EXECUTIVE SUMMARY

This report is to advise that Youth Councillor Mishka Enkhbadral has resigned from the Kalgoorlie-Boulder Youth Council (KBYC).

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- SAFE: We support families and youth.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

Youth Councillor Mishka Enkhbadral has chosen to resign from the KBYC. Mishka has stated he no longer has the capacity to contribute to the KBYC as a Youth Councillor after relocating interstate. Mishka was elected in February 2020. Mishka contributed significantly to a number of initiatives and projects during his time on the KBYC.

Mishka, on reflecting on his time on the KBYC, has thanked his fellow members as well as the mentorship he experienced from the Youth Mayor and Youth Mentor. He has felt the KBYC has instilled a sense of determination in achieving rewarding results. Mishka is thanked for his contribution to the KBYC and the youth community; the City and KBYC wishes him well in all future endeavours.

STATUTORY IMPLICATIONS

There are no statutory implications resulting from the recommendations of this report.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENT

Mishka Enkhbadral Resignation



14.1.6 YOUTH COUNCIL RESIGNATION ASTRID MANN

Responsible Officer: Holly Phillips
Chief Of Staff

Author: Sean Smith
Youth Development Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR GARY BROWN
SECONDED BY: CR TERRENCE WINNER

That Council accepts the resignation of Youth Councillor Astrid Mann.

**CARRIED
(12/0)**

EXECUTIVE SUMMARY

This report is to advise that Youth Councillor Astrid Mann has resigned from the Kalgoorlie-Boulder Youth Council (KBYC).

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- SAFE: We support families and youth.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

Youth Councillor Astrid Mann has chosen to resign from the KBYC. Astrid has stated she no longer has the capacity to contribute to the KBYC as a Youth Councillor as she has relocated to Queensland for study. Astrid was elected in September 2020. Astrid contributed significantly to a number of initiatives and projects during his time on the KBYC.

Astrid is thanked for her contribution to the KBYC and the youth community; the City and KBYC wishes her well in all future endeavours.

STATUTORY IMPLICATIONS

There are no statutory implications resulting from the recommendations of this report.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENT

Astrid Mann Resignation



14.1.7 YOUTH COUNCIL MEMBERSHIP TERMINATION HANNAH BEAN-WINFIELD

Responsible Officer: Holly Phillips
Chief Of Staff

Author: Sean Smith
Youth Development Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER/COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR PAM TOWNSEND
SECONDED BY: CR JOHN MATTHEW

That Council accepts the termination of membership of Youth Councillor Hannah Bean-Winfield.

**CARRIED
(12/0)**

EXECUTIVE SUMMARY

This report is to advise that following consideration by officers, it is recommended Youth Councillor Hannah Bean-Winfield has her membership revoked from the Kalgoorlie-Boulder Youth Council (KBYC).

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- SAFE: We support families and youth.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

It has been recommended by City Officers after extensive consideration to revoke Youth Councillor Hannah Bean-Winfield membership on the Kalgoorlie Boulder Youth Council (KBYC).

Hannah was elected to the KBYC in September 2020. After her appointment to the committee Hannah did not attend any informal or formal meetings. Numerous attempts were made by City Officers to get in contact with Hannah to check on her

welfare and intent to remain involved in the KBYC. These attempts were unsuccessful.

City officers in referencing the KBYC guidelines under section 6.2.4 “*Membership is revoked after a review conducted by City Officers due to member’s failure to comply with KBYC Guidelines and/or Behaviour Guidelines...*”, recommend to revoke Hannah’s membership and vacate her seat for recruitment.

STATUTORY IMPLICATIONS

There are no statutory implications resulting from the recommendations of this report.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

15 REPORTS OF OFFICERS

15.1 GENERAL MANAGER – INFRASTRUCTURE AND ENVIRONMENT

15.1.1 RECYCLING UPDATE - CONTAINER DEPOSIT SCHEME REVIEW

Responsible Officer: Italo Pisedda
General Manager Infrastructure and Environment

Author: Kristy Lamont
Waste Education Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR GLENN WILSON

SECONDED BY: CR LISA MALICKY

That Council receives the information detailed within this report.

**CARRIED
(12/0)**

EXECUTIVE SUMMARY

This report has been prepared in response to the Ordinary Council Meeting held on 23 November 2020 (Item 12.1) which requested that the Chief Executive Officer prepare a report on recycling services and identify any effect of the Container Deposit Scheme (CDS) on those services. Using information collected through the City's Bin Tagging Program and statistics provided by Cleanaway, the data suggests there has been strong support for CDS and as a result kerbside recycling volumes collected have decreased.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **SUSTAINABLE:** We are a green ecologically sustainable City for current and future generations.

BUDGET IMPLICATIONS

There are no budget implications as a result of this report.

REPORT

At the 23 November 2020 Ordinary Council Meeting (Item 12.1), Council requested a report summarising the impacts of the Container Deposit Scheme (CDS) on the

City's recycling services. This report has been prepared to address this item and assess the impacts on kerbside recycling by analysing data collected by the City and its waste collections contractor Cleanaway.

Container Deposit Scheme

The CDS is a Western Australian Government initiative with the objectives to reduce litter and increase recycling recovery by incentivising the return of eligible containers to receive a \$0.10 refund. The CDS was launched on October 1, 2020 and as of February 2021 over 200 million eligible CDS containers had been refunded through the scheme across Western Australia.

Kerbside recycling review

Cleanaway collects Kalgoorlie-Boulder kerbside waste and provides the City with data detailing the number of recycling bins and recycling tonnage collected per month. The data demonstrates that since the introduction of the CDS there has been an average 6% reduction in recycling bins collected per month compared to the same period in the previous year, as shown in Figure 1 below.

