

## Ordinary Council Meeting

24 August 2021

Commenced at 4.00pm

# Minutes

To: The President and Councillors

Here within the Minutes of the Ordinary Council Meeting of the Shire of Toodyay held on the abovementioned date in the Council Chambers at the Shire of Toodyay, 15 Fiennes Street, Toodyay.



Suzie Haslehurst  
CHIEF EXECUTIVE OFFICER



## **Our Vision, Purpose and Values**

The Shire of Toodyay works together with the community to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

**Vision:** We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.

**Purpose:** Local Government and community working together to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

**Community Values:** We value highly:

- Our sense of community support and spirit;
- Our natural environment and healthy ecosystems;
- Our rural lifestyle;
- Our historic town; and
- Our local economy built on agriculture and emerging tourism, arts and cultural opportunities.

**Shire Values:** To progress the community's aspirations, the Shire is guided by:

***Integrity:*** We behave honestly to the highest ethical standard.

***Accountability:*** We are transparent in our actions and accountable to the community.

***Inclusiveness:*** We are responsive to the community and we encourage involvement by all people.

***Commitment:*** We translate our plans into actions and demonstrate the persistence that produces results.

## **Disclaimer**

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken as notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

## **Availability of Meeting Agenda and its Attachments**

Information about Council Meetings is located on the website <http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at <http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Public copies are available by contacting the Shire on (08) 9574 9300.

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**ATTACHMENTS** *with separate index follows Item 16.*

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## Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

## Unconfirmed Minutes

These minutes were approved for distribution on 27 August 2021.

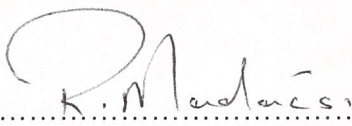


Suzie Haslehurst

**CHIEF EXECUTIVE OFFICER**

## Confirmed Minutes

These minutes were confirmed at a meeting held on 28 September 2021.

Signed:  .....

*Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.*



## **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

Cr Madacsi, Shire President, declared the meeting open at 4.05pm and read aloud an Acknowledgement of Country:

*"I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging."*

The Shire President read through other preliminaries.

## **2. RECORDS OF ATTENDANCE**

### Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr T Chitty	
Cr P Hart	
Cr M McKeown	
Cr S Pearce	
Cr B Rayner	<i>arrived at 4.18pm.</i>

### Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Assets and Services
Mrs T Bateman	Manager Corporate & Community Services
Mr R Koch	CESM
Mrs E Francis	Acting CESM
Mr H de Vos	Acting Manager Planning & Development
Mr M Werder	Acting Manager Corporate & Community Services
Mrs M Rebane	Executive Assistant

### Visitors

P Ruthven	E Kudryashova
M Sinclair Jones	D Yong

## **2.1 APOLOGIES**

Nil

## **2.2 APPROVED LEAVE OF ABSENCE**

Cr Bell from 4.07pm on 27 July 2021 to 31 August 2021 inclusive.

## **2.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **3. DISCLOSURE OF INTERESTS**

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

## **4. PUBLIC QUESTIONS** *(responded to by the Shire President unless otherwise indicated)*

### **4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the Ordinary Meeting of Council held on 27 July 2021 the following questions were taken on notice:

L Graham

Summary of Question Seven

In 2017 the Council was asked to consider both 6 and 8 Duke Street for inclusion on the Shires Municipal Inventory Register. So I ask, on what date did Council consider that nomination and what was the result of that Council consideration?

*Shire President response*

*The nomination made by Toodyay Historical Society was presented to Council at a Council Forum in February 2017. Information provided to Council was that the building on 6 Duke Street came from the Shire of Cue originally. Council has not considered the nomination for either property.*

### **4.2 PUBLIC QUESTION TIME**

P Ruthven

Summary of Question One

Looking at Council properties such as reserves are they considered crown land?

*CEO responded as follows:*

*There are a number of properties Council owns outright. Some properties are entrusted to the Shire under a Management Order and these properties are Crown land and placed in trust to the Shire. Other properties are unallocated crown land which the Shire has no interest or control over.*

## **5. CONFIRMATION OF MINUTES**

### **5.1 Ordinary Meeting of Council held on 27 July 2021**

<b>OFFICER'S NO. 162/08/21</b>	<b>RECOMMENDATION/COUNCIL</b>	<b>RESOLUTION</b>
<b>MOVED</b> Cr Hart		
That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 27 July 2021 be confirmed.		
<b>MOTION CARRIED 6/0</b>		

### **5.2 Special Meeting of Council held at 2pm on 9 August 2021**

<b>OFFICER'S NO. 163/08/21</b>	<b>RECOMMENDATION/COUNCIL</b>	<b>RESOLUTION</b>
<b>MOVED</b> Cr Ruthven		
That the Unconfirmed Minutes of the Special Meeting of Council held at 2pm on 9 August 2021 be confirmed.		
<b>MOTION CARRIED 6/0</b>		

### **5.3 Special Meeting of Council held at 2.40pm on 9 August 2021.**

<b>OFFICER'S NO. 164/08/21</b>	<b>RECOMMENDATION/COUNCIL</b>	<b>RESOLUTION</b>
<b>MOVED</b> Cr Ruthven		
That the Unconfirmed Minutes of the Special Meeting of Council held at 2.40pm on 9 August 2021 be confirmed.		
<b>MOTION CARRIED 6/0</b>		

### **5.4 Agenda Briefing held on 17 August 2021**

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

That the Notes of the Agenda Briefing held on 17 August 2021 be received.

Cr Ruthven moved the Officer's Recommendation.

Cr McKeown objected to the motion.

Clarification was sought regarding the responses provided after the Agenda Briefing, recorded at Item 9.3.5. Venue Manager Reporting – Toodyay Recreation Centre within the Agenda Briefing Notes.



Cr McKeown

Does the contract require a report at the end of the financial year?

CEO response as follows:

*You are correct. It does not require a report at the end of the financial year.*

Further clarification was sought.

Cr McKeown

Does the Venue Manager report include all the Payments of outgoings as required by Clause 17.7 of Contract for management of the Toodyay Recreation Centre?

CEO response as follows:

*It does not include the outgoings paid by the Shire.*

Cr Hart

Page 4 of the Agenda Briefing Notes and the question about what bee numbers are you looking at for an average hive. Memory is the average hive was 2,000 and 20,000 but the number in the response given to Cr Madacsi's question was that the average hive is 50,000 to 200,000. Is this correct?

The Shire President asked the proponent's wife, E Kudryashova, to respond.

E Kudryashova response as follows:

*Yes, that is correct but various from season to season due to food supply. If you are looking for healthy hives it will be the correct number. Understanding the balance between food supply and the health of the bees. If Council is interested, the hives are measured in kilograms.*

The motion was put.

OFFICER'S NO. 165/08/21	RECOMMENDATION/COUNCIL	RESOLUTION
<b>MOVED</b> Cr Ruthven		
That the Notes of the Agenda Briefing held on 17 August 2021 be received.		
		<b>MOTION CARRIED 6/0</b>

**6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**6.1 PETITIONS**

Nil

**6.2 DEPUTATIONS**

Nil

**6.3 PRESENTATIONS**

Nil

**6.4 SUBMISSIONS**

Nil

**7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)**

Nil.

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)**

The Shire President's announcement, in accordance with the *Shire of Toodyay Standing Orders Local Law 2008* (Section 4.3) is as follows:

Council and Administration have focused this month on budget deliberations and risk management planning.

Shire President's Activities to the 17 August 2021:

- Weekly President/CEO Operational Briefings
- Racecourse Meeting (19/7)
- Toured RAV routes (19/7)
- Agenda Briefing & Concept Forum (20/7)
- Inquiry Recommended Training – CEO Performance Appraisal (26/7)
- Agriculture Supply Chain Improvement forum (27/7)
- Ordinary Council Meeting (27/7)
- Bejoording site (28/7)
- ABC Radio – Governance interview (28/7)
- Post OCM Herald meeting (29/7)
- Minister Local Government Reform webinar (2/8)
- ABC Radio – Roads interview (3/8)
- Shire Assets Bus tour (5/8)
- Annual Budget workshop (5/8)
- Toodyay Community Resource Centre AGM (7/8)
- ABC Radio Great Southern – Road interview (9/8)
- Special Council Meeting ((9/8)
- Annual Budget workshop (9/8)
- Annual Budget workshop (12/8)
- Audit & Risk Committee Meeting (12/8)
- International Food Festival (14/8)

- Inquiry Recommended Training – Financial Management (16/8)
- Eastlink WA Project Briefing (17/8)
- Articles for the Toodyay Community Newsletter, Toodyay Herald, OCM and weekly reports to Council. Review OCM and committee agendas, budget review. Research and liaise regarding roads, read departmental material. Liaise with CEO, Chalice, other local governments and community members. Respond to Councillor and community queries and maintain records.

## 9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

### 9.1 PLANNING AND DEVELOPMENT

#### 9.1.1 Lot 58 McKnoe Drive, Morangup – Approval for Apiary Land Use.

Date of Report:	12 July 2021
Applicant or Proponent:	S Grigoryev
File Reference:	IPA77265
Author:	H de Vos – Acting Manager Planning and Development
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-judicial.
Attachments:	<ol style="list-style-type: none"> <li>1. Applicant Plans;</li> <li>2. Elected member questions and responses;</li> <li>3. National Best Management Practice for Beekeeping in the Australian Environment; and</li> <li>4. Best-practice guidelines for Urban Beekeeping.</li> </ol>

### PURPOSE OF THE REPORT

To consider an application for an apiary land use; consisting of up to 50 hives at Lot 58 (No. 676) McKnoe Drive, Morangup. This matter is being brought to Council for determination due to an unresolvable submission opposing the development.

### BACKGROUND

Lot 58 (No. 676) McKnoe Drive, Morangup is a 10-hectare property located in the Gidgegannup Springs subdivision. It is currently zoned 'Rural Residential' in the Shire of Toodyay's Local Planning Scheme No. 4 and there is no zoning change proposed in the Draft Local Planning Scheme No. 5.

#### Proposal

On 1 June 2021, the Shire of Toodyay received an application for development approval for an apiary land use consisting of up to fifty (50) beehives to be operated

on the subject site. The Applicant advised that the purpose of this is to pursue a small-scale hobby. Hives will be kept on the property year-round, positioned approximately 250m and 220m away from the closest dwellings. A watering point will also be supplied as part of this proposal to provide water to the bees during hotter periods. There will be no retail activities on the property. For further details please refer to *Attachment 1 – Application Plans*.

This application was originally scheduled for determination at the July 2021 Council Meeting; however it was rescheduled to allow the Applicant and Shire Officers to consider responses to a number of questions about the proposal raised by Elected Members. These questions and responses can be viewed in *Attachment 2 – Elected member questions and responses*.

Time to determine application.

As this application was received by the Shire on 1 June 2021 and required advertising, pursuant to Schedule 2, clause 75(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 90 days, the deadline for which is 30 August 2021.

**COMMENTS AND DETAILS**

Keeping bees provides opportunities for income diversity with low start-up costs, through diverse products and services including honey, pollen, beeswax, propolis, royal jelly, and pollination services. A holistic view of ecosystems including wild and managed bees and humans is necessary to address sustainability challenges (Patel et al., 2021). Therefore, it is the type of development that the Shire should be supporting where possible.

The Applicant has proposed that the 50 hives are for hobby purposes. Obviously, the more hives there are – the greater the risk posed regarding impacts on adjoining landowners. This is a relevant consideration – particularly the health risks associated with bee stings.

The Shire of Toodyay does not have any policies relating to the keeping of bees. However, research on other existing policies (in this instance the Shire of Dardanup) shows that applications for hive numbers and separation distances are assessed against 'General Conditions for Using Apiary Authorities on Crown land in Western Australia' which at 2.2 (b) states:

*“There is no minimum or maximum number of hives that may be placed on each site. It is acknowledged that a number of factors may influence the number of hives that may be placed on any site. The capacity of the site should be in accordance with the provisions of sections 1.17 and 1.18.”*

These two sections reference the *National Best Management Practice for Beekeeping in the Australian Environment* and the *Best-practice guidelines for Urban Beekeeping* (See Attachment 3 & 4).

*National Best Management Practice for Beekeeping in the Australian Environment*

ELEMENT 16:



## Apiary site position

*Locating an apiary may cause problems for people and livestock. The following should be adhered to.*

- *Place large apiaries away from houses.*
- *Keep numbers of hives in urban areas to a minimum. Depending on the size of the block, the following is a suggested recommendation as sufficient permanent hives close to an urban interface:*
  - *small block – 2 hives*
  - *average block (up to 1000 m<sup>2</sup>) – 4 hives*
  - *roomy block (up to 2000 m<sup>2</sup>) – 8 hives.*
- *Place apiaries away from gates, stock yards and public traffic areas.*
- *Wherever possible, position out of sight of public thoroughfares.*
- *Apiary site positions are to be checked with and approved by the land manager/owner prior to hives being unloaded.*

Based on the above calculations for a roomy block:

2000m<sup>2</sup> - 8 hives; therefore

**100,000m<sup>2</sup> - 50 hives is appropriate.**

Given that opposition has been raised to this proposal, Council has a few options it could consider when determining this application.

1. The application could be refused.
2. The application could be approved with modifications.
3. The application could be approved as is.

It is recommended that any approval is time-limited to an initial 12-month period with an option to extend beyond. This will allow Officers to monitor the development and any compliance or complaints matters.

It is acknowledged that bees could impact the amenity or the enjoyment of the neighbouring land, however it is considered that it would be difficult to prove if a bee on a property belonged to the apiary next door.

Whilst there are concerns raised, they are more of an environmental health domain (such as nuisance) rather than a valid planning consideration. They are also speculative. Council should not refuse a development application based on what might happen.

**References:** Patel, V., Pauli, N., Biggs, E. *et al.* Why bees are critical for achieving sustainable development. *Ambio* **50**, 49–59 (2021)

<https://link.springer.com/article/10.1007/s13280-020-01333-9>

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Given that the 'Apiary' land use is a 'D' use in the zoning table of the Local Planning Scheme No. 4, it required a Level C consultation in accordance with the Shire's adopted *M.2 Public Consultation – Formal Matters* policy.

The application was advertised in accordance with these requirements. This included a mailout to adjoining landowners for a period of 14 days. This period concluded on 23 June 2021 and the Shire received one submission opposing the development.

The nature of the opposition is due to one landowner being highly allergic to bee stings and they 'have the right to feel safe on their land'.

The Shire of Toodyay has sought advice from the West Australian Apiarists' Society and other industry groups regarding precedent with allergic neighbours – however no additional information was provided.

### **Strategic:**

#### **Shire of Toodyay Local Planning Strategy 2017**

##### *Objectives*

- *support primary production through the protection of rural land, particularly priority agricultural land;*
- *provide for economic diversification in rural and rural living areas by providing small scale tourism and business opportunities compatible with the surrounding areas;*
- *ensure development appropriately takes account of potential hazards such as flood and bushfire;*

### **Policy related:**

M.2 Public Consultation – Formal Matters.

### **Financial:**

Development Application fee per *Planning and Development Regulations 2009*.

Should Council choose to refuse this application, the Applicant has the right of appeal through the State Administrative Tribunal. Were this to happen, the Shire would likely have to commit additional funds to undergo this process, and there is a potential financial implication for loss of productivity due to Officer time required in dealing with such matters.

### **Legal and Statutory:**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Planning and Development Regulations 2009*

*Shire of Toodyay Local Planning Scheme No 4*

The Scheme provides the mechanism for protecting and enhancing the environment of the district, controlling land and building development, setting aside land for future reserves and other matters authorised by the *Planning and Development Act 2005*.