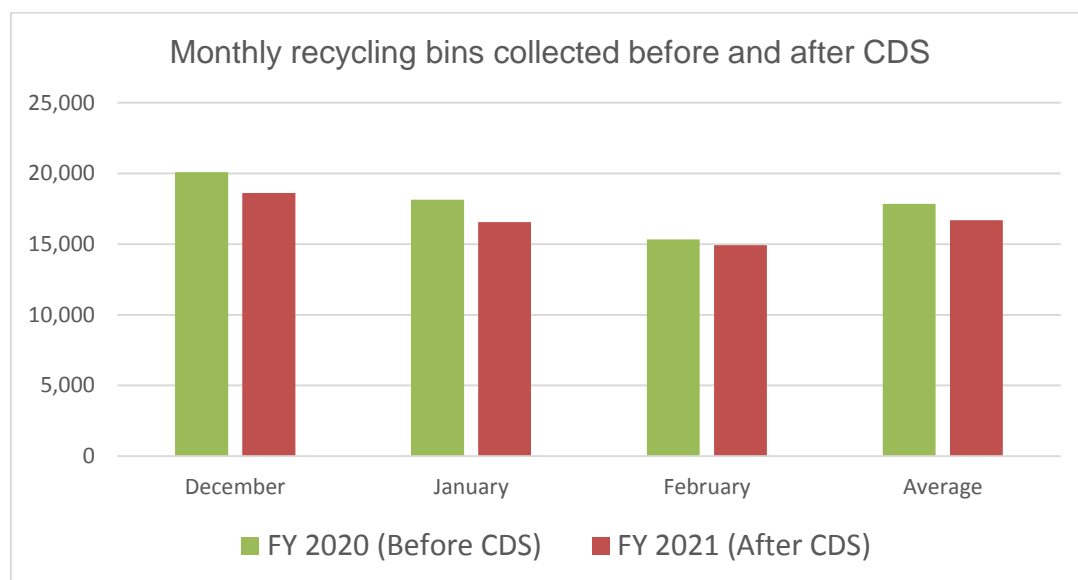


Figure 1: Monthly recycling bins collected before and after CDS

Over the same period there has been an approximate 25% reduction in the recycling tonnage collected per month, as shown in Figure 2 below.

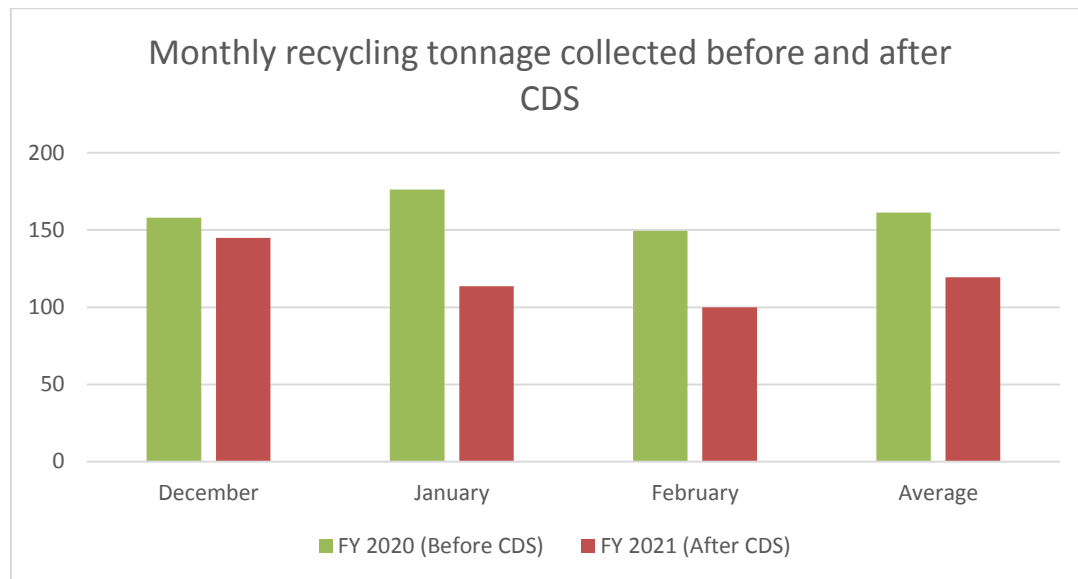


Figure 2: Monthly recycling tonnage collected before and after CDS

Recycling Bin Tagging program review

As part of the Recycling Bin Tagging program Waste Services officers have been collecting data on the number of recycling bins containing CDS containers. In January 2021 42% of recycling bins audited contained CDS containers, which fell to just 7% by March 2021, as shown in Figure 3 below.

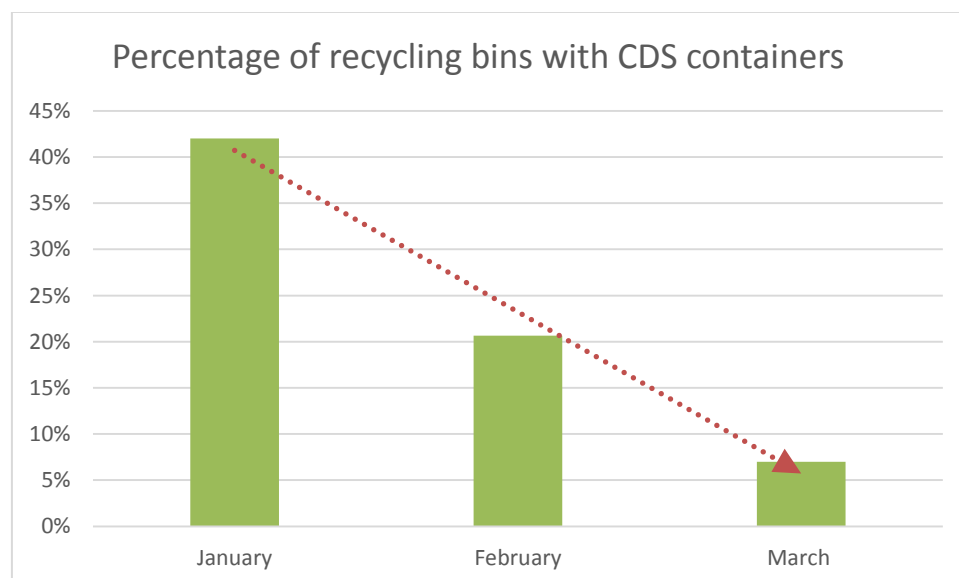


Figure 3: Percentage of recycling bins inspected containing CDS containers

Discussion

The data review indicates the CDS is being supported by the Kalgoorlie-Boulder community. Despite this, residents are still presenting their kerbside recycling bins frequently although with less volume being disposed.

Anecdotal evidence provided by the local CDS refund site (Return-It Kalgoorlie) suggests a number of local hotels, sporting organisations and other businesses regularly return CDS containers for refunds. Many of these containers were not previously recycled, and were sent to landfill. Individuals across the community have strongly embraced the anti-litter aspect of the scheme, with members of the public collecting containers from litter-hotspots around Kalgoorlie-Boulder.

Summary

In summary the CDS has had a net positive impact on recycling and litter in Kalgoorlie-Boulder. The City will continue to monitor the effect of the CDS on kerbside recycling performance and build a larger data set over a longer time to gain greater insight and to monitor trends.

STATUTORY IMPLICATIONS

There are no statutory implications resulting from the recommendations of this report.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

15.2 CHIEF FINANCIAL OFFICER

15.2.1 MONTHLY FINANCIAL REPORT - FEBRUARY 2021

Responsible Officer:	David Trevaskis Chief Financial Officer
Author:	Ishani Subaharan Corporate Accountant
Disclosure of Interest:	Nil

VOTING REQUIREMENTS

Absolute

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR JOHN MATTHEW
SECONDED BY: CR LISA MALICKY

That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Statement of Financial Activity for the period ending 28 February 2021.

CARRIED BY ABSOLUTE MAJORITY
(12/0)

EXECUTIVE SUMMARY

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996* (“**the Regulations**”), the City is to prepare a monthly Statement of Financial Activity for approval by Council. Attached for consideration is the completed Statement of Financial Activity for the period ending 28 February 2021.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Them/s:

- CAPABLE: We will have the resources to contribute to our community and economy.
- EMPOWERED: We ensure considered decision making based on collaborative, transparent and accountable leadership.

BUDGET IMPLICATIONS

There are no budget implications resulting from the recommendations of this report.

REPORT

The Statement of Financial Activity was introduced by the Department of Local Government from 1 July 2005; the change was implemented to provide elected members with a better idea of operating and capital revenues and expenditures. It

was also intended to link operating results with balance sheet items and reconcile with the end of month balances.

In accordance with the Regulations, a report must be compiled on variances greater than the percentage agreed by Council which is currently plus (+) or minus (-) 10% or \$50,000, whichever is the greater.

For the year to date to 28 February 2021 income is under budget by 0.26% and expenditure is under budget by 9.01%, commentary is provided at sub program level. A nil variance means the year to date actual value is identical to the year to date budget estimate. Comments are therefore provided where the variance value is > 10% and > \$50,000 under or over budget.

INCOME CATEGORIES

Overall stated income is 0.26%, \$153,879 under budget. The sub programs outside the allowable variance are as follows:

Other General Purpose Funding

Description	YTD Budget	YTD Actual	YTD Variance
Other General Purpose Funding	\$1,709,992	\$1,202,553	(\$507,439)

(\$306k) of the variance is due to timing of Grants. (\$201k) is due to less interest income as the interest rate has declined compared to budget estimates, being less than 1% in 2021 for investments.

Town Planning & Regional Development

Description	YTD Budget	YTD Actual	YTD Variance
Town Planning & Regional Development	\$78,586	\$140,454	\$61,868

\$61k is due to higher than estimated planning applications, resulting in an increase of revenue.

Aerodromes

Description	YTD Budget	YTD Actual	YTD Variance
Aerodromes	\$4,937,052	\$6,311,000	\$1,373,948

Increase of \$1.3m in revenue is due to recovery from COVID-19 being better than budget.

Building Control

Description	YTD Budget	YTD Actual	YTD Variance
Building Control	\$118,928	\$169,233	\$50,305

Higher income of \$50k is due to higher volume of development applications compared to budget.

Economic Development

Description	YTD Budget	YTD Actual	YTD Variance
Economic Development	\$1,582,968	\$870,467	(\$712,501)

This is due to a delay in Kal City Centre project and corresponding State Government progress payments for funds held in WA Treasury Corp.

Salaries & Wages

Description	YTD Budget	YTD Actual	YTD Variance
Salaries & Wages	\$188,000	\$136,825	(\$51,175)

(\$51k) less revenue is due to less Paid Parental Leave payment applications than budget.

Business Unit Operations

Description	YTD Budget	YTD Actual	YTD Variance
Business Unit Operations	\$267,664	\$493,246	\$225,582

Higher income of \$226k is due to improved occupancy and returns from Commercial properties.

EXPENSE CATEGORIES

Overall stated expenditure is 9.01% \$3,801,916 under budget. The sub programs outside the allowable variance are as follows:

Rate Revenue

Description	YTD Budget	YTD Actual	YTD Variance
Rate Revenue	\$598,705	\$501,199	(\$97,507)

This is due to year-to-date lower office expenses.

Members of Council

Description	YTD Budget	YTD Actual	YTD Variance
Members of Council	\$635,875	\$912,793	\$276,918

\$277k higher expenditure is due to higher administration overhead allocation year-to-date.

Other Governance

Description	YTD Budget	YTD Actual	YTD Variance
Other Governance	\$1,300,755	\$1,163,537	(\$137,218)

(\$137k) less expenditure is due to less administration overhead allocation year-to-date.

Animal Control

Description	YTD Budget	YTD Actual	YTD Variance
Animal Control	\$458,974	\$253,529	(\$205,445)

(\$205k) less expenditure is due to less administration overhead allocation year-to-date.

Other Law, Order & Public Safety

Description	YTD Budget	YTD Actual	YTD Variance
Other Law, Order & Public Safety	\$923,807	\$793,801	(\$130,007)

(\$64k) of the variance is due to less office expenditure. (\$46k) is due to less contract costs and (\$20k) due to less employee costs.

Aged and Disabled – Senior Citizens Centres

Description	YTD Budget	YTD Actual	YTD Variance
Aged and Disabled – Senior Citizens Centres	\$679,846	\$399,072	(\$280,774)

(\$181k) of the variance is due to lower employee costs and (\$85k) due to lower indirect administration costs. (\$14k) due to less contract costs as a result of cost saving measures and lower Meals on Wheels numbers.

HACC

Description	YTD Budget	YTD Actual	YTD Variance
HACC	\$491,916	\$738,183	\$246,266

This is due to higher employee costs of \$196k, administration costs of \$78k partially offset by less contract costs of (\$28k) year-to-date.

Other Welfare

Description	YTD Budget	YTD Actual	YTD Variance
Other Welfare	\$371,423	\$211,472	(\$159,951)

(\$83k) of the variance is from less material and contract costs due to delay in projects, (\$68k) is due to lower indirect administration costs and (\$9k) due to less contributions and employee costs compared to budget.

Sanitation - Other

Description	YTD Budget	YTD Actual	YTD Variance
Sanitation - Other	\$920,192	\$818,254	(\$101,938)

This is due to less employee costs of (\$81k) from unfilled positions and less contract and indirect costs of (\$20k) due to delay in projects.

Town Planning & Regional Development

Description	YTD Budget	YTD Actual	YTD Variance
Town Planning & Regional Development	\$492,351	\$721,957	\$229,606

(\$229k) higher expenditure is due a higher indirect office expense year-to-date.

Other Community Amenities

Description	YTD Budget	YTD Actual	YTD Variance
Other Community Amenities	\$421,426	\$315,667	(\$105,758)

(\$87k) of the variance is due to less contract costs, contributions and less employee costs. (\$18k) is due lower indirect administration costs.