The subject site is zoned 'Rural Residential' under the provisions of Local Planning Scheme No 4. The proposed Apiary is defined as 'Apiary' land use, which is a 'D' use within the Rural Residential zone. This means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

*Shire of Toodyay Health Local Law 2017*

*Part 6, Division 7 – Bee Keeping*

**6.7.2 Limitation on number of hives**

- (1) *A person shall not keep or permit the keeping of bees except on a lot in accordance with this division.*
- (2) *Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.*
- (3) *The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned for residential purposes.*
- (4) *A person shall comply with any conditions imposed by the local government under subclause (3).*

**6.7.3 Restrictions on keeping of bees in hives.**

*A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times –*

- (a) *an adequate and permanent supply of water is supplied on the lot within 10 metres of the hives;*
- (b) *the hive is kept –*
  - (i) *outside, and at least 10 metres from, any building other than a fence;*
  - (ii) *at least 10 metres from any footpath, street, private street or public place; and*
  - (iii) *at least 5 metres from the boundary of the lot; and*
- (c) *the hive is enclosed on all sides by a fence, wall or other enclosure.*

**6.7.4 Bees which cause a nuisance are not to be kept.**

- (1) *A person shall not keep, or permit the keeping of, bees which cause a nuisance.*
- (2) *If, in the opinion of an Environmental Health Officer, the approved hives are causing a nuisance, the local government may direct any bees or approved hives to be removed.*

(3) *A person shall comply with a direction within the time specified.*

**Risk related:**

Should Council choose to refuse the application there is a risk of a review at the State Administrative Tribunal (SAT). This risk is considered moderate.

**Workforce related:**

As mentioned above, if this matter is referred to the State Administrative Tribunal, significant Officer time will be required.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

1. Notes the submission received opposing the development of an Apiary at Lot 58 McKnoe Drive, Morangup.
2. Pursuant to clause 68(2)(b) of the *deemed provisions for local planning schemes*, approves the Application for Development Approval for an Apiary on Lot 58 McKnoe Drive, Morangup, subject to the following conditions:
  - (a) The development hereby permitted must substantially commence within two years from the date of this decision letter.
  - (b) The development hereby permitted taking place in accordance with the approved plans.
  - (c) Compliance with "National Best Management Practice for Beekeeping in the Australian Environment."
  - (d) Compliance with the "Best-Practice Guidelines for Urban Beekeeping".
  - (e) Compliance with the maximum number of 50 hives permitted.
  - (f) The approval is valid for a period of 12 months. Prior to the expiry of this time period, the matter will need to be brought before Council to determine if a further extension is warranted.

**Advice Notes:**

1. It is the responsibility of the operator to comply with the requirements of any other legislation that may be applicable to the beekeeping activity.
2. Processing of all bee or honey products intended to be sold for human consumption will require food approval.
3. All beekeepers in Western Australia are required to register with the Department of Primary Industries and Regional Development.
4. If in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Shire may direct any bees or approved beehives to be

removed.

5. If Council is notified of a new concern regarding the keeping of bees on this property, the application will be reconsidered by Council and approval may be revoked in the interests of public safety.

*Cr Rayner entered Council Chambers at 4.18pm.*

Clarification was sought by the Shire President in relation to the wording of an alternate motion to refuse the application for development approval.

The Shire President asked for the wording of the motion to be put upon the screen so that all Councillors could consider it.

The CEO advised that the wording had been prepared by the Acting Manager Planning and Development, should a Councillor require it, as follows:

**That Council:**

1. **Pursuant to Schedule 2, Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, refuses the application for development approval for an apiary land use with 50 hives at Lot 58 McKnoe Drive, Morangup for the following reasons:**
  - (a) **The proposed development will have a negative impact on the amenity of the locality including the following —**
    - (i) **environmental impacts of the development; and**
    - (ii) **social impacts of the development.**
  - (b) **The proposed development presents an undesirable risk to human health or safety.**
  - (c) **The proposed development will negatively impact the community.**

Further clarification was sought.

Cr Hart moved the Officer's Recommendation as follows:

**That Council:**

1. **Notes the submission received opposing the development of an Apiary at Lot 58 McKnoe Drive, Morangup.**
2. **Pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the Application for Development Approval for an Apiary on Lot 58 McKnoe Drive, Morangup, subject to the following conditions:**
  - (a) **The development hereby permitted must substantially commence within two years from the date of this decision letter.**
  - (b) **The development hereby permitted taking place in accordance with the approved plans.**



- (c) Compliance with “National Best Management Practice for Beekeeping in the Australian Environment.”
- (d) Compliance with the “Best-Practice Guidelines for Urban Beekeeping”.
- (e) Compliance with the maximum number of 50 hives permitted.
- (f) The approval is valid for a period of 12 months. Prior to the expiry of this time period, the matter will need to be brought before Council to determine if a further extension is warranted.

**Advice Notes:**

1. It is the responsibility of the operator to comply with the requirements of any other legislation that may be applicable to the beekeeping activity.
2. Processing of all bee or honey products intended to be sold for human consumption will require food approval.
3. All beekeepers in Western Australia are required to register with the Department of Primary Industries and Regional Development.
4. If in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Shire may direct any bees or approved beehives to be removed.
5. If Council is notified of a new concern regarding the keeping of bees on this property, the application will be reconsidered by Council and approval may be revoked in the interests of public safety.

Cr Chitty seconded the motion.

Clarification was sought.

Debate commenced.

Cr McKeown moved an amendment to the motion as follows:

**That at Point 2(f) the words “must be” to replace the words “will need to be”**

Cr Hart accepted the amendment to the motion.

Cr Pearce moved an amendment to the substantive motion as follows:

**That at Point 2(f) the words “after consultation with the community” be inserted after the words “extension is warranted.”**

The Acting Manager Planning and Development provided clarification.

Cr Pearce withdrew the amendment to the substantive motion.

Debate continued.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 166/08/21**

**MOVED** Cr Hart

**SECONDED** Cr Chitty

That Council:

1. Notes the submission received opposing the development of an Apiary at Lot 58 McKnoe Drive, Morangup.
2. Pursuant to clause 68(2)(b) of the *deemed provisions for local planning schemes*, approves the Application for Development Approval for an Apiary on Lot 58 McKnoe Drive, Morangup, subject to the following conditions:
  - (a) The development hereby permitted must substantially commence within two years from the date of this decision letter.
  - (b) The development hereby permitted taking place in accordance with the approved plans.
  - (c) Compliance with "National Best Management Practice for Beekeeping in the Australian Environment."
  - (d) Compliance with the "Best-Practice Guidelines for Urban Beekeeping".
  - (e) Compliance with the maximum number of 50 hives permitted.
  - (f) The approval is valid for a period of 12 months. Prior to the expiry of this time period, the matter must be brought before Council to determine if a further extension is warranted.

Advice Notes:

1. It is the responsibility of the operator to comply with the requirements of any other legislation that may be applicable to the beekeeping activity.
2. Processing of all bee or honey products intended to be sold for human consumption will require food approval.
3. All beekeepers in Western Australia are required to register with the Department of Primary Industries and Regional Development.
4. If in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Shire may direct any bees or approved beehives to be removed.
5. If Council is notified of a new concern regarding the keeping of bees on this property, the application will be reconsidered by Council and approval may be revoked in the interests of public safety.

**MOTION CARRIED 7/0**

## 9.2 CORPORATE & COMMUNITY SERVICES

Nil.

## 9.3 EXECUTIVE SERVICES

### 9.3.1 Adoption of Governance Framework

Date of Report:	11 August 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN12
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Shire of Toodyay Governance Framework.

### PURPOSE OF THE REPORT

To present a Governance Framework for Council's consideration and adoption that documents the processes, systems, roles and relationships that underpin governance at the Shire of Toodyay.

### BACKGROUND

Following the Authorised Inquiry, completed in October 2020, and the subsequent independent Governance Review undertaken in June 2021, Officers have prepared a *Governance Framework (Attachment 1)* which provides information about the way the Council leads the Shire and demonstrates a commitment from Elected Members and Shire Officers to continual improvement in the area of governance.

The Framework has been developed with reference to a number of contributing documents, including frameworks adopted by other local governments, departmental guidelines, legislation, and other relevant documents.

The draft Framework was emailed to all Elected Members for feedback prior to holding a workshop where the content was discussed, and minor amendments suggested.

The Shire of Toodyay Governance Framework is now presented to Council for adoption.

## **COMMENTS AND DETAILS**

The Framework is intended to guide new and existing Elected Members and Shire Officers in relation to governance and to provide information to the community about the Shire's governance processes.

The following four core principles are used as the foundations for good governance as recommended by CPA Australia in its publication *"Excellence in Governance in Local Government"*:

1. Culture and vision – the Shire's vision and culture and the behaviours and values that underpin them.
2. Roles and relationships – clarity of roles and the importance of working relationships.
3. Decision-making and management – the characteristics of effective decision-making, how decisions are made and the obligations of elected members to ensure effective decision-making.
4. Accountability – reporting, monitoring and review, risk management and the importance of community consultation and access to information.

The Framework also contains a self-assessment and evaluation worksheet for individual Elected Members and a Council Performance Assessment Questionnaire. Both of these documents are proposed to be completed on an annual basis to assist Council to identify areas for action and improvement and priorities for on-going development.

The Framework is intended to be a living document that is updated as the process for continuous improvement evolves. It is proposed that minor amendments are authorised to ensure that the most up to date information is included in the Framework.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

As outlined above the Framework has been developed with reference to a number of relevant documents. A full list of sources is included on the last page of the Framework. The draft Framework was emailed to all Elected Members before being discussed at a Council workshop attended by six Elected Members.

### **Strategic:**

#### **Governance: The way the Shire leads and operates**

*Objective 2: Consistently improve our governance practices.*

*Objective 3: Ensure rigorous organisational systems.*

### **Policy related:**

The Framework refers to a number of Shire policies and plans. Where appropriate, a link has been provided to the location of the relevant document on the Shire's website.

**Financial:**

Nil

**Legal and Statutory:**

Where appropriate, excerpts from the *Local Government Act 1995* and subsidiary legislation have been included in the Framework for reference.

**Risk related:**

Poor governance can result in compliance, reputational and potentially financial risks to the organisation. The Governance Framework is aimed at providing guidance to mitigate these risks and to provide the community with an insight into the complexities of local government and the role of an elected member.

**Workforce related:**

The Framework has been developed 'in-house' with reference to external sources.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. Adopts the Governance Framework as attached at Attachment 1 to this report.
2. Authorises the Chief Executive Officer to make minor amendments to the Governance Framework from time to time to ensure it remains current.

Cr Pearce moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION NO. 167/08/21**

**MOVED** Cr Pearce

That Council:

1. Adopts the Governance Framework as attached at Attachment 1 to this report.
2. Authorises the Chief Executive Officer to make minor amendments to the Governance Framework from time to time to ensure it remains current.

**MOTION CARRIED 7/0**

### 9.3.2 Bush Fire Mitigation Works Program Tender

Date of Report:	6 August 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	TEN02/2021
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
<b>Confidential Attachments:</b>	<ol style="list-style-type: none"> <li>1. Evaluation; and</li> <li>2. Shire of Toodyay Bush Fire Mitigation Program of Works (Treatments) containing Tender information.</li> </ol>

#### PURPOSE OF THE REPORT

To consider awarding the tender for Bush Fire Mitigation Works Program utilising Mitigation Activity Fund (MAF) Grant funding.

#### BACKGROUND

The Shire of Toodyay is an extreme bushfire risk area, as highlighted in the Shire of Toodyay's Bush Fire Risk Management Plan (BRMP), and associated Bush Fire Risk Management Software (BRMS) assessments.

To assist in managing these risks, the Shire of Toodyay has successfully secured external funding of \$500,000.00 (ex GST) through the Mitigation Activity Fund (MAF) for the 21/22 financial year.

The Shire of Toodyay recently let a tender (TEN02/2021) for the execution of bush fire mitigation program of works over 54 individual treatments around the Shire. These works encompass firebreak and access track construction/upgrades and vegetation management via a number of methods including mechanical, chemical, biological (grazing) and hazard reduction burning.

#### COMMENTS AND DETAILS

The tender was let with each of the 54 treatments assigned to one of four categories of work:



- Fuel Reduction - Prescribed Burning;
- Fuel Reduction - Mechanical Works (may also involve chemical treatments);
- Fire Access (Tracks) Works – Mechanical (includes associated manual or mechanical vegetation management, gates and fencing where specified); and
- Bridge Asset Mitigation – Focused on bush fire mitigation around timber bridges (critical assets for protection).

Tenders were invited for all treatments in one or more of the above categories.

Details of the program of works and category allocation is included as *Attachment 2 - Bush Fire Mitigation Program of Works (Treatments) containing Tender information*.

The tender process involved a compulsory site inspection to provide all prospective tenderers the opportunity to inspect sites and receive further detailed information on the program.

Two prospective tenderers attended which translated to two conforming tenders being received by close of tender. The detail is contained in the *Attachment 1 - Evaluation*.

The assessment evaluation scoring put Fire Mitigation Services as the preferred tenderer in the Fuel Reduction - Prescribed Burning and Fuel Reduction Mechanical Works categories, and Avon Earthworks as the preferred tenderer in the Fire Access (Tracks) Works and Bridge Asset Mitigation categories. As such the Officer recommends awarding of the tender in two parts as follows:

Treatment Type Category	Preferred Tenderer	Value
Fuel Reduction - Prescribed Burning	Fire Mitigation Services	\$208,863.87
Fuel Reduction - Mechanical Works		
Fire Access (Tracks) Works	Avon Earthworks	\$291,296.00
Bridge Asset Mitigation		
	<b>Total</b>	<b>\$500,159.87</b>

The total recommended tender value of \$500,159.87 is \$159.87 over the \$500,000.00 budget for the program. It is proposed that the slight over spend will be covered out of Shire general revenue allocated as part of the greater reserves management budget.

## IMPLICATIONS TO CONSIDER

### **Consultative:**

Consultation with respect to the works contained in this tender within the Shire of Toodyay included the Community Emergency Services Manager, Reserves Management Officer, Bush Fire Risk Management Planning Coordinator, Engineering Technical Officer and Chief Executive Officer.

Consultation with respect to the works contained in this tender with external agencies, include the Department of Fire and Emergency Services Regional Superintendent (MAF application approval) and the Department of Fire and Emergency Services Bush Fire Risk Management Branch (assessment of MAF application and awarding of grant).

### **Strategic:**

This program of works addresses actions in the Shire of Toodyay Bush Fire Risk Management Plan.

### **Policy related:**

*F.3 Purchasing*

### **Financial:**

Except for the minor \$159.87 over budget outcome of the Officer's recommendation, the project is fully funded by the awarded MAF grant, thus has no tangible net impact on the Shire's finances.

### **Legal and Statutory:**

All works will be carried out under *Bush Fires Act 1954* Section 33 Notice to the Shire of Toodyay which provides clearing of vegetation exemption under Schedule 6, Clause 1 of the *Environmental Protection Act 1986*. The *Bush Fires Act 1954* Section 36 also applies to these works which provides clearing of vegetation exemption under Schedule 6, Clause 1 of the *Environmental Protection Act 1986*.

Checks in relation to Declared Rare Flora and Fauna (DRF) are to be carried out prior to commencement of works and appropriate permits sought from the Department of Water and Environmental Regulation where the treatments cannot be modified to avoid the taking of the identified DRF.

### **Risk related:**

The following risks apply should Council choose not to award the tender for the fire mitigation works in accordance with the recommendation resulting from the tender evaluation:

Reputational (high)

Financial (high)

Operational (high)

**Workforce related:**

While the mitigation works are directly and fully funded by the Mitigation Activity Grant, project management costs are not. These are borne by the Shire in the form of in-kind resourcing from existing Shire Officers (in this case Community Emergency Services Manager, Reserves Management Officer and Engineering Technical Officer). MAF projects of this size and scale represent a significant added workload on Officers.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 168/08/21**

**MOVED** Cr Hart

That Council awards Tender TEN05-2020 as follows:

1. Treatments in the *Fuel Reduction – Prescribed Burning* and *Fuel Reduction – Mechanical Works* categories to Fire Mitigation Services Pty Ltd for the price of \$208,863.87; and
2. Treatments in the *Fire Access (Tracks) Works* and *Mechanical and Bridge Asset Mitigation* categories to Avon Earthworks Pty Ltd for the price of \$291,296.00.

**MOTION CARRIED BY ABSOLUTE MAJORITY 7/0**

**9.3.3 Correspondence - Department of Local Government, Sport & Cultural Industries**

Date of Report:	12 August 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. DLGSC Correspondence 12 May 2021 to 12 August 2021

**PURPOSE OF THE REPORT**

To present details of correspondence with the Department of Local Government, Sport and Cultural Industries (DLGSC) since the May Ordinary Council Meeting.

**BACKGROUND**

At the June 2018 Ordinary Council Meeting (Resolution No. 122/06/18) Council resolved:

*That the CEO submit a report to Council at each Ordinary Council Meeting detailing correspondence of a Local Government governance nature or non-compliance matters between the Shire of Toodyay and the Government of Western Australia's Department of Local Government, Sport and Cultural Industries (including with the relevant Minister) since the report to the previous Ordinary Council Meeting.*

This report details the correspondence with the DLGSC since the May 2021 Ordinary Council Meeting.

**COMMENTS AND DETAILS**

Correspondence with the DLGSC since May is attached at Attachment 1 and includes:

1. Request for update and response regarding financial management training.
2. Submission of the Interim Governance Review Report to the Director-General.
3. Update regarding financial management training.

## IMPLICATIONS TO CONSIDER

### **Consultative:**

Department of Local Government, Sport and Cultural Industries

### **Strategic:**

*Governance: The way the Shire leads and operates*

*Objective 1 Provide accountable and transparent leadership for the community*

*Objective 2 Consistently improve our governance practices*

### **Policy related:**

Nil

### **Financial:**

Nil

### **Legal and Statutory:**

*Local Government Act 1995*

It is a function of CEO to give effect to the decisions of Council in accordance with section 5.41 of the *Local Government Act 1995*.

### **Risk related:**

There is a reputational and compliance risk if a Council resolution is not implemented. These are both rated high.

### **Workforce related:**

Officer resources are required to formally report on all correspondence with the DLGSC.

## VOTING REQUIREMENTS

Simple Majority

### **OFFICER RECOMMENDATION**

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 15 May 2021 to 12 August 2021 as outlined in and attached to, this report.

Cr Ruthven moved Officer's Recommendation.

Clarification was sought.

The motion was put.

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION NO. 169/08/21**

**MOVED** Cr Ruthven

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 15 May 2021 to 12 August 2021 as outlined in and attached to, this report.

**MOTION CARRIED 7/0**



### 9.3.4 Chief Executive Officer Annual Performance Review 2021

Date of Report:	11 August 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	HR421
Author:	T Bateman – Manager Corporate & Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Public Attachment:	1. Proposed process for CEO Performance and Remuneration Review 2021;
Confidential Attachment:	2. Quotations received.

#### PURPOSE OF THE REPORT

To determine the process for the review of the Chief Executive Officer (CEO)'s annual performance and remuneration package and the development of performance criteria for the next twelve months.

#### BACKGROUND

The current CEO commenced with the Shire of Toodyay on 22 June 2020.

At a Special Council Meeting held on 22 December 2020, Council considered the outcomes of the CEO's probationary review and confirmed her on-going employment. In February 2021, Council adopted the CEO's revised performance criteria with a focus on financial management, governance and community engagement.

In February 2021, the *Local Government (Administration) Amendment Regulations 2021* (the Regulations) were enacted. The Regulations amend the *Local Government (Administration) Regulations 1996* to prescribe model standards for the recruitment, selection, performance review and termination of local government CEOs. Local governments are required to adopt as a minimum, the model standards and publish them on their official website.

At the Ordinary Council Meeting held 27 July 2021, Council adopted policy *G.5 Standards for CEO Recruitment and Selection, Performance Review and Termination* in accordance with the above legislation.

Council is now requested to consider the process for a review of the CEO's performance and remuneration and the selection of an independent consultant to undertake the review and to assist Council to determine the CEO's performance criteria for 2021/22.

### **COMMENTS AND DETAILS**

On 26 July 2021, *CEO Performance Appraisals* training was attended by six Councillors. Subsequently, a draft process for the CEO Performance and Remuneration Review was emailed to all Councillors prior to discussion at a workshop held on 2 August 2021 attended by six Councillors (*Attachment 1*).

Following the workshop, the proposed process was sent to three consultants for quotation. At the time of writing this report, two quotations and proposed methodologies have been received from suitably qualified Consultants (*Confidential Attachment 2*).

Council could if it wished, establish a CEO Employment Committee with Councillors appointed to work with the Consultant to finalise the review.

Alternatively, all Councillors could participate in the process. The quotations attached are based on all Councillors participating.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative:**

The proposed process for the CEO Performance and Remuneration Review 2021 was discussed at a workshop with Council held on 2 August 2021 attended by six Councillors.

#### **Strategic:**

##### **Governance: The way the Shire leads and operates**

*Objective 2: Consistently improve our governance practices.*

*Objective 3: Ensure rigorous organisational systems.*

#### **Policy related:**

*G.5 Standards for CEO Recruitment and Selection, Performance Review and Termination: Part 3*

Part 3.1 requires that the performance review process is to be agreed between the local government and the CEO.

#### **Financial:**

Officers have included in the draft budget an allocation for consultants' fees. It is recommended that Council considers the proposed fee for the CEO Performance and Remuneration Review from this allocation.

**Legal and Statutory:**

*Local Government Act 1995 (WA): s5.38 – s5.40*

*Local Government (Administration) Regulations 1996: Reg 18FA*

*CEO Contract of Employment: clauses 4.3 and 4.4*

**Risk related:**

There is a compliance risk if Council chooses to delay the process that is the subject of this report. This risk is rated 'high'.

**Workforce related:**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. Appoints \_\_\_\_\_ to assist Council to:
  - (a) Undertake the annual review of the CEO's performance;
  - (b) Review the CEO's remuneration for 2021/22; and
  - (c) Determine the CEO's performance criteria for 2021/22.
2. Endorses the methodology proposed by the selected Consultant for the CEO Performance and Remuneration Review and development of Performance Criteria.
3. Determines that all Elected Members may participate in the CEO Performance and Remuneration Review and development of Performance Criteria.
4. Notes that:
  - (a) An allocation to engage an external Consultant has been included in the draft 2021/22 Annual Budget for Council's consideration; and
  - (b) A report will be presented to Council as soon as is practicable to endorse the outcomes of the CEO's probation and remuneration review.

Cr Hart moved the Officer's Recommendation as follows:

**That Council:**

1. **Appoints Price Consulting Group Pty Ltd to assist Council to:**
  - (a) Undertake the annual review of the CEO's performance;**
  - (b) Review the CEO's remuneration for 2021/22; and**
  - (c) Determine the CEO's performance criteria for 2021/22.**

2. **Endorses the methodology proposed by the selected Consultant for the CEO Performance and Remuneration Review and development of Performance Criteria.**
3. **Determines that all Elected Members may participate in the CEO Performance and Remuneration Review and development of Performance Criteria.**
4. **Notes that:**
  - (d) **An allocation to engage an external Consultant has been included in the draft 2021/22 Annual Budget for Council's consideration; and**
  - (e) **A report will be presented to Council as soon as is practicable to endorse the outcomes of the CEO's probation and remuneration review.**

Clarification was sought in relation to which options would be chosen, as provided by the Consultant in the confidential attachment.

**PROCEDURAL MOTION/COUNCIL RESOLUTION NO. 170/08/21**

**MOVED** Cr Rayner

That Council, in accordance with Standing Order 10.1(c) defers the debate on the motion moved by Cr Hart and that Item 9.3.4 be deferred at 4.48pm for consideration of options contained in the confidential attachment, prior to the end of the Council Meeting before Agenda Item No. 15 Next Meetings.

**MOTION CARRIED 7/0**

*Refer to page 47 for further deliberation and the Council Resolution.*

### 9.3.5 Venue Manager Reporting – Toodyay Recreation Centre

Date of Report:	10 August 2021
File Reference:	PRO15
Author:	M Lamb – Compliance and Communications Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachment:	1. Management Reporting Pack October 2020 to June 2021.

#### PURPOSE

To receive the report on Toodyay Recreation Centre for the period October 2020 to June 2021.

#### BACKGROUND

The Shire entered into a contract with Clublinks in 2020 to be the Venue Manager for the Toodyay Recreation Centre Facilities (TRC) for a period of two years with an option for a further two years.

The Venue Manager has supplied monthly reports to the Shire as per the agreement. At the end of each financial year the Venue Manager is required to provide a report for the entire period. The Management Report for October 2020 to June 2021 is attached at *Attachment 1* for Council's consideration.

#### OFFICER COMMENT

The Venue Manager has instigated a number of programmes at the TRC; outside of the aquatic programs already in place, including a social sports program, Pilates, yoga, flower arranging and supporting a number of privately and commercially booked functions.

Clubs that are currently utilising the TRC on a regular basis are:

- Toodyay Soccer Club;
- Mortlock Netball;
- Toodyay Tennis Club; and
- Toodyay Netball Club.

A Social Sports program held earlier in 2021 was very successful with nine teams participating.

Currently, there are no basketball or hockey clubs established. The Venue Manager is working to support the reformation of both clubs.

The Cricket Club has shown interest in playing evening games and were considering bringing their own roll out cricket pitch.

The Venue Manager has also liaised with potential Little Athletics organisers. The school is also keen to use the pitch for its summer athletics program.

The following activation has occurred to date:

- Social sports on Wednesday evenings with Touch Rugby (currently mixed/open) and Basketball for Juniors - play and learn basic skills with a fully accredited Coach/Umpire.
- Pilates each Thursday evening at Community Pavilion.
- Yoga each Friday morning at Community Pavilion.
- Continued successful and safe operations of the aquatic facility with the centre placed in maintenance mode for the winter season.
- Recreation Centre website and Facebook pages have been launched and are beginning to gain traction from the community.
- Staff members continue to be recruited from Toodyay and the surrounding regional communities.
- Local Toodyay community members have been upskilled and trained as lifeguards, with one further upskilled as a Technical Pool Operator.
- Netball clubs have successfully trained and hosted Association games.
- Junior Soccer Club has settled in.
- Continued interest in the Centre has generated bookings for commercial and social functions.
- Research and development of Toodyay Moves (see below).
- Birthday parties and corporate events have been held.

Further activities planned for the short-term include:

- Olympics Unleashed - Tuesday 24 August 2021, 4pm–6pm
- Wildflowers & Wine Workshop - Friday 27 August 2021, 6pm–8pm
- Laser Tag - Friday 17 September 2021, 6pm-9pm

### **Aquatic**

Currently the Venue Manager is gearing up for the forthcoming swimming season with the following:



- TRC Swim Programs scheduled for Term 4.
- TRC Swim Squad returns for 2022 Season when aquatic centre reopens.
- LIWA (Leisure Institute of WA) regional event being held at the Community Pavilion mid-October (involves all Lifeguards/Duty Managers within a regional radius and surrounds).
- Lifeguard course/s and re-qualifications during mid October 2021.
- Swan Hills Swimming Club Interclub swim meet on Saturday 31 October 2021, 12.30pm-3.30pm for 18+ years swimmers (Toodyay swimmers welcome to participate).
- Grey Medallion Course 10-week program (like the Bronze Medallion but for Seniors).
- Heartbeat Club for Parents & Bubs 4 hours.
- Junior Lifeguard Program 10 weeks.
- Currently in touch with Water Polo WA to conduct a clinic early January.
- VACSWIM Program 2 (10 January 2022 to 24 January 2022).
- Immaculate Heart College (IHC), Bolgart Primary School and Toodyay DHS have booked School in-term swimming for November/December 2021.
- Toodyay DHS and 2 carnivals from IHC have been booked plus their training carnivals x 4 (scheduled for February and early March 2022).
- Aqua Aerobics and Aquafit for Mums and Bubs are both new programs set to commence with the new season.

### **Toodyay Moves**

Clublinks, in conjunction with Technogym, is currently working on an app called ToodyayMoves.

ToodyayMoves is a branded version of the MyWellness Health & Fitness Tracking App, developed by Technogym, a worldwide provider of gym and fitness equipment and solutions. The app tracks activity/movement and integrates with many smart devices and watches such as Apple Health, Fitbit, Garmin, MapMyFitness, MyFitnessPal, Polar, Runkeeper, Strava, Swimtag and Withings to generate 'Moves' and provides a calculation of overall activity.

The Shire's version of this app will be branded with a Toodyay logo and fuelled by the community by connecting with local sports/fitness groups with each other, across a variety of challenges where participants can have the option to win prizes from their local community, in turn promoting and supporting local businesses.

The aim of ToodyayMoves is to encourage the people of Toodyay to maintain a healthy lifestyle to improve their physical mental wellbeing. ToodyayMoves rewards participants for getting and staying active as well as encouraging people to continue

their commitment to a healthy lifestyle by joining clubs or actively engaging in fitness facilities.

Council will continue to be updated with further information and progress and a presentation will be given to Council once sufficient progress has been made on the app.

### **Heating**

A request for quotation for the heating of the pool was distributed however, all submissions received were well in excess of the indicative budget for the heating. Discussions are ongoing with possible solutions having been identified that are currently being followed up on.

### **Liquor Licence**

The report on the liquor licence is in draft with further research to be undertaken before this report is ready to bring to Council.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

The Venue Manager and the Shire are in constant communication.

The Venue Manager has developed a Member/Club database which is being used to communicate with clubs and venue users.

### **Strategic:**

*Social – Our community wellbeing and connection:*

- O 1: Maintain and develop services that meet the requirements of our diverse community.*
- O 2: Facilitate community safety and wellbeing.*
- O 3: Support the development of places and spaces for recreation, learning, art and culture.*

*Economic – Business and jobs in the community*

- O 2: Promote Toodyay as a tourism destination.*
- O 3: Encourage economic diversification.*

### **Financial:**

There is a significant commitment required from the Shire in the operational costs of the TRC, with an expectation that the TRC is being operated to best practice standards and the community's needs are being met.

The Venue Manager has worked in close partnership with Shire Officers to accommodate the expectations of the community, user groups and sporting clubs to this end and with a clear understanding of fiscal responsibilities.

### **Legal and Statutory:**

Nil.

**Risk related:**

It is a condition of the contract that a management report is submitted to Council annually. Reputational and potentially financial risks could arise from a lack of regularly reviewing agreed key performance indicators. This report seeks to mitigate this risk.

**Workforce related:**

There will be a commitment from staff in the form of ongoing contract management and financial oversight.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council receives the Management Report for the Toodyay Recreation Centre October 2020–June 2021 as attached at Attachment 1 to this report.

Cr Pearce moved the Officer's Recommendation.

Clarification was sought.

Cr Hart seconded the motion.

Debate commenced.

Cr McKeown moved a Procedural Motion in accordance with Standing Orders 10.5 that we proceed to the next item of business as follows:

That the meeting proceed to the next business

The procedural motion was put.

**PROCEDURAL MOTION/COUNCIL RESOLUTION NO. 171/08/21**

**MOVED** Cr McKeown

**SECONDED** Cr Rayner

That the meeting proceed to the next business at 4.55pm in accordance with Standing Orders 10.5.

**MOTION CARRIED 5/2**

*In accordance with Section 5.21(4)(b) of the Local Government Act 1995, Cr Madacsi requested that the vote of all members present be recorded. Councillors Chitty, Madacsi, Pearce, Rayner and McKeown voted for the motion. Councillors Hart and Ruthven voted against the motion.*

## 9.4 ASSETS AND SERVICES

Nil

## 9.5 COMMITTEE REPORTS

### 9.5.1 Bush Fire Advisory Committee Recommendation – Bush Fire Control Officer Appointments

Date of Report:	04 August 2021
Applicant or Proponent:	Bush Fire Advisory Committee (BFAC)
File Reference:	COC03
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Resolution 219/08/19 – Appointments 19/20 Resolution 257/08/20 – Appointments 20/21
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Extract of BFAC Minutes; and
<b>Confidential Attachment:</b>	2. <b>Candidate Particulars and Evaluation.</b>

## PURPOSE OF THE REPORT

To consider recommendations made at the Bush Fire Advisory Committee (BFAC) in respect to Fire Control Officer (FCO) appointments.