Public Halls & Civic Centres

Description	YTD Budget	YTD Actual	YTD Variance
Public Halls & Civic Centres	\$411,942	\$358,222	(\$53,720)

(\$29k) of the variance is due to less indirect administration costs and (\$24k) is due to less contract costs.

Libraries

Description	YTD Budget	YTD Actual	YTD Variance
Libraries	\$628,828	\$522,311	(\$106,517)

(\$106k) less expenditure is due to lower office expenditure year-to-date.

Other Culture

Description	YTD Budget	YTD Actual	YTD Variance
Other Culture	\$1,572,113	\$783,348	(\$788,765)

This reflects the less operations in GAC due to COVID-19. (\$476k) of the variance is due to less contract costs due to delay in GAC events, (\$204k) is due to lower indirect administration costs, (\$77k) is due to less employee costs which reflects the departure of two staff members, and (\$32k) is due to less contributions with less events.

Aerodromes

Description	YTD Budget	YTD Actual	YTD Variance
Aerodromes	\$2,845,454	\$2,334,286	(\$511,167)

(\$374k) of the variance is due to less office expense allocations, (\$137k) is from lower maintenance costs and utilities year-to-date.

Tourism & Area Promotion

Description	YTD Budget	YTD Actual	YTD Variance
Tourism & Area Promotion	\$820,441	\$627,439	(\$193,002)

(\$109k) due to less employee and contract costs, (\$66k) due to lower indirect administration costs and (\$18k) due to less insurance expenses incurred.

Building Control

Description	YTD Budget	YTD Actual	YTD Variance
Building Control	\$499,488	\$420,634	(\$78,854)

(\$59k) of the variance is due to less administration overhead allocation year-to-date, (\$13k) is transfer of LSL for an employee from another Shire and (\$6k) due to less contract costs compared to budget.

Public Works Overheads

Description	YTD Budget	YTD Actual	YTD Variance
Public Works Overheads	(\$3,124)	(\$433,753)	(\$430,629)

Public works overheads year-to-date are over allocated. This is a timing difference due to infrastructure staff vacancies and lower employee costs.

Plant Operation Costs

Description	YTD Budget	YTD Actual	YTD Variance
Plant Operation Costs	\$2,413	\$635,256	\$632,844

Plant operating costs year-to-date are under allocated. This is due to timing difference.

CAPITAL CATEGORIES

February 2021 capital expenditure is under budget by (\$19m) YTD. Actual YTD expenditure is \$9m versus budgeted YTD spend of \$28m.

The main variances are from Buildings (\$8m), Infrastructure – Sewerage (\$3m), Work in Progress (\$2.5m), Infrastructure – Roads (\$2m), Plant & Equipment (\$1.5m), Infrastructure – Parks (\$0.7m), Drainage (\$0.7m) and Furniture & Equipment (\$0.3m) due to the delay in projects starting.

STATUTORY IMPLICATIONS

The Statement of Financial Activity has been prepared in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENTS

Monthly Financial Report - February 2021 

15.2.2 ACCOUNTS PAYABLE FOR THE MONTH OF MARCH 2021

Responsible Officer: David Trevaskis
Chief Financial Officer

Author: Kristy Van Kuyl
Senior Finance Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR GLENN WILSON
SECONDED BY: CR DAVE GRILLS

That Council receives the list of payments totalling \$5,043,177.42 as presented for the month of March 2021.

**CARRIED
(12/0)**

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive the list of payments made from the Municipal and Trust funds including a summary report of the Corporate Credit Card transactions incurred by authorised card holders.

The Chief Executive Officer has been delegated the power to make payments from the Municipal and Trust funds in accordance with budget allocations. The City provides payment facilities to suppliers either by cheque, electronic funds transfer (EFT), debit card and credit card.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **EMPOWERED:** We ensure considered decision making based on collaborative, transparent and accountable leadership.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

Attached to this report are the lists of all cheque and EFT payments made during the month of March 2021 and a list of corporate credit card transactions by card holder of the same period totalling \$5,043,177.42.

Municipal EFT	\$ 4,503,852.74
Municipal Cheque	\$ 2,193.35
Direct Debit	\$ 504,740.43
Debit Card	\$ 21,393.38
Credit Cards	\$ 10,997.52
Grand Total	\$ 5,043,177.42

STATUTORY IMPLICATIONS

The Accounts Payable for the Month of March 2021 has been prepared in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

POLICY IMPLICATIONS

All purchases by authorised officers are to be completed in accordance with Policy CORP AP 001– Purchasing.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENTS

Municipal EFT Payments - March 2021 

Municipal Cheque Payments - March 2021 

Direct Debit Payments - March 2021 

Debit Card Payments - March 2021 

Credit Card Payments - March 2021 

15.2.3 MID YEAR BUDGET REVIEW 2020/21

Responsible Officer: David Trevaskis
Chief Financial Officer

Author: Xandra Curnock
Financial Controller

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Absolute

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR PAM TOWNSEND
SECONDED BY: CR GARY BROWN

That Council:

- 1. Receives the Mid-year Budget Review for the period ending 31 March 2021;**
- 2. Approves the list of budget amendments as presented; and**
- 3. Approves the creation of Open space reserve in accordance with amended *Planning and Development Act 2005*, section 154.**

**CARRIED BY ABSOLUTE MAJORITY
(12/0)**

EXECUTIVE SUMMARY

The purpose of this report is to review the City's 2020/2021 annual budget as at the period ending 31 March 2021 and to authorise a number of budget amendments that fall outside the CEO's delegations.

The forecast cash position for the year ending 30 June 2021 is \$1,812,949, versus a budgeted \$1,812,949.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **CAPABLE:** We will have the resources to contribute to our community and economy.

BUDGET IMPLICATIONS

The proposed adjustments to the budget will result in no change to the overall surplus funds.

REPORT

The position to 31 March 2021 identifies an Actual Closing Funding Position of \$29,936,702 versus a budgeted \$24,343,883. The variance is due to misalignment of project scheduling and the timing of budgets, and the re-prioritisation of some capital projects.

The Midyear Budget review is an opportunity to re-align the budget with re-forecasted actuals, and thus explain any significant changes that will impact the City's position for the financial year ending 30 June 2021.

Operational revenue

Operational revenue is forecast to be over budget by **\$1.7 million**, and is due to the following:

- Airport income has contributed an additional \$1.3 million in revenue, due to increased passenger numbers;
- Commercial Property Rental Income is increased by \$709K due to all tenancies being occupied;
- Expected sales of water to industry have increased \$550k with the expected implementation of a new pipeline;
- Sale of land relating to Fabric Street subdivision contributes an additional \$300k;
- Fees and charges for recreational centres increased \$129k due to the impact of COVID not being as initially expected;
- Rates are (\$519k) lower than expected due to decrease in mining valuations;
- Operating grants have come in (\$464k) lower than budget; and
- Interest on investments is (\$310k) lower than original expectations due to interest rates being low.