## BACKGROUND

At the BFAC Meeting held on 3 August 2021 a ballot process was held to formulate and recommend FCO nominated candidates to Council for appointment.

## COMMENTS AND DETAILS

The process was in line with clauses 11.4 and 11.5 of the *Shire of Toodyay Bush Fire Operating Procedures*, which provides a process for making/receiving nominations and absolute majority ballot system of recommending candidates to Council.

The results of the ballot are included in the confidential attachment, which includes other information pertinent to each of the candidates, provided to the BFAC for consideration.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

The recommendations in this report were compiled in line with the recommendations made by the BFAC at the meeting held on 3 August 2021.

A confidential report, provided to the BFAC membership, included candidate information, levels of training and levels of activity with respect to turnouts to bush fire incidents.

The Officer's recommendation combines all the relevant BFAC recommendations into a single recommendation for Council. There is no change to the BFAC recommendation outcomes/intent.

### **Strategic:**

Bushfire management is an outcome that the Council has identified to meet the aspirations for Toodyay as a liveable and thriving Shire in the Toodyay 2028 Strategic Community Plan. The focus of the outcome is to increase the number of registered volunteers for the Bush Fire Brigades. Provision of effective leadership and incident control personnel for bushfire events is a key component of effective management of volunteers.

### **Policy related:**

The excerpt below is from section 11.3 of the Volunteer Bush Fire Brigade – Bush Fire Operating Procedures Administration Manual that outlines the role of a Bush Fire Control Officer.

#### **11.3 Bush Fire Control Officer**

##### ***Role***

*A Bush Fire Control Officer is a delegated representative of the Local Government responsible for the administration of provisions within the Bush Fires Act 1954. The position is required to perform active operational duties in relation to both firefighting and fire prevention strategies within the local community.*

*A Bush Fire Control Officer must be able to demonstrate experience in wildfire behaviour, AIIMS and knowledge of the area. The person in this position must be able to interpret provisions of the Bush Fires Act 1954 and the Bush Fires Regulations 1954 and be confident with communication skills.*

*This position reports to the Chief Bush Fire Control Officer on all matters pertinent to bush fire management.*

*A Fire Control Officer may hold jointly the position of Brigade Captain.*

**Financial:**

Nil.

**Legal and Statutory:**

Local Governments appoint Bushfire Control Officers under Sections 38 and 38A of the *Bushfires Act 1954* and the duties of Bush Fire Control Officers are set out in the legislation. The Shire must appoint, at a minimum, a Chief and Deputy Chief Bush Fire Control Officer.

**Risk related:**

FCOs have powers under Section 39 of the *Bush Fires Act 1954*. While the appointment of FCOs aim to reduce risk to the community by providing leadership in control of bush fire incidents, having untrained or under-skilled FCOs increases the potential exposure to the following risks:

- *Reputational Risk* – There is a potential reputational risk to the Shire should review of a major incident expose unacceptable levels of training/skill or oversight in the appointment of FCOs (Medium).
- *Social/Economic/Environmental Risk* – There is the potential for social, economic and environmental impact of incidents, where life or property or other significant asset is lost due to unacceptable levels of training/skill or oversight in the appointment of FCOs (High).

In response to this risk, Council adopted the Volunteer Bush Fire Brigade – Bush Fire Operating Procedures as Council's Interim Policy. This policy was recently amended and adopted by Council on 27 April 2021. It sets out the qualities and qualifications of an FCO. In addition, the 21 October 2014 Special Meeting of Council resolved to limit the number of BFCOs (to 11) to improve the capacity for a FCO to maintain and/or increase their skills.

**Workforce related:**

Shire Staff FCOs – the Shire is required to appoint a number of staff members as FCOs to perform the function of their employment. As these appointments relate to the management of Shire staff, delegation to the CEO exists under the Shire's delegation register (Item ES8) in relation to Section 38 "Local government may appoint bush fire control officers" of the *Bush Fires Act 1954*.

Therefore, the following positions will be appointed as FCO's:

1. Community Emergency Services Manager (CESM)
2. A/Community Emergency Services Manager (A/CESM)
3. Reserves Management Officer (RMO)
4. Bush Fire Risk Mitigation Planning Coordinator (BRMPC)
5. Ranger 1
6. Ranger 2



Additionally, the Shire of Toodyay has a Memorandum of Understanding (MOU) with the Department of Fire and Emergency Services (DFES) that the person employed in the CESM role will be appointed an FCO for the Shire of Toodyay. This extends to any staff member who is appointed to act in the role when the incumbent is on a period of leave.

These details have been provided in this report to provide Council the CEO's intent and full visibility of appointments to be advertised to meet the requirements of the *Bush Fires Act 1954*.

### **VOTING REQUIREMENTS**

Simple Majority

#### **BUSHFIRE ADVISORY COMMITTEE RECOMMENDATION**

That Council appoints Fire Control Officers as follows:

<b>Appointment of:</b>	<b>to Position:</b>
C Stewart	Chief Bush Fire Control Officer (CBFCO)
N Griggs	Deputy Bush Fire Control Officer 1 (DBFCO1)
R Koch	Deputy Bush Fire Control Officer 2 (DBFCO2)
G Forsyth	Fire Control Officer (FCO)
C Wroth	Fire Control Officer (FCO)
K Maddrell	Fire Control Officer (FCO)
I MacGregor	Fire Control Officer (FCO)
J Hansen	Fire Control Officer (FCO)
G Scobie	Fire Control Officer (FCO)

Cr Rayner moved the Bushfire Advisory Committee Recommendation.

Clarification was sought.

The motion was put.

**BUSHFIRE ADVISORY COMMITTEE RECOMMENDATION/COUNCIL  
RESOLUTION NO. 172/08/21**

**MOVED** Cr Rayner

That Council appoints Fire Control Officers as follows:

<b>Appointment of:</b>	<b>to Position:</b>
C Stewart	Chief Bush Fire Control Officer (CBFCO)
N Griggs	Deputy Bush Fire Control Officer 1 (DBFCO1)
R Koch	Deputy Bush Fire Control Officer 2 (DBFCO2)
G Forsyth	Fire Control Officer (FCO)
C Wroth	Fire Control Officer (FCO)
K Maddrell	Fire Control Officer (FCO)
I MacGregor	Fire Control Officer (FCO)
J Hansen	Fire Control Officer (FCO)
G Scobie	Fire Control Officer (FCO)

**MOTION CARRIED 7/0**

### 9.5.2 Review of Local Emergency Management Arrangements

Date of Report:	12 August 2021
Applicant or Proponent:	Local Emergency Management Committee (LEMC)
File Reference:	COC3
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"><li>1. Extract of LEMC Minutes; and</li><li>2. Draft Local Emergency Management Arrangements.</li></ol>

#### **PURPOSE OF THE REPORT**

To consider a recommendation made by the Local Emergency Management Committee (LEMC) at its meeting held 11 August 2021 in regard to the adoption of revised Local Emergency Management Arrangements (LEMA) for the Shire of Toodyay.

#### **BACKGROUND**

Under section 41 of the *Emergency Management Act 2005* Local Government is required to have a LEMA and review every five years.

The LEMA is developed to provide a community focused, coordinated approach to the management of all potential emergencies within a local government area. It is a requirement for each local government in Western Australia to provide access to their LEMA and to publish their Local Emergency Management Arrangements (LEMAs) on their website.

The Shire of Toodyay's existing LEMA review is due prior to the end of 2021.

#### **COMMENTS AND DETAILS**

The Department of Fire and Emergency Services, District Emergency Management Advisor (DEMA) has assisted the LEMC with the revision of the LEMA.

At the LEMC meeting held 11 August 2021, the membership resolved to recommend the revised document to Council for endorsement.

Once Council endorses the LEMA, Officers will submit it to the September 2021 District Emergency Management Committee for its consideration.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

As part of the revision process, to gain local content for the document, a workshop with LEMC members occurred on 12 May 2021.

The LEMC membership received two draft versions of the LEMA ahead of the 11 August 2021 LEMC meeting. The second followed assessment and feedback from the DFES Great Southern Region District Emergency Management Advisor. The second draft was re-assessed by the DEMA as satisfactorily addressing all identified issues.

### **Strategic:**

Facilitating community safety and wellbeing by collaborating with fire and emergency services (S 2.3) and reducing the impact of extreme weather conditions through emergency management planning (S 1.4) are identified in the Toodyay Strategic Plan 2028.

### **Policy related:**

Nil

### **Financial:**

Nil

### **Legal and Statutory:**

Under section 41 of the *Emergency Management Act 2005* Local Government is required to have a LEMA in place and review it every five years.

### **Risk related:**

- *Reputational Risk* – There is a potential reputational risk to the Shire should review of a major incident expose unacceptable levels of training/skill or oversight in the application of emergency management (Medium).
- *Social/Economic/Environmental Risk* – There is the potential for social, economic and impact of emergencies, which lack management in recovery (High).

The adoption of a LEMA review is one action, which assists the mitigation of the above risks.

### **Workforce related:**

The document references responsibilities of the Shire. This includes appointment of Local Recovery Coordinators and Welfare Liaison Officers among others. It is

important that the organisation afford the time and resources to the nominated Officers to carry out duties related to the roles including training.

### **VOTING REQUIREMENTS**

Simple Majority

#### **LEMC RECOMMENDATION/COUNCIL RESOLUTION NO. 173/08/21**

**MOVED** Cr McKeown

That Council:

1. Endorses the attached Draft Local Emergency Management Arrangements.
2. Authorises the Chief Executive Officer to submit the report to the District Emergency Management Committee.

**MOTION CARRIED 7/0**

### 9.5.3 Audit & Risk Committee Recommendations

Date of Report:	13 August 2021
Applicant or Proponent:	Audit & Risk Committee
File Reference:	COC2
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Extract ARC Minutes – June 2021</li> <li>2. Extract ARC Minutes – August 2021</li> <li>3. Risk Tables – current; and</li> <li>4. Amended Risk Tables - new</li> </ol>

### PURPOSE OF THE REPORT

To consider recommendations made by the Audit & Risk Committee (ARC).

### BACKGROUND

At ARC Meetings held in June & August 2021, recommendations were made to Council as follows:

#### Recommendation 1 – Review of Risk Management Systems and Processes

*That Council notes the proposed process as outlined in this report for a review of the Shire's risk management systems and processes.*

#### Recommendation 2 – Risk Management Planning – Risk Tolerance

*That Council:*

1. *Adopts the risk tables at Attachment 2 to this report as the Shire of Toodyay's level of risk appetite and tolerance subject to the following amendments being made to the Shire of Toodyay Measures of Consequence Table:*
  - *Minor: \$10,001-\$20,000*
  - *Moderate: \$20,001-\$150,000*

- *Major:* \$150,001-\$500,000
  - *Catastrophic:* More than \$500,000
2. *Requests the Chief Executive Officer amend policy A.18 Risk Management to reflect the updated tables.*

### COMMENTS AND DETAILS

Information provided to the ARC is contained in Attachment 1 – Extract of ARC Minutes presented to the ARC in June & August 2021. A summary is provided below:

#### Recommendation 1 – Review of Risk Management Systems and Processes

The following process was proposed to review current risks, their potential impacts and mitigation strategies to be implemented.

Item Activity Timeline		
1	Presentation by LGIS to Audit & Risk Committee regarding organisational risk management	Postponed at the August 2021 meeting – to be rescheduled once the Regional Risk Coordinator is appointed.
2	Workshop involving officers across the organisation to understand and identify area specific risks and develop mitigation strategies with reference to informing reports/plans.	August 2021
3	Review Risk Management policy for presentation to Audit and Risk Committee	October 2021 meeting
4	Development of Risk Management Dashboard and reporting template for presentation to Audit and Risk Committee	December 2021 meeting.

#### Recommendation 2 – Risk Management Planning – Risk Tolerance

Risk management involves effectively managing business systems and processes to achieve an appropriate balance between realising opportunities for gain while minimising adverse impacts. It is an integral part of good management practice and an essential element of sound corporate governance.

Risk management processes should not encourage the Shire of Toodyay to be 'risk averse'. Managing risk means balancing risk and reward. Risk management provides the confidence to pursue opportunities with the knowledge that risks are being adequately managed and accepted in a balanced way.



Key components of a governance approach to managing risk include:

1. Organisational mandate, direction, and documented risk management framework.
2. Engagement and awareness of roles and responsibilities.
3. Regular monitoring and reporting.
4. Assurance and continual improvement programs.

Sound risk management practices provide enhanced governance, compliance and assurance while improving safety, cost effectiveness and budget control across the organisation. Risk identification and treatment also assist in meeting customer expectations and reducing the potential for litigation and claims.

This report seeks Council's endorsement of the Committee's recommendation that the Shire of Toodyay's currently adopted risk tables be changed. This addresses the first element of the risk management process outlined above.

Should the risk tables at Attachment 2 be adopted by Council, training will be provided to relevant officers regarding the application of the measures, acceptance criteria and possible controls. The tables will also be used to inform the risk implications included in reports to Council.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Local Government Insurance Services (LGIS)

Department of Local Government, Sport and Cultural Industries – *Operational Guideline No 9*

Department of Local Government – *Risk Management Resources – March 2013*

### **Strategic:**

*Governance: The way the Shire leads and operates*

*Objective 2: Consistently improve our governance practices.*

*Objective 3: Ensure rigorous organisational systems.*

### **Policy related:**

*A.18 Risk Management* will be reviewed as part of the on-going improvement process for the management of organisational risk.

### **Financial:**

Identified risk mitigation strategies may require a budget allocation. These will be prioritised and presented to Council for consideration.

Financial implications may also include the costs of officer time to provide training to relevant staff.

### **Legal and Statutory:**

Regulation 17 of the *Local Government (Audit) Regulations 1996* directs the Chief Executive Officer (CEO) to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management; internal control and legislative compliance at least once every 3 financial years and to report the results of the review to the ARC.

### **Risk related:**

The adoption of relevant and detailed risk tables is a tool to mitigate potential poor management of organisational risk.

Effective risk management systems and processes enable an organisation to achieve an appropriate balance between realising opportunities for gain while minimising adverse impacts.

### **Workforce related:**

There will some officer time required to provide training to relevant staff.

The review process will require input from officers across the Shire's operations. It is acknowledged that competing workload priorities could impact timelines for the review.

### **VOTING REQUIREMENTS**

Simple Majority

#### **AUDIT & RISK COMMITTEE RECOMMENDATION 1/COUNCIL RESOLUTION NO. 174/08/21**

**MOVED** Cr Ruthven

That Council notes the proposed process as outlined in this report for a review of the Shire's risk management systems and processes.

**MOTION CARRIED 7/0**

#### **AUDIT & RISK COMMITTEE RECOMMENDATION 2/COUNCIL RESOLUTION NO. 175/08/21**

**MOVED** Cr Hart

That Council:

1. Adopts the risk tables at Attachment 2 to this report as the Shire of Toodyay's level of risk appetite and tolerance.
2. Requests the Chief Executive Officer amend policy A.18 Risk Management to reflect the updated tables.

**MOTION CARRIED 7/0**

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

Nil

**12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

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

**13.1 MEMBERS**

Nil

**13.2 EMPLOYEES**

Nil

**14. CONFIDENTIAL BUSINESS**

**Resumption of Item 9.3.4 CEO Annual Performance Review 2021**

At 5.08pm the Council resumed consideration of the deferred item 9.3.4.

The Shire President sought a motion for the meeting to be closed to the public and moved behind closed doors.

Clarification was sought.

**MOTION/COUNCIL RESOLUTION NO. 176/08/21**

**MOVED** Cr Rayner

**SECONDED** Cr McKeown

1. That, in accordance with Standing Orders Clause 5.2 (2), Council closes the meeting to members of the public at 5.10pm to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
2. That in accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council, by resolution, decides otherwise.

**MOTION CARRIED 7/0**

The Council Chamber doors were closed.

Cr Hart moved an amendment to the motion as follows:

**That at Point 1 the words “(Option 1 as per the confidential attachment to this report)” be inserted after the words “Price Consulting Group Pty Ltd”**

The CEO provided clarification in relation to the optional additional services.

**MOTION/COUNCIL RESOLUTION NO. 177/08/21**

**MOVED** Cr Hart

**SECONDED** Cr Rayner

That Council moves from behind closed doors at 5.29pm.

**MOTION CARRIED 7/0**

Cr Hart moved that Council move from behind closed doors at 5.29pm.

The Council Chambers were re-opened at 5.29pm. The Shire President read aloud the substantive motion that had been moved by Cr Hart.

Cr Rayner seconded the substantive motion.

Cr McKeown moved an amendment to the substantive motion as follows:

**That Point 4(a) be deleted and that (b) becomes Point 4.**

Cr Hart accepted the amendment.

Cr Rayner accepted the amendment.

The motion was put.

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION NO. 178/08/21**

**MOVED** Cr Hart

**SECONDED** Cr Rayner

That Council:

1. Appoints Price Consulting Group Pty Ltd (Option 1 as per the confidential attachment to this report) to assist Council to:
  - (a) Undertake the annual review of the CEO's performance;
  - (b) Review the CEO's remuneration for 2021/22; and
  - (c) Determine the CEO's performance criteria for 2021/22.
2. Endorses the methodology proposed by the selected Consultant for the CEO Performance and Remuneration Review and development of Performance Criteria.
3. Determines that all Elected Members may participate in the CEO Performance and Remuneration Review and development of Performance Criteria.
4. Notes that a report will be presented to Council as soon as is practicable to endorse the outcomes of the CEO's performance and remuneration review.

**MOTION CARRIED 7/0**

**15. NEXT MEETINGS**

Environmental Advisory Committee	7 September 2021
AROC Governance Group	13 September 2021
Agenda Briefing	21 September 2021
Council Meeting	28 September 2021

**16. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5.36pm.



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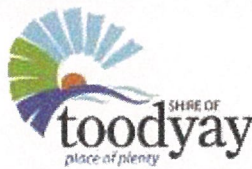
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# Agenda Briefing

## 17 August 2021

## Notes

### Unconfirmed Notes

These notes were approved for distribution on 24 August 2021.

  
Suzie Haslehurst  
**CHIEF EXECUTIVE OFFICER**

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes."

At the next Ordinary Meeting of Council the Notes will be received, subject to any amendments made by the Council.

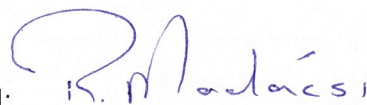
The "Received" Notes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Agenda Briefing are put together as attachments to these Notes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as part of the Ordinary Council Meeting, in a separate Confidential Minuted Item (CMI).

### Received Notes

These notes were received at an Ordinary Council Meeting held on 24 August 2021.

Signed:  .....

*Note: The Presiding Member at the meeting at which the notes were received is the person who signs above.*

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The **ATTACHMENTS** to these notes were the attachments to the Ordinary Council Meeting dated 24 August 2021.

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# NOTES

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Madacsi, declared the Agenda Briefing open at 4.02pm and ran through preliminaries.

The Shire President acknowledged welcome to country.

## 2. RECORDS OF ATTENDANCE/APOLOGIES

### Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr P Hart	
Cr S Pearce	
Cr B Rayner	(arrived at 4.56pm)

### Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Assets and Services
Mrs E Francis	Acting Community Emergency Services Manager
Mr H de Vos	Acting Manager Planning & Development
Mrs T Bateman	Manager Corporate & Community Services
Mr M Werder	Acting Manager Corporate & Community Services
Mrs M Rebane	Executive Assistant

### Visitors

S Grigoryev  
E Kudryashova

## 2.1 APOLOGIES

Cr M McKeown

## 2.2 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Name	Date from	Date To
Cr Chitty	13 August 2021	25 August 2021
Cr Bell	28 July 2021	31 August 2021

**2.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**3. DISCLOSURE OF INTERESTS**

Nil.

**4. PUBLIC QUESTIONS**

**4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

As per the Council Meeting Agenda.

**4.2 PUBLIC QUESTION TIME**

Nil.

**5. CONFIRMATION OF MINUTES**

As per the Council Meeting Agenda.

No questions were raised.

**6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**6.1 PETITIONS**

Nil.

**6.2 DEPUTATIONS**

Nil.

**6.3 PRESENTATIONS**

Nil.

**6.4 SUBMISSIONS**

Nil.

**7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)**

Nil.

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)**

As per Council Meeting Agenda.

**9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**

**9.1 PLANNING AND DEVELOPMENT**

**9.1.1 Lot 58 McKnoe Drive, Morangup – Approval for Apiary Land Use.**

The Shire President welcomed the Applicants in the gallery, ruling that if Elected Members have any questions they may ask the Applicants who may respond.



The CEO provided clarification in regard to the questions asked for this meeting.

Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
Pearce	<p>The Applicant has the keeping of 50 hives for a small-scale hobby and not for business reasons. I would like clarification.</p> <p>Is the production of queen bee and drone colony seen as a business venture and if so does this require regulatory controls by the Shire?</p>	<p><u>Acting Manager Planning and Development responded as follows:</u></p> <p><i>We cannot speculate on what the Applicant may wish to pursue in the future in regard to an application for a home business.</i></p> <p><i>The definition of apiary under the Scheme which must be applied is as follows:</i></p> <p><b>“apiary”</b> means land and buildings used for the keeping of the domestic honeybee;</p> <p><i>As can be seen it is silent on commercial/retail/wholesale elements.</i></p> <p><i>We cannot speculate if the bee and drone colony is a business venture and make a decision based on speculation. We can only determine the application before us.</i></p> <p><i>The applicant would be able to apply for a Rural Home Business should they chose to do so.</i></p> <p><b>“rural home business”</b> means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation –</p> <ul style="list-style-type: none"> <li>(a) <i>does not involve employing more than 2 people who are not members of the occupier’s household; and</i></li> <li>(b) <i>will not cause injury to or adversely affect the amenity of the neighbourhood; and</i></li> <li>(c) <i>does not occupy an area greater than 200 m<sup>2</sup>; and</i></li> <li>(d) <i>does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and</i></li> </ul>



Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
		<p>(e) <i>does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and</i></p> <p>(f) <i>does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;</i></p> <p><i>This is a 'D' use for the Rural Residential zone.</i></p>
<i>Madacsi</i>	An average hive. What bee numbers are you looking at?	<i>Hard to respond to the question. Hives are different in size. Average hive 50-200,000 bees.</i>
<i>Madacsi</i>	Concern with respect to dense vegetation on neighbouring property. Will that be a problem for those people neighbouring with large	<i>Bees forage up to five km away so within the radius we have neighbouring properties and also afar. Do not believe it will create much difference for them at all. Two commercial beekeeping site available for commercial beekeepers using much larger numbers. They are already in the area. I see them a lot and it will not change for those around nearby.</i>
<i>Madacsi</i>	The commercial site – where are they roughly located in distance from you.	<i>Approx. 2km away from our property.</i>

## 9.2 CORPORATE & COMMUNITY SERVICES

No reports

## 9.3 EXECUTIVE SERVICES

### 9.3.1 Adoption of Governance Framework

Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
<i>Pearce</i>	Officers recommendation Amendment, not sure of wording That council 2. Requests the CEO brings to Council minor amendments to the Governance Framework to ensure it remains current. What do you envisage as a minor amendment?	Where there is a change to regulation or name of a policy or where in fact the most prevalent change that will occur is where we include links to documents on the shire's website in the document. Those links could change if the document is reviewed. It would not be intended that there would be change to the content but it would be names, policy links, etc because Council has updated them.
<i>Pearce</i>	If there was no intention to change the content of the document, but there would be change to the content would you bring it to Council	Yes.

### 9.3.2 Bush Fire Mitigation Works Program Tender

Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
<i>Pearce</i>	Would the Officer please explain the process of the checks for the Declared Rare Flora and Fauna (DRF) are carried out?  Who has the responsibility for carrying out the DRP and recording findings and actions?	<u><b>Response after Meeting from CESM:</b></u>  <b>Answer applies to question 2 &amp; 3 - Checks are conducted against BRMS software which has environmental sensitivity layers. This is done by Shire staff (CESM). Where there is a sensitively the treatment is modified to avoided, or where that is not possible liaison with DWER takes place and permits sought if required.</b>
<i>Madacsi</i>	Does the Bush Fire Risk Management Plan (BRMP)	<u><b>Response after Meeting from CESM:</b></u>  <b>No - not directly. The plan is a snapshot of the Shire exposure to bushfire. Risk</b>

Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
	determine an overall mitigation works program and if so are the 54 treatments tendered for reflective of the plan?	assessments are held separately in the Bush fire risk management software (BRMS) which were conducted/developed concurrently with the plan. Treatments are also created and recorded in BRMS, in response to the risk assessments. All 54 treatments address high, very high or extreme risks and are reflective of the risk assessments and overall plan.
<i>Madacsi</i>	Who undertakes the Declared Rare Flora and Fauna (DRF) checks?	<u>Response after Meeting from CESM:</u> See above.
<i>Madacsi</i>	What level of consultation occurs regarding floral conservation prior to designing roadside clearing and with whom?	<u>Response after Meeting from CESM:</u> As per above environmental sensitivity checks are conducted in the BRMS software. The RMO is involved in creation of the treatments and any required liaison with DWER.
<i>Madacsi</i>	Are Flora Road verges assessed for level of risk and the level justified and recorded?	<u>Response after Meeting from CESM:</u> Risks are recorded in the BRMS software. Treatments are assessed by DFES (which includes photographs) - this is the same for all types of treatments.
<i>Madacsi</i>	Is the level of risk weighed against the loss of biodiversity and economic loss?	<u>Response after Meeting from CESM:</u> The level of risk is assessed with respect to bushfire risk. Bushfire mitigation activities are designed to protect life, property and also environment and economic considerations. Treatments are designed to be least impactful, and in the case of mulching which has been used on road verges, was trailed for a number of years to ensure desirable

Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
		results - being, erosion control, weed suppression and diversity of regrowth.
Ruthven	As the preferred tenderers previously worked for the Shire have there been any assessment done and is it valid on the quality or outcome of previous works.	<p><u>Response after Meeting from CESM:</u></p> <p>Yes works are assessed as to quality and completeness. This is done with respect to Shire Purchasing Policy, for MAF grant acquittal, but also to ensure works requested have had desirable outcomes so adjustments or refinements can be made for future like treatments.</p> <p>While the tender assessment must be completed with respect to the submission documentation, the officer is satisfied based on previous works by each firm, that the recommended contractors are good fit for the requested works.</p>

Cr Rayner entered Council Chambers at 4.19pm.

**9.3.3 Correspondence - Department of Local Government, Sport & Cultural Industries.**

Nil.

**9.3.4 Chief Executive Officer Annual Performance Review 2021**

Nil.

**9.3.5 Venue Manager Reporting – Toodyay Recreation Centre**

Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
McKeown	Does the Contract for management of the Toodyay Recreation Centre require that "At the end of each financial year the Venue Manager is required to provide a report for the entire period"? What clause in the	<p><u>Response after Meeting from CCO:</u></p> <p>Refer to clauses 17.2 and 17.9 for reporting obligations of Venue Manager</p>

Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
	Contract or elsewhere requires such a Venue Manager report?	
McKeown	Under Legal and Statutory, the Officer's Report states "Nil". Why is the Contract for management of the Toodyay Recreation Centre not referred to in this section of the Officer's Report?	<u>Response after Meeting from CCO:</u>  As this report was a provision of information to keep Council abreast of how the TRC is progressing, reference to any other legal and/or statutory provision was unnecessary.
McKeown	Does the Venue Manager report include all the Payments of outgoings as required by Clause 17.7 of Contract for management of the Toodyay Recreation Centre?	<u>Response after Meeting from CCO:</u>  Whatever payments the Venue Manager has incurred as part of its management of the TRC (including accruals) is included in the report.
McKeown	Have the inappropriate outgoings reported by the Venue Manager to the April OCM been corrected?	<u>Response after Meeting from CCO:</u>  Yes, these payments have been addressed.
Pearce	In the OREC I note that an Absolute Majority is needed	<u>Response after Meeting from CCO:</u>  Very good question Councillor. That will be an error and will be rectified.

#### 9.4 ASSETS AND SERVICES

No reports.

## 9.5 COMMITTEES

### 9.5.1 Bush Fire Advisory Committee Recommendation – Bush Fire Control Officer Appointments

Questions and Points raised		
Councillor	Questions	Response to be provided by Officer
Pearce	<p>The officers report indicates that in 2014 at special meeting council resolved to limit the BFCO to 11.</p> <p>Would the officer please explain, with the listed 6 shire staff member FCO and the 9 FCO recommendations from the Bushfire advisory committee, if this does not support the 2014 resolution is an adjustment needed?</p>	<p>The CEO advised that this question will be taken on notice. With the Staff FCO's the number will exceed 11.</p> <p><u><b>Response after Meeting from CESM:</b></u></p> <p><b>This issue was raised by the officer with the former CEO. The advice given was that the max 11 FCOs relate to volunteers and Shire staff should not be counted in this number. To elaborate, Volunteer FCOs are use as 'Incident Controllers' to direct incidents under s39 of the BFA 1954. Staff (with exception of CESM) are used in a regulatory sense, property inspections, risk assessments and infringements. A ranger for instance is not trained and would not be expected to control an incident. The officer agrees with the former CEOs interpretation a maximum 11 FCOs across both volunteer and staff would be insufficient for the Shire to meet its obligations under legislation.</b></p>

### 9.5.2 Review of Local Emergency Management Arrangements

No questions.

**9.5.3 Audit & Risk Committee Recommendations**

No questions.

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

No questions.

**11. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

No questions.

**12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

No questions.

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

**13.1 MEMBERS**

No questions.

**13.2 EMPLOYEES**

No questions.

**14. CONFIDENTIAL BUSINESS**

No questions.

**15. NEXT MEETINGS**

Environmental Advisory Committee	7 September 2021
AROC Governance Group	13 September 2021
Agenda Briefing	21 September 2021
Council Meeting	28 September 2021

**16. CLOSURE OF MEETING**

There being no further business, the Shire President, declared the Agenda Briefing closed at 4.26pm.



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16 May 2021

Shire of Toodyay,  
7 Piesse Street,  
Toodyay, WA 6566

ATT: Planning Department

## Proposed Development

Dear Sir/Madam,

Sergey Grigoryev and Elena Kudryashova of Lot 58 (No. 676) McKnoe Drive, Morangup, WA 6083 lodge this application seeking an approval for a development. This application proposes the keeping of 50 hives on the property pursuing a small-scale hobby apiary.

### Property details

The 100,248m<sup>2</sup> property is bound by McKnoe Drive to the West and neighbouring properties of similar size to other sides. It comprises the predominantly cleared land and a single house, and an incidental water tank along with two outbuildings. The surrounding properties are mainly single houses with associated outbuildings.

The property is zoned 'Rural Residential' under Local Planning Scheme No. 4, and 'Apiary' is considered a Discretionary ('D') use in the zone.

Figures 1, 2 and 3 below provide an overview of the location.