Operational Expenditure

Operational expenditure is over budget by **(\$0.4 million)** which is a factor of the following:

- An increase to depreciation expenses of (\$377k) due to under budgeting for right of use assets;
- An increase in labour overhead and plant allocation due to increased use of internal staff and plant (\$366k);
- The write off of Fair Star rates debt of (\$164k);
- Interest on loans is (\$60k) higher than originally budgeted;
- Rent incentives increased (\$41k) due to all Endowment properties being leased;
- Employee costs have decreased \$332k due to vacant positions; and
- Decrease in materials and contractors of \$290k due to increase of use of internal staff.

Forecast Operational Revenue is \$67,866,126 versus Budgeted Revenue of \$66,105,291, the total variance being \$1,760,835.

Forecast Operational Expenses is \$64,062,445 versus Budgeted Expenses - \$63,679,683, the total variance being \$382,762.

The variance amount attributable to operating activities, is **\$1,378,073** most of which relates to an increase in airport passenger fee income \$1.3m.

Investing activities

The variance amount attributable to investing activities is **(\$3,787,011)**, which is made up of the following:

-Capital expenditure

- An increased total capital spend of (\$2,118,433), most of which is in relation to expenditure brought forward for Golf Course Resort (\$6,536,924), increase in LRCI works (\$752,000), new pipeline to be laid relating to Lynas project (\$550,000), partially offset with the delay in CBD revitalisation project \$5,623,908; and

-Capital Income

- A deferral of (\$1,974,524) in grant funding, of which (\$2,750,000) relates to the CBD Transformation project due to delays, partially offset by an increase in Road Grants \$775,000.

Financing activities

The variance amount attributable to financing activities is **(\$3,195,893)**, which is made up of the following:

- An increase in Transfers to reserves of (\$3,663,274), which is made up of (\$2,676,876) transferred to the Future Projects reserve due to the delay in CBD Transformational Project which is deferred to 2021-22, a further (\$690,675) transferred to the Sewerage reserve, plus (\$495,623) of funds transferred from Trust to reserves as per amendment to Planning and Development Act 2005 paragraph 154. Partially offset by a decrease of \$199,900 transferred in to the Plant reserve; and
- An increase in transfers from reserves of \$426,364, which is mainly due to an increase in capex spend for Sewerage construction.

Reserves

A new reserve is to be created to enable the City to comply with the amendment to the *Planning and Development Act 2005*, section 154.

This states "All money received by a local government under section 153 is to be paid into a separate reserve account established and maintained under the *Local Government Act 1995* section 6.11". As such, \$495,623 has been moved from Trust to Reserve.

A list of recommended balanced budget amendments is attached to this report. Detailed explanations of each request have been included.

STATUTORY IMPLICATIONS

This review is required to comply with regulation 33A of the *Local Government (Financial Management) Regulations 1996*. The Budget Review is to be lodged with the Department of Local Government and Communities within 30 days of adoption.

The creation of the Open Space Reserve is required to comply with the *Planning and Development Act 2005*, section 154.


POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENTS

2021 Mid-year budget review 

15.2.4 BUDGET DEVELOPMENT FRAMEWORK AND TIMETABLE FOR 2021/2022 BUDGET

Responsible Officer: David Trevaskis
Chief Financial Officer

Author: Xandra Curnock
Financial Controller

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR MANDY REIDY
SECONDED BY: CR LINDEN BROWNLEY

That Council endorses the budget development framework for the 2021/22 annual budget and the budget timetable as outlined in this report.

**CARRIED
(12/0)**

EXECUTIVE SUMMARY

The purpose of this report is for the Council to consider the budget development framework and timetable for the 2021/22 financial year.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **CAPABLE:** We will have the resources to contribute to our community and economy.

BUDGET IMPLICATIONS

This report will inform the annual budget development process.

REPORT

Budget parameters and Assumptions

In developing the annual budget, City officers will refer to the budget framework while developing the 2021/22 budget. It is proposed the following principles be used to develop the budget:

1. Rates increase by at least 2 percent;
2. Fees and charges increase by at least 2 percent;
3. The cash surplus equal to 2 percent of revenue;
4. Overall salary costs increase by one to two percent over actual 2020/21 costs;

5. Discretionary funding (community grants, sponsorships etc. be kept at 2020/21 levels); and
6. The general rates revenue will not exceed 110 percent of the budget deficiency (s.6.34 *Local Government Act 1995*).

By endorsing these principles, it will provide City officers a budget framework that will allow them to present Council with a financially sustainable budget for the 2021/22 financial year.

STATUTORY IMPLICATIONS

This report does have statutory implications. Section 6.2 of the *Local Government Act 1995* states that each Local Government is to prepare and adopt an annual municipal budget.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENTS

Budget Timetable Current 2020-21 

15.2.5 REPOSSESSION OF LAND FOR UNPAID RATES AND CHARGES IN EXCESS OF THREE (3) YEARS

Responsible Officer: David Trevaskis
Chief Financial Officer

Author: Jocelyn Power
Rates Coordinator

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Absolute

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR PAM TOWNSEND
SECONDED BY: CR DEBORAH BOTICA

That Council:

1. Pursuant to section 6.64 of the *Local Government Act 1995*, takes possession of the properties detailed in Table 1 of the report for unpaid rates and charges in excess of three (3) years; and
2. Pursuant to sections 6.64(1)(b), 6.68(2)(b) and 6.56 of the *Local Government Act 1995*, approves to sell the properties as detailed in Table 1 of the report which have outstanding rates and charges for 3 years or more and recover from the proceeds of sale the outstanding balance which totals \$259,974.

**CARRIED BY ABSOLUTE MAJORITY
(12/0)**

EXECUTIVE SUMMARY

The purpose of this item is for Council to consider and make a determination on twenty one (21) properties with rates and charges in excess of three (3) years outstanding in accordance with section 6.64(1) of the *Local Government Act 1995*, which states that if any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and proceed to:

- (a) from time to time lease the land; or
- (b) sell the land; or
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **EMPOWERED:** We ensure considered decision making based on collaborative, transparent and accountable leadership.

BUDGET IMPLICATIONS

Sale of the properties will benefit the City by the collection of \$259,974 of outstanding rates and charges (as at 16 April 2021). Any additional costs associated with the sale of the properties will also be recoverable from the sale proceeds.

REPORT**Background**

The provision of the power of sale of the land under section 6.64(1) of the *Local Government Act 1995* should not to be exercised unless the City has made at least one attempt in the last three years to recover the outstanding rates or service charges through the courts system. However, this cause of action is only possible if the property owner/s can be located.

If reasonable efforts by the City to locate the owner/s of property or it holds the reasonable belief that the cost of the proceedings (s6.56) will equal or exceed the value of the land (s.6.68 (2)), the City can take action to lease or sell the land to recover rates and or service charges outstanding or they may cause the land to be transferred to the Crown or to itself.

Section 6.64(1) of the *Local Government Act 1995* states:

If any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and proceed to:

- (a) from time to time lease the land; or
- (b) sell the land; or
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

Comment

There are currently twenty one (21) properties with a land use status as 'vacant land' that have rates and charges outstanding in excess of three years for which it has not been possible to successfully contact the property owners advising them of their debt.

All reasonable efforts to locate the owners of the properties have been exhausted.

Correspondence has been directed to the last known postal address of the ratepayers and have been 'returned to sender' undelivered. The certificate of titles issue dates range from 1900 to 1939, so it is reasonable to presume all property owners are deceased (refer to confidential attachment). Further investigation on Trove, an online library database has confirmed this is true in some cases.

The townsite vacant lots are surrounded by other vacant lots, situated in the lower end of Richardson, King, Dwyer, Hopkins and Vivian streets, South Boulder. The lots are in close proximity to the Goldfields Regional Prison and the City's Airport

runway. The current zoning for these properties vary but are predominantly future urban, parks and recreation and light industrial. Refer to confidential attachment.

In June 2005, Council approved the write-off of the outstanding rates and services on properties detailed in Table 1 – Summary of Properties below. The write-off occurred prior to Council exercising the provisions of s6.64, taking possession of the land to sell.

This anomaly was discovered in 2016 by Rates Officers. Advice was obtained from the Department of Local Government, Sport and Cultural Industries (DLGSC) on how to proceed. Properties were to be re-instated back on the City's valuation register and be rated accordingly. Only when the rates and charges exceeded 3 years, would it be appropriate for Council to apply Section 6.64(1)(b) of the *Local Government Act 1995* empowering the sale of land provisions in relation to unpaid rates and charges.

Table 1 Summary of Properties

Lot No	Plan No	(C/T)	Land Use	Period O/S	Total O/S
R417	DP222098	199/39	Vacant Land	1/7/2016	15,292.59
R378	P222098	671/125	Vacant Land	1/7/2016	15,292.59
344	DP222104	204/31	Vacant Land	1/7/2016	1,767.56
887	DP222118	229/193	Vacant Land	1/7/2016	15,292.55
30	DP300509	230/118	Vacant Land	1/7/2016	18,265.43
359	DP222104	194/162	Vacant Land	1/7/2016	15,292.55
R543	P222098	235/78	Vacant Land	1/7/2016	11,399.81
R542	DP222098	192/118	Vacant Land	1/7/2016	11,085.33
1527	DP104359	411/150	Vacant Land	1/7/2016	15,070.00
1523	DP104359	592/166	Vacant Land	1/7/2016	16,620.61
1629	DP90368	290/137	Vacant Land	1/7/2016	15,044.01
1628	DP90368	280/192	Vacant Land	1/7/2016	15,155.12
1626	DP90370	269/153	Vacant Land	1/7/2016	12,407.85
1631	DP90368	264/104	Vacant Land	1/7/2016	8,935.33
1535	DP104359	421/50	Vacant Land	1/7/2016	12,990.83
1533	DP104359	457/24	Vacant Land	1/7/2016	11,085.33
R532	DP222098	401/77	Vacant Land	1/7/2016	11,085.33
R533	DP222098	377/99	Vacant Land	1/7/2016	11,085.33
1977	DP110032	315/199	Vacant Land	1/7/2016	8,935.33
1980	DP110032	585/140	Vacant Land	1/7/2016	8,935.33
1248	DP222133	462/97	Vacant Land	1/7/2016	8,935.33

A detailed summary of properties is contained in the confidential attachment of this report.

Council has a number of options available to it which are detailed below.

Option 1

Exercise the provisions of Section 6.64 of the *Local Government Act 1995*

- Apply section 6.64(1)(b) of the *Local Government Act 1995* empowering the sale of land provisions in relation to unpaid rates and charges.

Option 2

Exercise the provisions of Section 6.74 of the *Local Government Act 1995*:

- Apply section 6.64(1)(c) of the *Local Government Act 1995* and apply to the Minister to have the land re-vested in the Crown in the right of the State.

Option 3

Exercise the provisions of Section 6.75 of the *Local Government Act 1995*:

- Apply section 6.64(1)(d) of the *Local Government Act 1995* and make application for the land to be vested in the local government.

Recommendation

Option 1 is recommended given the property owners are deceased and the debt is deemed 'uncollectable' from the owners. Also the proposed changes to the City's New Town Planning Scheme will see zoning changes for these properties currently zoned as future urban and parks and recreation (refer to the confidential attachment). The value of the land will change considerably and will have strategic and future worth to the City.

If Council resolves not to pursue any action, it will negatively impact the outstanding rates debtors balance as rates and charges will continue to accumulate on the rate accounts for all 21 properties.

STATUTORY IMPLICATIONS***Local Government Act 1995******6.64. Actions to be taken***

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and*
 - (a) from time to time lease the land; or*
 - (b) sell the land; or*
 - (c) cause the land to be transferred to the Crown; or*
 - (d) cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*

- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

6.68. Exercise of power to sell land

- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government*
- - (a) *has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
 - (b) *having made reasonable efforts to locate the owner of the property is unable to do so.*

6.69. Right to pay rates, service charges and costs, and stay proceedings

- (1) *Up to 7 days prior to the time of the actual sale of any land for non-payment of rates or service charges a person having an estate or interest in the land may pay the rates or service charges and the costs and expenses incurred to that time in proceedings relating to the proposed sale.*
- (2) *At any time after the 7 days referred to in subsection (1) but prior to the time of the actual sale of any land the local government may, upon such terms and conditions as are agreed between the parties, accept payment of the outstanding rates or service charges.*
- (3) *On payment being made under subsection (1) or (2) the proceedings relating to the proposed sale are stayed and the local government is required to make such notifications and take such measures as are prescribed in relation to the payment and the cancellation of the proposed sale.*

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

CONFIDENTIAL ATTACHMENT

15.2.6 CREDIT CARD POLICY UPDATE

Responsible Officer: David Trevaskis
Chief Financial Officer

Author: Casey Radford
Finance and Compliance Coordinator

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR DAVE GRILLS
SECONDED BY: CR LINDEN BROWNLEY

That Council adopts the updated Corporate Credit Card Policy (CORP-F-007).