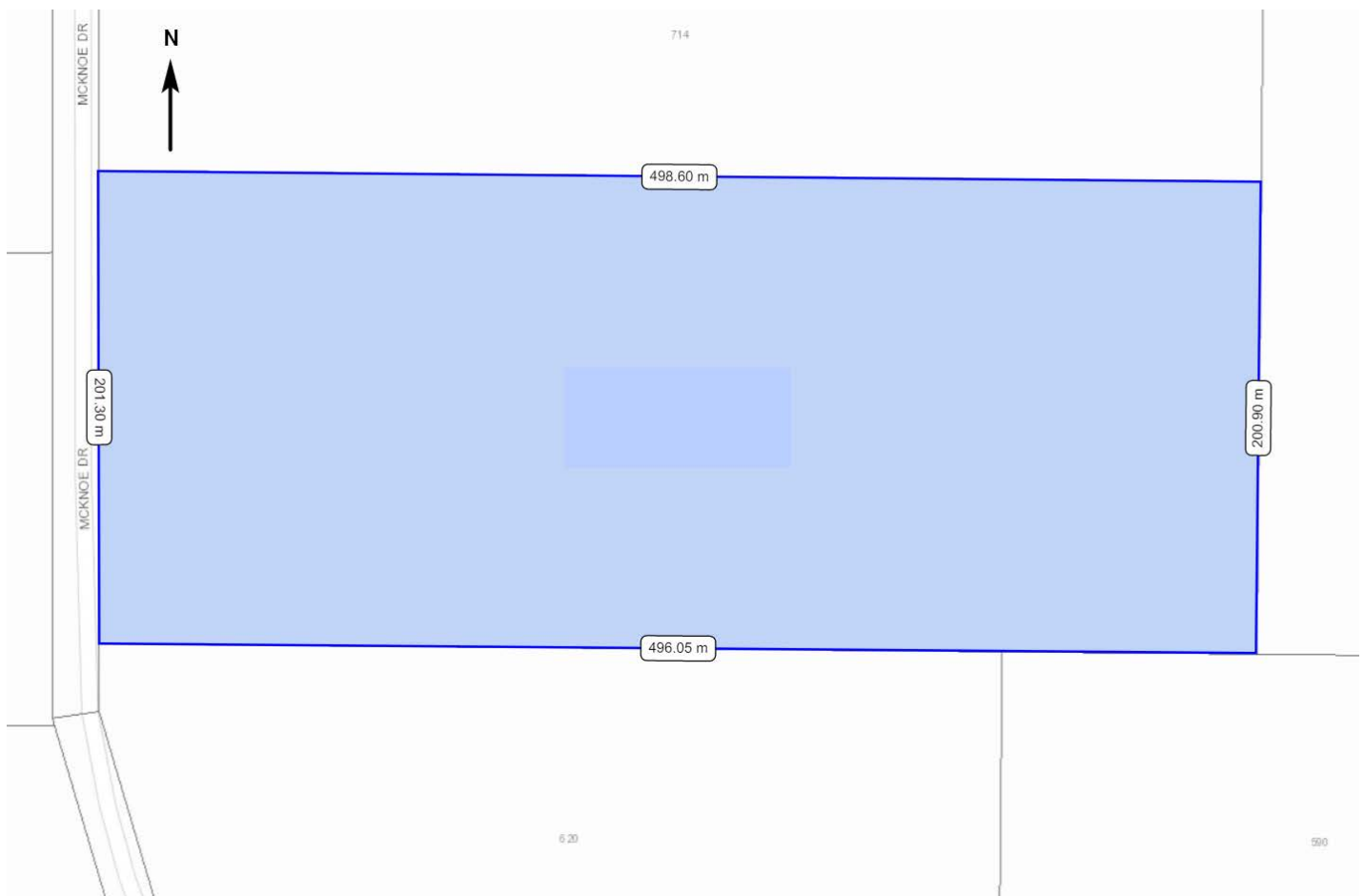


Figure 1 Approximate dimensions

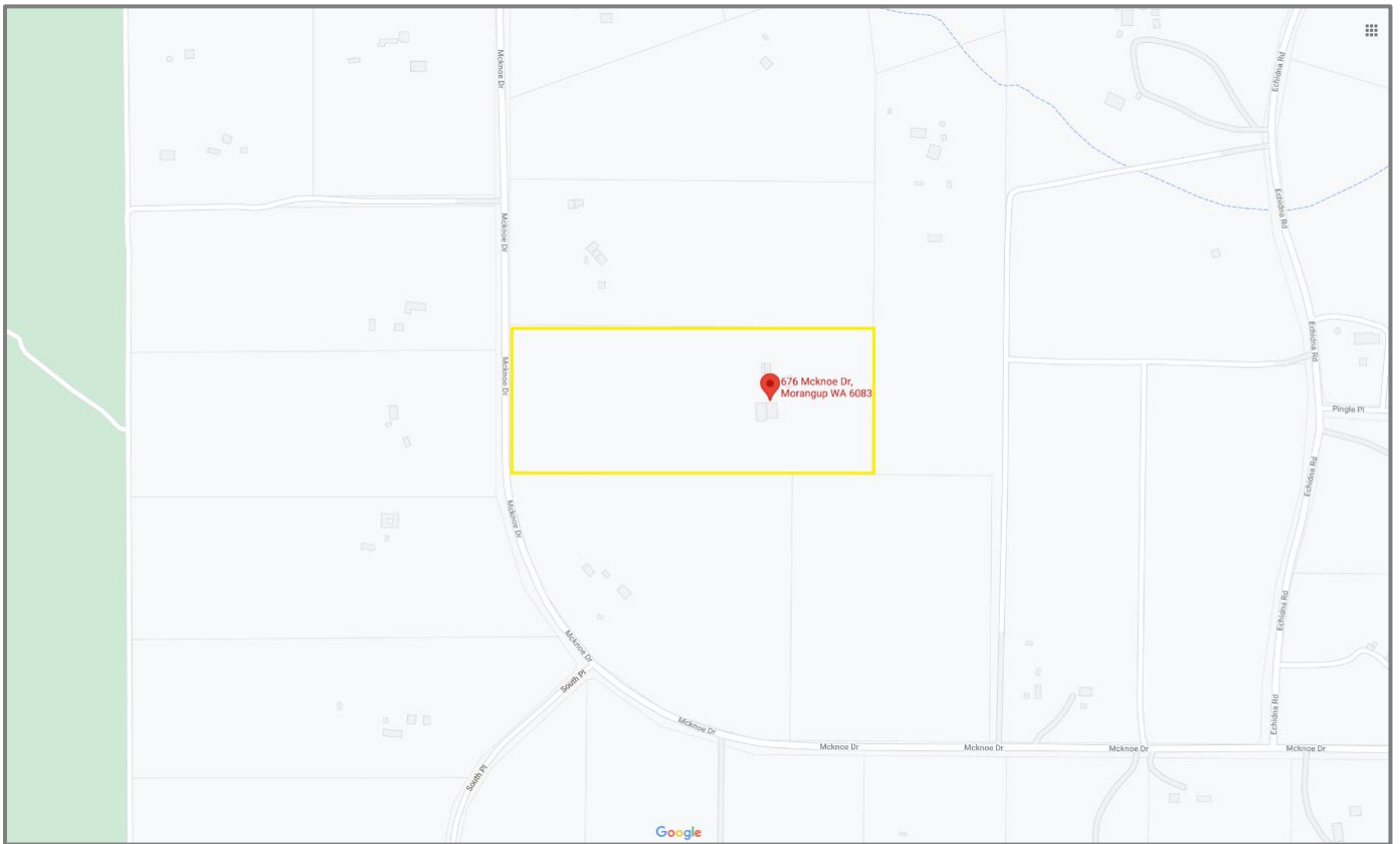


Figure 2 Street map



Figure 3 Satellite imagery

## Details of the proposed development

This application proposes the keeping of 50 hives on the property pursuing the small-scale hobby apiary. Hives will be kept on the property all year around. This proposal does not include hiring any additional personnel. There will be no retail activities on the property.

A location for the proposed beekeeping site is outlined in the Figure 4 below. It includes a watering point (a blue dot on the aerial photo) to provide bees with water through hotter period of the year. Hives will be positioned approximately 250m and 220m away from two closest dwellings belonging to neighbours.

The property is surrounded by mainly uncleared land as shown on Figure 3. The area is covered by dense vegetation providing an ample source of nutrients for bee colonies. 'NatureMap' (<https://naturemap.dbca.wa.gov.au/>) lists approximately eighty four plant species within ~5km radius from proposed beekeeping site. Some species of eucalyptus trees, e.g. Marri, Jarrah and Wandoo,



are major sources of nectar and pollen in the region. According to the book 'Honey plants in Western Australia' (F. G. Smith, 1961), plant species of the forest zone in Western Australia are able to produce nectar and pollen all year around. Despite that, applicants recognise those sources of nutrients are not always reliable and prepared to provide alternative forages to colonies as required.



Figure 4

## Background of applicants

Both owners of the property have years of experience in beekeeping and are members of Western Australian Apiarists' Society. Sergey is a Bachelor of Agricultural Sciences and studied beekeeping as a part of the qualification. He is also is a registered in Department of Primary Industries and Regional Development as a beekeeper (Ref.: Registration № 39845).

Best regards,

Sergey Grigoryev

Elena Kudryashova

#	Questions	Response by applicant / Officer
1	The applicant has indicated 50 hives to pursue a small hobby, and no retail activities on the property. With the rural residential zoning, is there provision in the planning scheme for retail operations on the property?	<p>The Bee Industry Council of WA (BICWA) was consulted about this and have advised the Shire of Toodyay that commercial activities are classified beyond 50 hives.</p> <p>The definition of 'apiary' under the Scheme is:  "apiary" means land and buildings used for the keeping of the domestic honeybee.  It does not mention retail operations.</p>
2	There is a possibility of 1000kgs of honey production. Would the applicant please indicate what form this hobby is to take – honey production? Other?	<p>Other.</p> <p>The main focus of the proposed apiary will be breeding and rearing of queen bees including undertaking a selection process for stock improvement and production of high-quality queen bees. The excess of queen bees, not required within the apiary, could be sold to the public.</p> <p>Queen bee breeding specialists<sup>1,2</sup> recommend having at least 50-60 colonies for stock selection purposes, and this is the reason why the applicant seeks permission for keeping 50 hives. This number is also easily managed by two persons.</p> <p>There is another side of the hobby that the applicant would like to pursue. This is a promotion of urban beekeeping, including the development of educational materials for beginners.</p> <p>It should be noted that queen breeding apiaries have a different setup and produce less honey compared to operations specialising in honey production only. There will be some hives for testing of stock productivity, but the majority of hives are going to be used as queen and drone-parent colonies. Honey production is seen as a by-product at this stage.</p> <p><sup>1</sup> Rothenbuhler W. <i>Necessary Links in the Chain of Honey Bee Stock Improvement</i>. American Bee Journal, Vol. 120, Nos. 3 and 4, pp. 223-5, 304-5.  A brief overview could be found here <a href="https://beekeep.info/a-treatise-on-modern-honey-bee-management/genetic-management/breeding-programs-has-their-time-come/">https://beekeep.info/a-treatise-on-modern-honey-bee-management/genetic-management/breeding-programs-has-their-time-come/</a></p> <p>Quote: "3. <i>How many colonies are to be tested in each generation? Keep the number small, but not too small. Fifty colonies is suggested.</i>"</p> <p><sup>2</sup> Ruttner, F. (1988). <i>Breeding Techniques and Selection for Breeding of the Honeybee</i>. The British Isles Bee Breeders Association.  Quote: "There must be a minimum of at least 60 colonies available as a base, since otherwise sooner or later the ravages of inbreeding will make their appearance."</p>
3	Does the applicant intend to move hives, in times of no flowering in the Morangup area?	<p>The applicant does not plan to move hives.</p> <p>It should be noted the main purpose of moving hives in commercial beekeeping is to increase honey production. Based on literature research conducted by the applicant, within the Morangup area there is enough nectar and pollen-producing plants to sustain a stationary apiary all year around. But honey yields, which are achievable by migratory beekeepers (~200 kg/hive), cannot be expected, nor is it the purpose of the applicant in this request.</p>
4	Amendment point 4 of the Officers Recommendation: 4. Requests that Officers direct the applicant to restore ...[insert a time frame – August, September 2021?]	Please elaborate the question. We are not certain of what is the gist of the question, and the information it is seeking.
5	What duties and powers are vested in the Shire when it comes to the health and welfare of livestock?	The Shire of Toodyay Rangers as part of their duties, are able to investigate and act on animal welfare issues in accordance with the <i>Animal Welfare Act 2002</i> .

6	Does the Shire have an estimate, however informal, of what would constitute the maximum number hives that is consistent with hobby purposes?	<p>The definition of hobby/amateur and commercial beekeeper varies from source to source. However, there is a recent example. AON - an insurer company, that offers beekeeping-specific products, gives the following definition of an amateur beekeeper: "...Amateur beekeeper is deemed by the insurer to be an individual with less than 200 hives".</p> <p>Please note Members of the Western Australian Apiarists' Society, (including the applicant), are covered by this insurance. Please see the product flyer attached in Appendix 1.</p>
7	Does the New South Wales categorisation of amateur bee keeping as being of 40 or fewer hives have any relevance to question 1? (Source: <a href="http://www.agrifutures.com.au/wpcontent/uploads/publications/07-059.pdf">www.agrifutures.com.au/wpcontent/uploads/publications/07-059.pdf</a> )	<p>This question hinges on the purpose of the beekeeping enterprise. Possibly it takes more than 40 hives to develop a reasonable living when looking simply at honey production. However, that is not the aim of the present enterprise.</p> <p>As it was noted earlier, there is no standard definition of a hobby beekeeper. The Shire needs to consider the question from a broader point of view in this case. For example, commercial beekeepers rely on beekeeping as a primary source of income. A hobbyist does not. In this case, honey is not the aim and therefore income from honey will not be a focus. The bees in this situation are more akin to a stud farm where breeding more productive and disease tolerant bees is the focus.</p> <p>The Australian government also provides an explanation about how any hobby is different from a business. <a href="https://business.gov.au/planning/new-businesses/difference-between-a-business-and-a-hobby">https://business.gov.au/planning/new-businesses/difference-between-a-business-and-a-hobby</a></p>
8	Is the applicant aware of the New South Wales document referred to in 2 above?	<p>Yes. The applicant is aware of the document.</p> <p>Frederick S. Benecke used this classification in his report "Commercial Beekeeping in Australia" (2003), which suggests that the definition is about 2 decades old. Since that time, many things have changed and not all of them to the better. For example, these days an apiarist with 200 hives cannot rely on them as on a single source of income due to competition with cheap honey imports from China.</p> <p>There is another document that Shire may consider. It is a 'Honey Bee Health Survey' conducted in 2019. This document shows how Australian beekeepers consider themselves in relation to hobby/commercial classification. Here is a quote from page 5 of the survey report:</p> <p>"Survey participants were asked whether they consider themselves as a hobby beekeeper or a commercial beekeeper (primary source of income) (Figure 3). Interestingly, there was a significant proportion of beekeepers under 100 hives who still consider themselves hobby beekeepers. Based upon this result, the definition of commercial vs hobby beekeepers in the Code of Practice should be re-examined."</p> <p>Link to the full document: <a href="https://beeaware.org.au/wp-content/uploads/2021/01/2019-Honey-Bee-Health-Survey-Report.pdf">https://beeaware.org.au/wp-content/uploads/2021/01/2019-Honey-Bee-Health-Survey-Report.pdf</a></p>
9	Is the Shire aware of the need for water to be provided for bees all year round, not just during the hotter periods?	<p>There will be all year-round provision of the water in the vicinity of the apiary.</p> <p>Initially, the applicant is planning to install a 1000 litres IBC pod with a dripper and drinking board. Similar systems have been used successfully in apiaries for hundreds of years. Please see <i>Figure 1</i> showing a similar system.</p>



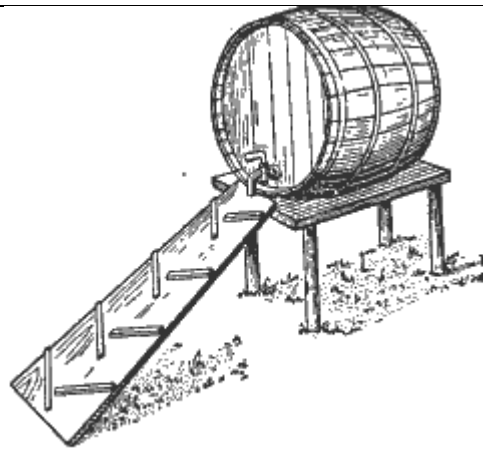



Figure 1

At a later stage, the applicant is going to extend an existing water pipe from the cattle watering point currently located in the North-Eastern corner of the paddock, but a little distant from the bees. The water pipe will replace the pod to make the watering system less visually conspicuous.

10	What are the financial risks to the Shire of limiting the number of hives to 10?	The applicant already has limited the number of hives to the bare minimum required to carry out the planned activities. Actually limiting the number of hives to 10 could be seen by the applicant in the same way as the refusal of application. Therefore, the risk is similar to the initial officer's recommendation: "Should this matter be referred to the State Administrative Tribunal, significant officer time will be required."
11	If in the opinion of the Environmental Health Officer, bees are causing a nuisance, how will the Environmental Health Officer demonstrate that the said bees are from the approved hives rather than from a feral colony within a 6km radius?	Shire Response: It is acknowledged that it would be very difficult to demonstrate that the bees came from one location or another.
12	Would it be both reasonable and practicable to defer the determination to the August Ordinary Council Meeting and to seek feedback from the applicant in the interim?	This has happened already. Please refer to the provided clarifications/answers in this document.
13	The applicant states that there will be no retail activities on the property but will there be any processing or wholesale or distribution activities involved with the hives on the property?	In the first 2 years of the apiary's establishment, it is expected that the number of hives will grow gradually as the number of new queens grow. It is expected that any honey production will be consumed by new bee colonies. In later years, the applicant plans to extract and pack any excess of honey when available on the property. The applicant will apply for the relevant licence(s) in the future should an excess honey situation develop. \
14	Does the applicant have experience with the quantity of hives in this application?	The applicant has approximately 30 years of beekeeping experience whilst working as an agricultural scientist overseas and was involved in managing apiaries that well exceeded the proposed numbers.
15	What are the "alternate forages" referred to in the applicant's Proposed Development application?	The applicant is planning to store some of the produced honey and feed it back to the colonies when required.  As during the last year, there will be some years when plants fail to produce nectar in quantities sufficient to sustain a bee colony. The common practice on such occasions is to feed bees a sugar syrup. There are also pollen substitutes available.
16	What consideration has the applicant given to managing the bees' flight paths, as described on page 5 of the Best-practice Guidelines for Urban Beekeeping – WAAS 2020, included with the application?	The guidelines state in relation to the management of bees flight paths: "Hives should not be placed within 3 metres of a property boundary unless is defined be a solid barrier, such as a fence or impenetrable plant barrier not less than 1.8 metres high". Since the proposed apiary site is positioned more than 10 metres away from the rural property boundaries flight path management is not a

		<p>concern in this case. It is reflected that the guidelines refer to an urban situation, whereas the proposed site is semi-rural.</p> <p>It should be noted that bees travel to sources of their forage at altitude of 8-10 metres. The offset of 3 metres is recommended because it gives bees enough distance to climb higher than pedestrian and vehicle traffic, avoiding likely collisions and therefore nuisance. The same is applicable to bee defecation. Bees do not defecate inside of their hives, but being flying creatures they tend to reduce their weight by defecating as early in flight as possible. Usually within several metres of the hive.</p>
17	<p>The Guidelines, on page 3, state that hobby beekeepers can expect to harvest at least 40kg per hive per year. Therefore, as 50 hives could be expected to yield at least 2,000kg of honey per year, what will that quantity be used for?</p>	<p>The guideline is based on beekeepers who are focussed on activities to produce as much honey as possible. As the aim is developing better queen bees, and not on honey production, there is no expectation of such large production figures. In addition, during the expansion phases, the bees will need honey to assist them with the establishment of new hives and new queens.</p> <p>However, should this level of production actually occur, the applicant believes this honey could be sold through the retailers of the region or, failing that, to honey packers at bulk prices. This will help the applicant to recover some costs associated with beekeeping.</p> <p>Shire may consider the following information for their reference.</p> <p>One of the purposes of WAAS is the promotion of urban beekeeping. Due to the nature of eucalyptus response to variable rainfall and the Australian climate, nectar production is different from year to year. Herewith is an example from the applicant's own records. 2019 was a good year and the applicant was able to collect 68 kg of honey per hive kept on another property in an urban Perth environment while adequate winter stores were left in the hive. In 2020 the applicant was able to collect only 15.5 kg per hive in a similar environment. The applicant believes that "40 kg per hive" could be rather seen as an approximate average.</p>
18	<p>What type of water source will the applicant provide?</p>	<p>The water source is described in Point 9 of this document.</p>



**WESTERN AUSTRALIAN  
APIARISTS' SOCIETY**


**Aon**  
Empower Results™

## Public Liability for Amateur Beekeepers



**Public Liability cover for amateur beekeepers has been arranged and designed by Aon based on the number of hives you keep and provides you with cover in case a third party sues you for injury or property damage done to them by your bees, or from the products you sold.**

Please note that an amateur beekeeper is deemed by the insurer to be an individual with less than 200 Hives. While this cover can also extend to Beekeeping Associations/Member Group, it is not designed for commercial beekeeping operations.

Limits Provided:		
 <b>Public Liability:</b> \$30,000,000 per occurrence	 <b>Product Liability:</b> \$30,000,000 per period of insurance	 <b>Excess:</b> \$500 per claim

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# National Best Management Practice for Beekeeping in the Australian Environment



**The Australian Honey Bee Industry Council**

[www.honeybee.org.au](http://www.honeybee.org.au)

Industry Partnerships Program – Action Partnership Grants  
Part of the Australian Government's Agriculture – Advancing Australia Package



**Australian Government**  
Department of Agriculture,  
Fisheries and Forestry



**NSW DEPARTMENT OF  
PRIMARY INDUSTRIES**



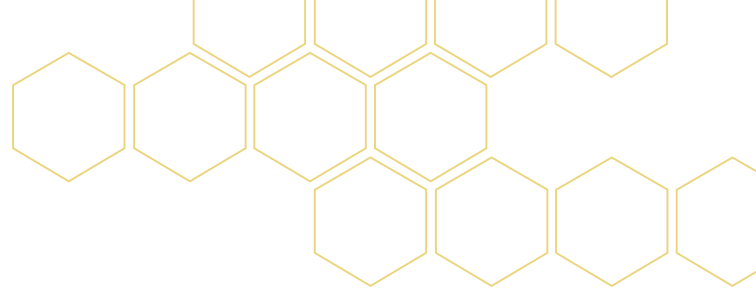
Project conducted on behalf of AHBIC

*Principle investigator*

**Dr Doug Somerville**

Technical Specialist Honey Bees  
NSW DPI

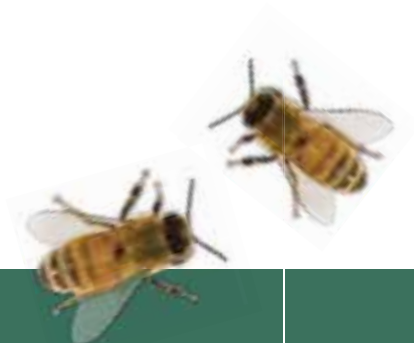




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*“Bees play a vital role in maintaining the production and growth of the range native and non-native plants found across Australia today.”*



## Foreword

In times of drought, uncertain climate forecasts and tough markets, farmers are relying heavily on quality pollination services to increase their productivity.

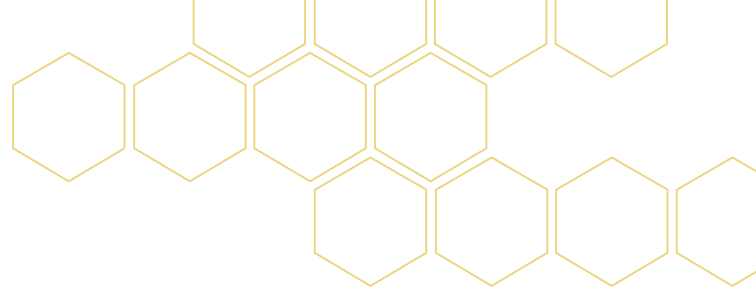
To provide those services, the bee industry needs to safeguard its access to public native forests. The Australian Honey Bee Industry Council has been working closely with bee keepers and with managers of native floral resources on this very important issue.

The bee industry contributes around \$60 million a year to the Australian economy through honey and related products. But in addition, the contribution of pollination services to agriculture is estimated to be worth billions of dollars annually.

To allow us to continue to support farmers across the nation, we hope that a unified voice and a clear explanation of the minimal environmental footprint of bee keepers will maintain our industry's access to floral reserves.

These Best Management Practice guidelines show that we have set very high standards for ourselves. We expect bee keepers to meet these standards and to maintain strong commitment to environmentally sustainable practices.





Under the Federal Government's Advancing Agricultural Industries Programme, stakeholders from across the country joined forces to identify and resolve the most important aspects of native floral reserve access.

Significant consultation and spirited discussion have produced a practical and relevant Best Management Practice guidelines. Environmentally responsible bee keeping practices will help our industry to face up to the uncertainties of the future and continue to provide the efficient pollination services that sustain Australian agriculture.

I am confident that the implementation of these Best Management Practice guidelines will secure a sweet future for our honeybee industry.

**STEPHEN FEWSTER**

*Chairman, Australian Honey Bee Industry Council*



*"This little animal is a valuable asset to Australia's agricultural future and long-term prosperity"*

## Background

The necessity for a National Best Management Practice set of guidelines for Australian beekeepers was initially tabled at a two day workshop held in Canberra in September 2005. Funds were successfully obtained from the Federal Government, and the project was completed by Dr Doug Somerville, Technical Specialist (Honey Bees), NSW Department of Primary Industries.

A committee was formed by the Australian Honey Bee Industry Council (AHBIC) of 20 persons to assist in providing feedback and direction to the process. They were Lindsay Bourke, Rex Carruthers, Paula Dewar, Leigh Duffield, Stephen Fewster, Ken Gell, Don Keith, Darryl Lawrence, Trevor Monson, Trevor Morgan, Ben Oldroyd, Elwyn Papworth, David Paton, Ed Planken, Greg Roberts, Doug Somerville (chair), Ian Stephens, Bill Weiss, Julian Wolfhagen and Ian Zadow.

Part of the process in developing a national set of guidelines for beekeeping in the Australian environment was the facilitation of a workshop in each state. Each state member beekeeping organisation within AHBIC was asked to identify and invite persons to participate in the development of a national set of guidelines.

Each workshop was provided with presentations on the formulation of industry codes and environmental management systems. The participants were then divided into small groups and given the tasks of discussing what it is that they want from the workshop, how detailed the guidelines should be and what should be the key elements. Discussions within the smaller groups and feedback within the larger group occupied the lion's share of each workshop. Individually, each participant was also asked to complete a workshop feedback and evaluation form. The combination of responses from the workshop process and the feedback/evaluation forms was the basis of the National Best Management Practice for Beekeeping in the Australian Environment.

The facilitators at each workshop were Dr Doug Somerville, Technical Specialist (Honey Bees), and Nick Annand, Apiary Officer, both NSW Department of Primary Industries staff, belonging to the Honey Bee Industry Group.





The workshop participants for each state were:

**QLD** (13/2/07) – Peter Barnes, Neville Bradford, Carmel Burnham, Rex Carruthers, Paula Dewar, Bill Gordon, Bob Johnson, Don Keith, Tony Knight, Dave Learoyd, Rodney Ruge, Patricia Swift, Trevor Weatherhead.

**NSW** (23/2/07) – Neil Bingley, Warwick Bratley, Todd Duffy, Ray Hull, Bryn Jones, Craig Klingner, Mick Ryan, Bill Weiss, Eric J Whitby, David Mumford.

**VIC** (27/2/07) – Linton Briggs, Robert Buntine, Mick Camilleri, Graham Connel, Ken Gell, Rod Gell, David Major, Bob McDonald, Robert McDonald, Trevor Monson, Marie Murley, Terry O’Kane, Bill Shay, Alan Smith, Eric Smith, John Ward.

**TAS** (8/3/07) – Lindsay Bourke, Rod Bourke, Yeonsoon Bourke, Reg Down, Hazel Hoskinson, Hedley Hoskinson, Norman Hoyle, Ian Marmion, Greg Rainbird, Graeme Raphael, Ian Stephens, Robin Thomson, Des Willmott, Julian Wolfhagen.

**SA** (27/3/07) – Leigh Duffield, Darrell Lawrence, Nadia McLaren, Jude Nettleingham, Barry Pobke, Michael Stedman, Michael Stone, Ian Zadow.

**WA** (20/4/07) – Malcolm Briggs, John Davies, Stephen Davies, Harry East, Brendon Fewster, Colin Fleay, Jacqui Hay, Ron Hollett, Alan Kessell, David Leyland, Rod Pavy, Wayne Ridley, Tracy Shea, Bill Trend, Cheryl Wong, Wally Zajac.



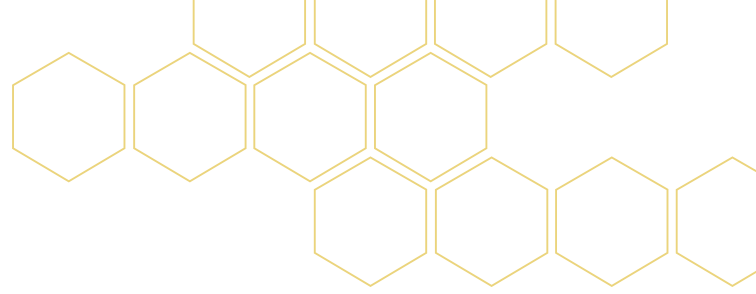


# Introduction

The Australian beekeeping industry is faced with mounting issues in a range of fields, the economic viability of commercial beekeeping is being continually squeezed and the threat of exotic pests and diseases is of major concern. The one over-riding factor with a greater capacity to affect the medium to long-term viability of the Australian beekeeping industry is the availability of suitable floral resources that will consistently produce pollen and nectar vital for the survival and productivity of a honey bee colony. Quite an extensive number of threats, past and present, have been listed by the beekeeping industry. They are:

- land clearing for agriculture;
- forestry activities that remove flowering trees;
- replacement of felled trees with pine and low pollen and nectar yielding eucalypt plantations
- fires, including back burning and natural bushfires;
- reduction in vehicle access to quality apiary sites;
- salinity affecting the health of the available flora;
- droughts, which reduce flowering and interrupt growth cycles;
- control of weed species that provide pollen and nectar for honey bees;
- urban sprawl, which reduces mature vegetation and limits the size of apiary sites due to safety concerns;
- loss of access to native forests because of transfer from State Forests to National Parks; and
- reduced access to native flora on private lands because of a perception by some landholders that honey bees are harmful to the ecosystem and a threat to personal safety.

Some persons in the community have taken the position that, as managed honey bees are exotic insects, they have no place in any conservation reserve.



This view is of increasing concern to the Australian beekeeping industry due to the ever-increasing area of land being gazetted under a conservation memorandum. The debate on the impact of honey bees on the Australian environment will not be resolved by any single event.

Even though the beekeeping industry has a clear objective of preserving native flora, the industry's position on access to government lands in particular is tenuous and will need a strong proactive stance to counter extreme views. By adopting a 'National Best Management Practice for Beekeeping in the Australian Environment', the beekeeping industry is in a more favourable position to demonstrate that it has a thorough understanding of its environmental impacts, and can adequately manage these impacts.

The honey bee industry stands for and depends on the preservation of native flora and hence has much in common with those in the community whose values support nature conservation and the establishment of conservation reserves. The National Best Management Practice for Beekeeping in the Australian Environment has been provided by the beekeeping industry to complement the conservation principles it has historically held. The future of the beekeeping industry is at risk while the health of the landscape is in decline. Beekeepers have acknowledged their concerns regarding the loss of floral resources for decades in their journals and in the political arena. During the development of the national guidelines existing regulations and conditions of use were reviewed. The guidelines developed in this document have gathered all of the key points from these various documents as they relate to the environment and incorporated them into the key elements.





# Summary

The Australian beekeeping industries have long recognised the ideal of minimising any impact of their activities on the greater environment.




The formalising of a set of national best practice guidelines for beekeeping in the Australian environment demonstrates to the whole community the commitment that the Australian beekeeping industries has to ensure that it is doing everything in its power to eliminate and minimise its potential impact on the whole Australian environment.