**CARRIED
(12/0)**

EXECUTIVE SUMMARY

Policies are determined by Council in accordance with section 2.7(2)(b) of the *Local Government Act 1995* and may be amended or deleted by Council according to circumstances. They guide the discretionary powers of Council's decision making.

A review of the City's Corporate Credit Card Policy (CORP-F-007) has been completed and is presented to Council for endorsement.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **EMPOWERED:** We ensure considered decision making based on collaborative, transparent and accountable leadership.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

This report seeks Council's endorsement of amendments to the CORP-F-007 Corporate Credit Card policy. Corporate credit cards issued to authorised City officers have many advantages such as the reduction of administrative costs by reducing the number of payments made per month, and provide a useful resource in emergency situations and an effective audit trail of expenditures.

The City's Corporate Credit Card policy has been updated and is attached for Elected Member endorsement. A summary of the changes include:

- Expanding the use of credit cards from Executive Management, to authorised City Officers, as approved by the Chief Executive Officer;
- Direction upon the change of Financial Delegation of the cardholder as per City's Delegation Register - Finance 02 – Expenditure (Purchase Orders);
- Direction for the destruction requirements of cancelled cards;
- Updates to the cardholder agreement to ensure responsibilities are agreed upon with relevant cardholders; and
- Changes to position titles, where appropriate.

The Local Government operation guideline, Use of Corporate Credit Cards, published by the Department of Local Government, Sport and Cultural Industries has been considered in line with the updates to this policy.

STATUTORY IMPLICATIONS

Policies are endorsed by Council in accordance with s2.7 of the *Local Government Act*. The *Local Government (Financial Management) Regulation 11(1)(a)* requires local governments to develop procedures for the authorisation and payment of accounts to ensure there is effective security and appropriate authorisations in place for the use of credit cards.

POLICY IMPLICATIONS

The Corporate Credit Card Policy (CORP-F-007) will be updated as endorsed by Council. All Council policies are available to view on the City website.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENTS

Corporate Credit Card Policy (CORP-F-007) 

15.2.7 AWARD OF CONTRACT – GOLDFIELDS OASIS CARDIO EQUIPMENT UPGRADE

Responsible Officer: David Trevaskis
Chief Financial Officer

Author: Elzandi Nicholls
Recreation Centre Coordinator

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR GARY BROWN
SECONDED BY: CR NARDIA TURNER

That Council:

- 1. Awards Request for Tender (T008-20/21) Goldfields Oasis Cardio Equipment Upgrade to Technogym Australia Pty Ltd for the sum of \$387,719.20 ex GST to be paid in quarterly instalments over a five (5) year term; and**
- 2. Authorises the Mayor and Chief Executive Officer to sign the contract documents under the common seal of the City of Kalgoorlie-Boulder in accordance with Part 19.1(2) of the Standing Orders Local Law 2013.**

**CARRIED
(12/0)**

EXECUTIVE SUMMARY

This report recommends the award of contract for Goldfields Oasis Cardio Equipment Upgrade.

One tender submission was received with three pricing options. A three-member tender assessment panel scored Technogym Australia Pty Ltd option C (operating lease over five years) as the highest. Award of contract is recommended accordingly.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- CONNECTED:** We provide public spaces that facilitate a diverse range of activities and strengthen social bonds within the community.

BUDGET IMPLICATIONS

The City has allocated \$166,667 in the 20/21 budget for the supply and installation of new cardio equipment. This forms part of the Oasis Furniture & Equipment Purchases (Replacement/Renewal) account – 63330104.

REPORT

Background

Oasis Management identified that the fitness equipment at the centre was outdated and inferior to industry standards and aims to provide a better service and experience for all Oasis users. Council resolved to adopt the budget which included cardio equipment on 14 July 2020. Tenders were advertised in accordance with the *Local Government Regulations 1996* and closed on 18 March 2021.

This tender was called as part of the City's service supply tender system and covers cardio equipment for the Goldfields Oasis gym. The tender allows for the supply, installation and maintenance of the new equipment as well as a trade-in price for existing equipment.

Tenders

By close of tender one (1) submission had been received. Results of the tenderer's pricing and average aggregate score of the tender panel weighted scores are disclosed below.

<i>Tenderers</i>		<i>A</i>	<i>B</i>	<i>C</i>
Relevant Experience	20%	20.00%	20.00%	20.00%
Methodology and Demonstrated Understanding	20%	19.33%	19.33%	19.33%
Service Agreement and Capability/Capacity to Deliver	20%	16.67%	16.67%	16.67%
Price and Trade In	40%	2.68%	27.03%	30.30%
TOTAL weighted score	100.00%	58.68%	83.03%	86.30%

Conclusion

It is recommended that Council awards the contract to Technogym Australia Pty Ltd on a 5-year operating lease (option C) as it represents the best value for money to the City. The tenderer is capable of meeting all supply and installation requirements for this project.

STATUTORY IMPLICATIONS

There are no statutory implications resulting from the recommendations of this report.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

**15.2.8 LOCAL GOVERNMENT LEGISLATION AMENDMENT ACT 2019 - MODEL
CEO STANDARDS AND MODEL CODE OF CONDUCT**

Responsible Officer: David Trevaskis
Chief Financial Officer

Author: Eve Reitmajer
PA to Chief Financial Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Absolute

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR DEBORAH BOTICA
SECONDED BY: CR NARDIA TURNER

That Council adopt the following model documents as presented:

- 1. City of Kalgoorlie-Boulder Standards for CEO Recruitment, Performance and Termination; and**
- 2. City of Kalgoorlie-Boulder Code of Conduct for Council Members, Committee Members and Candidates.**

**CARRIED BY ABSOLUTE MAJORITY
(12/0)**

EXECUTIVE SUMMARY

At the February Ordinary Council Meeting, Council was advised of the following regulations that took effect from 3 February 2021, implementing the remaining parts of the *Local Government Legislation Amendment Act 2019*:

- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.*

The regulations include a requirement for local governments to adopt model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers; and a model code of conduct for council members, committee members and candidates.

To meet its compliance obligations, Council is required to adopt the Model Standards and Model Code within three months of the regulations coming into operation (by May 3, 2021).

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **EMPOWERED:** We continue to believe in the principles of representational democracy and are enabled to make decisions about our lives.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

The following regulations took effect from 3 February 2021, bringing into effect the remaining parts of the *Local Government Legislation Amendment Act 2019*:

- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021.*

Local governments are expected to adopt any procedures and processes required for implementation by 3 May 2021.

CEO Standards Regulations

The *Local Government (Administration) Amendment Regulations 2021* introduces mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The Model CEO Standards provides a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity and transparency.

Key features of these regulations include the requirement:

- to establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- to establish a performance review process by agreement between the local government and the CEO; and
- to conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

The attached City of Kalgoorlie-Boulder Standards for CEO Recruitment, Performance and Termination mirrors the Model Standards template in Schedule 2 of the *Local Government (Administration) Regulations 1996*.

To adopt the standards, a resolution needs to be passed by an absolute majority. Once the standards are adopted, it must be published on the local government's website. Local Governments are able to include in their adopted CEO Standards additional provisions that are not inconsistent with the Model Standards. It is suggested this could be the subject of workshops/consultation at a later point.

Model Code Regulations

The *Local Government (Model Code of Conduct) Regulations 2021* introduces a mandatory code of conduct for council members, committee members and candidates. The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

The Model Code Regulations provide for:

- overarching principles to guide behaviour
- behaviours which are managed by local governments
- rules of conduct breaches which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

The Model Code replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their council members, committee members and employees.

The Model Code of Conduct for Council Members, Committee Members and Candidates is contained in Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*. The regulations provides a template for local governments to adopt the code as their own by inserting their local government name. The attached CKB Code of Conduct for Council Members, Committee Members and Candidates mirrors this template.

To adopt the code, a resolution needs to be passed by an absolute majority. Once the code is adopted, it must be published on the local government's website. Council Members have the opportunity to include additional behaviours in the Code of Conduct, provided the proposed provisions are not inconsistent with the Model Code. It is suggested this could also be the subject of workshops/consultation at a later point.

In accordance with *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* the City is reviewing its code of conduct to be observed by employees, to ensure it complies with the new regulations. The responsibility for approving a new Employee Code of Conduct is now a function of the CEO.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.39A. Model standards for CEO recruitment, performance and termination

- (1) *Regulations must prescribe model standards for local governments in relation to the following —*
 - (a) *the recruitment of CEOs;*
 - (b) *the review of the performance of CEOs;*
 - (c) *the termination of the employment of CEOs.*
- (2) *Regulations may amend the model standards.*

5.39B. Adoption of model standards

- (1) *In this section —
model standards means the model standards prescribed under section 5.39A(1).*
- (2) *Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.*

** Absolute majority required*

- (6) *The CEO must publish an up-to-date version of the adopted standards on the local government's official website.*

5.103. Model code of conduct for council members, committee members and candidates

- (1) *Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) *The model code of conduct must include —*
(a) general principles to guide behaviour; and
(b) requirements relating to behaviour; and
(c) provisions specified to be rules of conduct.

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

** Absolute majority required.*

- (7) *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.*

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENTS

CEO Standards and Guidelines - DLGSC 

CKB Standards for CEO Recruitment Performance and Termination 

Model Code of Conduct Guidelines - DLGSC 

CKB Code of Conduct for Council Members Committee Members and Candidates



16 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

17 INFORMATION BULLETIN**17.1 CHIEF EXECUTIVE OFFICER****17.1.1 INFORMATION ITEM 27 APRIL 2021**

Responsible Officer: David Trevaskis
Chief Financial Officer

Author: Eve Reitmajer
PA to Chief Financial Officer

Disclosure of Interest: Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR TERRENCE WINNER
SECONDED BY: CR LINDEN BROWNLEY

That Council receives the information.

CARRIED
(12/0)

EXECUTIVE SUMMARY

The purpose of this report is to keep Elected Members informed on items for information as received by the City.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme:

- **EMPOWERED:** We ensure considered decision making based on collaborative, transparent and accountable leadership.

BUDGET IMPLICATIONS

There are no financial implications resulting from the recommendations of this report.

REPORT

The City of Kalgoorlie-Boulder regularly receives and produces information for receipt by the Elected Members.

INFORMATION ITEM:	DATE:
EGCC Meal Statistics	March 2021
Seal Register	March 2021
Facebook Statistics	Mar-Apr 2021

Contract Variations	Nil
Graffiti Report	March 2021
Letter of thanks	March 2021
Goldfields Esperance DEMC Minutes (Draft)	March 2021
Goldfields Esperance DEMC Briefing	March 2021
Kalgoorlie-Boulder LEMC Minutes	March 2021
Water Services KPI Report	April 2021
2020-2021 Capital Works Program reporting	April 2021
Wastewater Treatment Plant Update	April 2021

STATUTORY IMPLICATIONS

There are no statutory implications resulting from the recommendations of this report.

POLICY IMPLICATIONS


There are no policy implications resulting from the recommendations of this report.

COMMUNITY ENGAGEMENT CONSULTATION

No community consultation was considered necessary in relation to the recommendations of the report.

ATTACHMENTS

EGCC Meal Statistics - March 2021 

Seal Register - March 2021 

Facebook Statistics - March to April 2021 

Graffiti Report - March 2021 

Letter of thanks - Disaster Relief Fund - March 2021 

DRAFT Goldfields Esperance DEMC Minutes - 24 March 2021 

Goldfields Esperance DEMC Briefing - March 2021 

Kalgoorlie-Boulder LEMC Minutes - March 2021 

Water Services KPI Report - April 2021 

2020-2021 Capital Works Program reporting - April 21 

Wastewater Treatment Plant Upgrade Status Report - April 2021 

18 CONFIDENTIAL ITEMS

18.1.1 SENIOR STAFFING MATTER

Responsible Officer: John Walker
Chief Executive Officer

Author: John Walker
Chief Executive Officer

Disclosure of Interest: Nil

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED BY: CR TERRENCE WINNER
SECONDED BY: CR GLENN WILSON

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- a matter affecting an employee or employees

CARRIED
(12/0)

EXECUTIVE SUMMARY

It is the recommendation of the Responsible Officer that this item be considered “in camera” due to the private and confidential nature of its contents.

Members of the gallery, the media and Media Relations Advisor, ICT Manager and PA to Chief Financial Officer left the room at 7:45pm.

Council moved into camera at 7:45pm.

COUNCIL RESOLUTION

MOVED BY: CR DEBORAH BOTICA
SECONDED BY: Cr LISA MALICKY

That Council move out of camera and resume standing orders.

CARRIED
(12/0)

Council moved out of camera at 7:51pm.

Members of the public returned to the Chamber.

The Mayor announced that Council endorsed a confidential motion. The motion was moved by Cr Lisa Malicky, seconded by Cr Nardia Turner and carried 12/0.

19 DATE OF NEXT MEETING

The next Ordinary Council Meeting will be held on Monday 24 May 2021

20 CLOSURE

There being no further business, the Mayor thanked the Councillors and staff for their attendance and declared the meeting closed at 7.52pm.