The guidelines are provided for beekeepers to clearly understand their role to the greater community and also to provide to the public an outline of what all beekeepers should be adopting in their keeping and management of honey bees. The guidelines are not specific to any single beekeeping group and all elements may not be applicable to each individual manager of bee hives. For further information and detail on the elements, refer to the full set of guidelines.

The elements, in no particular order, are:

- 1) Respect for heritage and areas of interest to indigenous Australians.
- 2) Display warning signs in appropriate places to announce proximity of apiary to the public.
- 3) Maintain stocking rates to the floral conditions prevailing. Ensure colonies have adequate stored honey.
- 4) Ensure that the appropriate authorities have been notified of the arrival and departure of apiaries and they have the beekeeper's address and contact details.
- 5) Keep the area of the apiary clean and tidy.
- 6) Ensure appropriate availability of water when required.
- 7) Incorporate best management practice to reduce the incidence of swarming.
- 8) Maintain swarm traps in and around apiaries, particularly during the spring period.



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- 9) Prevent the spread of soil pathogens such as phytophthora and weed seeds by vehicle movements. Clean footwear/shoes and vehicle after inspecting potential sites in high risk areas.
  - 10) Regularly maintain and service vehicles according to manufacturer's recommendations.
  - 11) No travelling on access tracks when there is a high likelihood of damaging the track.
  - 12) Only the immediate area of the apiary is to be cleaned of combustible vegetation.
  - 13) Only camp on site with the approval of the property owner or manager. All presence of the camp site to be removed once the camp is finished with.
  - 14) All fire warnings and restrictions are to be strictly adhered to and local fire codes should be taken into consideration whenever working bee hives.
  - 15) Whenever the opportunity arises, provide information on the value of nectar and pollen producing flora to highlight the value of specific floral species.
  - 16) Locate apiaries with consideration of the general public and livestock movements. Stocking rates in urban areas should be appropriate to the circumstances.
  - 17) Keep records of flowering events.
  - 18) Consider the most energy efficient manner in which the beekeeping operation is conducted.
  - 19) Store, use and dispose of chemicals in the most appropriate manner, according to state, MSDS and label requirements. Keep chemical use to a minimum.
- 





# Elements

## ELEMENT 1:

### Respect for heritage and areas of interest to indigenous Australians

Historic sites, old buildings, relics, and materials of obvious heritage significance should be left alone and not interfered with. Areas important to indigenous Australians should also be respected, and beekeepers are encouraged to honour the spirit of Native Title claims.

## ELEMENT 2:

### Warning signs

All apiaries pose an OH&S risk to the public. To manage the risks to the public, suitable signage in an internationally recognised format should be placed in proximity of the apiary to warn any approaching persons of the presence of the apiary. These signs should include sufficient information so the owner can be contacted, if required.

## ELEMENT 3:

### Stocking rates

It is normal practice for commercial bee hives to be placed in areas where there is an abundance of nectar and/or pollen. The actual quantity of floral rewards on offer will vary from species to species and from site to site, thus stocking rates will vary. A generic number of hives for an apiary would not be appropriate in all circumstances. If bee hives are to be left for any time, when not on a nectar flow, suitable amounts of stored honey should be left on each hive. Where the flowering intensity of the local flora is not adequate for



the bees present, then consideration should be given to reducing the number of hives in an apiary to that of the carrying capacity of the pollen and nectar available or removing the apiary to a new site.

## ELEMENT 4:

### Communicate movement of apiaries

In most cases commercial beekeepers, and often amateur beekeepers, place their apiaries on lands not of their ownership. Some land agencies require, as a condition of use, that they are notified when a site is being used for bees. It is also a courtesy to inform all land managers of the imminent arrival of an apiary and the departure of the apiary. Land managers, if kept informed, can then consider the bees in their daily management schedules. This may include functions such as the use of chemical sprays, maintenance of tracks, hazard reduction burning, and the movement of livestock.

Ensure the land manager/owner has the apiarist's full contact details, including phone numbers, address and beekeeper registration number, so that contact can be made rapidly if required.

## ELEMENT 5:

### Remove rubbish

It is normal practice for an apiary to be moved onto a site when the floral prospects are attractive and there is a strong possibility of an ample surplus of nectar and/or pollen. Likewise, once a flowering event is coming to a finish, the apiary is normally shifted to another site with a suitable flowering event.

In the course of the management of the hives, hive materials that may be broken or damaged must be removed from the site. Scrapings and products from the hive must never be left on site.

Under no circumstances should household or industrial waste be left on site. If the beekeeper finds rubbish not belonging to them located on the apiary site, they should notify the relevant property manager and if possible make all efforts to properly dispose of the rubbish.



#### ELEMENT 6:

### Provide water for bees

Ensure appropriate availability of water when required. In some states this activity is enshrined in legislation. Where water is close by, such as a creek, dam or river, water should not have to be supplied by the beekeeper. Honey bees, like all living creatures, require water to survive. In summer this requirement can equate to substantial amounts of water being collected by colonies and in extreme hot weather a colony will devote all of the available field bees to the collection of water.

The water consumption of a colony will vary according to the strength of the colony, the colony's location, and the ambient air temperature. Beekeepers should supply sufficient water for the apiary's needs if required to ensure that the colonies do not perish during hot weather, so that bees do not cause a nuisance around stock troughs and swimming pools.

An artificial water source should be placed within 200 metres of an apiary if a suitable, naturally occurring water source such as a dam, stream, or river is not within 500 metres. An artificial water source supplied by beekeepers must be suitably covered with mesh to prevent access by wildlife and their accidental drowning.

#### ELEMENT 7:

### Swarm control

It is normally accepted good practice for a beekeeper to do all in their power to prevent a colony from swarming. Swarming is a natural phenomenon that ensures the survival of the species through a colony reproducing itself. Swarming normally occurs in spring, allowing the colony to establish itself over the following summer and autumn before winter brings a serious reduction in flowering species from which food can be obtained.

The selection criteria for commercial breeding stock does not tolerate any swarming behaviour. Feral bees, on the other hand, are much more likely to issue swarms than managed bees. Beekeepers should consider the following, particularly in the spring period.

- Re-queen on a regular basis – young queens have less inclination to swarm than old queens.
- Replace the queens in any colony that has swarmed, to reduce the possibility of future swarming.
- Relieve congestion in a hive in spring when colonies can expand in populations extremely rapidly.
- Continue to select strains of bees that demonstrate a low tendency to swarm.



# Elements

## ELEMENT 8:

### Swarm capture

Invariably, some colonies within managed apiaries will swarm. Given the breeding of such stock, they possibly have a reduced chance of survival in the medium to long term compared to a swarm from a local feral colony. Managed bees are selected for rapid population gain so as to take advantage of major flowering events. A colony bred for commercial purposes and remaining on the one site is likely to experience significant shortages of food in the form of pollen and nectar, thus has a greater likelihood of starving. Even so, a beekeeper should make every endeavour to remove and collect swarms where clearly they have originated from the apiary under management.

For some unexplained reason, it is not uncommon for swarms originating from feral hives to be attracted to a managed apiary. In this case it is imperative that the swarms be collected and removed.

## ELEMENT 9:

### Prevent the spread of soil pathogens and weed seeds

Soil borne fungi and weed seeds have been known to be spread from one location to another by vehicle movements. Fire fighting, logging and road working machinery have all been implicated in the spread of fungi and weed seeds. Even bushwalkers and bike riders can spread fungi and seeds by the transfer of mud on their boots and tyres.

The movement and servicing of apiaries may also provide the opportunity to spread soil pathogens and weed seeds. To help stop the spread of soil pathogens and weed seeds, beekeepers, where possible, should:

- avoid driving in areas when soils are wet and sticky;
- stay on designated roads and tracks;
- in high risk areas for soil pathogens and weed seeds brush soil off vehicles and footwear before and after each trip – this would be a site by site decision;



- obey road signs that alert the driver to a possible problem in the area, e.g., phytrophthora;
- use wash down or hygiene stations when provided;
- report any unusual plant deaths to the local Department of Environment, National Parks and Wildlife, Heritage or Conservation office;
- remove weeds where feasible from the immediate area of the apiary.

## ELEMENT 10:

### Minimise truck and vehicle emissions

In the course of keeping bees, the owner requires the use of a truck. Some beekeeping operations have ownership or control over a number of vehicles. To ensure the least impact on the environment, the following should be considered.

- Perform regular service and maintenance of each vehicle according to the manufacturer's specifications.
- Maintain tyre pressures to the manufacturer's recommendations.
- When given a choice of vehicles, choose the most economical one for the task in hand.
- When buying a new or second hand vehicle, consider the fuel efficiency rating.
- Where possible, work flowering events which require the least amount of travel.
- Place apiaries in the same region to reduce the distances necessary to service each apiary.



#### ELEMENT 11:

### Track use and maintenance

As beekeepers are required, in most cases, to site apiaries on lands not of their ownership, it is important that the use of tracks and access routes be respected. Most tracks used by beekeepers are multi-use and not solely created for the benefit of siting bee hives.

Beekeepers have a duty of care to not travel on tracks or roads where it is known that there will be a strong possibility of causing damage to the surface. The circumstances will vary according to the integrity of the track/road, the materials it is constructed from, and the prevailing weather conditions. Poorly formed tracks on heavy soil during wet weather are likely to sustain heavy damage as a result of truck usage. On the other hand, tracks composed of sandy soils will be easier to negotiate during wet weather.

When a bee site is being considered, wet weather access should be a significant factor. If an apiary is located in an area where the soil type does pose a problem during wet weather, beekeepers should first consider the potential damage to the tracks and environment and delay use, if possible, until conditions improve.

Before taking on the task of repairing tracks and particularly bringing in materials from elsewhere, the beekeeper should consult with the land manager or property owner to obtain permission. If bringing in materials from elsewhere it is imperative that the introduction of soil pathogens and weeds are considered. Refer to Element 9.

#### ELEMENT 12:

### Clearing of apiary sites

Site clearing must be completed with care to cause the least amount of disturbance to the local environment, while providing an adequate site for the placement of an apiary. To achieve this:

- rake or clear all loose surface litter on site before the placement of the bee hives;
- no trees greater than 20 cm circumference are to be damaged or removed;
- care must be exercised not to damage or destroy protected flora or fauna.



# Elements

## ELEMENT 13:

### Camping

Historically, camping with the apiary on site has been a common practice by beekeepers. Such activity (probably), in most circumstances, is no longer warranted. If camping is a desirable activity to enable the beekeeper to manage their bees, permission should be sought from the government land agency or private property owner. All evidence of the camping activity must be removed once the camp is finished with.

## ELEMENT 14:

### Fire management

The very nature of beekeeping means that bee hives are at risk of bushfire damage and that a beekeeper's use of a smoker has the potential to cause a fire. Therefore, it is necessary for beekeepers to ensure that:

- the smoker used is in good repair;
- the lighting of a smoker is done on bare ground or on the back of a suitable vehicle;

- the smoker is kept full of fuel to avoid the spitting and escape of lit embers;
- the smoker is not placed on combustible material such as dry grass when in use;
- all fire bans are adhered to and respected;
- in the event of an emergency, e.g. to remove an apiary due to an imposing threat from bush fire, the local fire authorities should be notified first before attempting to do so;
- extreme care should be exercised when working hives with a smoker when the environment is dry and the conditions are windy;
- suitable fire fighting equipment is carried at all times and maintained in working order;
- a smoker is properly extinguished using water or placed in an airtight container when not in use.

## ELEMENT 15:

### Proactive environmentalists

It is in beekeepers' best interest for society to value and retain large areas of native flora. It is also in the industry's long-term best interest



to see floral species replanted in degraded areas and other suitable sites that are reliable producers of nectar and pollen. Therefore, beekeepers should:

- actively pursue a tree planting program on their own properties, selecting suitable species for the long-term prospects of providing a resource for honey bees and other nectivores;
- associate or become involved in the local Landcare group, assisting in planting and revegetation projects; emphasis should be placed on encouraging known high value nectar and pollen plants;
- whenever the opportunity arises, address or pass on to interested parties information on the value of various floral species as a resource for nectar and pollen.

#### ELEMENT 16:

### Apiary site position

Locating an apiary may cause problems for people and livestock. The following should be adhered to.

- Place large apiaries away from houses.
- Keep numbers of hives in urban areas to a minimum. Depending on the size of the block, the following is a suggested recommendation as sufficient permanent hives close to an urban interface:
  - small block – 2 hives
  - average block (up to 1000 m<sup>2</sup>) – 4 hives
  - roomy block (up to 2000 m<sup>2</sup>) – 8 hives.
- Place apiaries away from gates, stock yards and public traffic areas.
- Wherever possible, position out of sight of public thoroughfares.
- Apiary site positions are to be checked with and approved by the land manager/owner prior to hives being unloaded.

#### ELEMENT 17:

### Keep floral records

Beekeepers, by the very nature of their chosen profession, have to develop a high awareness of the environment in which they work. Successful beekeeping requires the timely movement of



apiaries from the completion of one flowering event to the beginning of another flowering event. Most commercial beekeeping operations on mainland Australia can be best described as nomadic. The locations and flowering events to which apiaries are moved will vary significantly from year to year. In many cases, beekeepers probably hold the most detailed knowledge on the flowering patterns of specific flora in given regions. Therefore, beekeepers should record:

- the floral species on which the apiaries are placed;
- the duration of flowering, climatic influence on flowering, nectar and pollen yields and any other specific information on the floral species;
- any peculiarities in relation to dieback and significantly reduced yields;
- changes over time in various areas or to the health and production of the flora.

This information should be in a form to assist scientific endeavour to identify trends over time associated with flowering patterns and the general health of the vegetation. The information collected can also be used in Element 15 to assist in providing advice on the suitability of various floral species and their relative worth of a nectar or pollen producing plants.

Beekeepers have been responsible for passing on observations on the declining health of specific vegetation and the demise of floral communities, triggering major research endeavours. Any significant observations regarding the decline in the health of the vegetation within the areas which beekeepers frequent should be passed on to the relevant authorities. Communication with such parties should be recorded for future reference.





# Elements

## ELEMENT 18:

### Energy saving

Beekeeping in the Australian context is mainly focused on the production of honey. Honey combs are required to be extracted in a purpose built factory on a regular basis. Energy savings are possible during the extraction and storage of combs. Beekeepers should consider:

- turning off appliances when not in use;
- turning off cool rooms and hot rooms when not in use; use of cool rooms to prevent damage to stored combs from wax moth and small hive beetle may not be necessary during the winter period;
- where possible, full honey combs should be stored to allow a sufficient number of honey boxes to be accumulated for each extraction to cut down the number of times an extracting plant is required to be cleaned.

## ELEMENT 19:

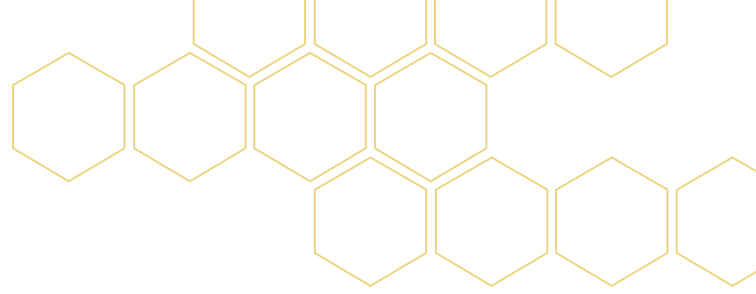
### Responsible use of chemicals

The use of chemicals in the beekeeping industry is minimal compared to most primary industries. Even so, beekeepers have a responsibility to:

- consult land owners/managers before applying pesticides (herbicides);
- obtain the necessary qualifications to use chemicals in an agricultural business;
- follow the directions on the label;
- only use a product for the purpose it is permitted/registered;
- discard used containers and residues in an approved manner;
- retain and refer to the material safety data sheets for each substance being used;
- store chemicals in a safe and secure location;
- observe the withholding periods printed on the chemical label;
- notify any purchaser of honey of the use of any chemicals associated with obtaining the honey crop;
- keep up to date on the correct use of chemicals.





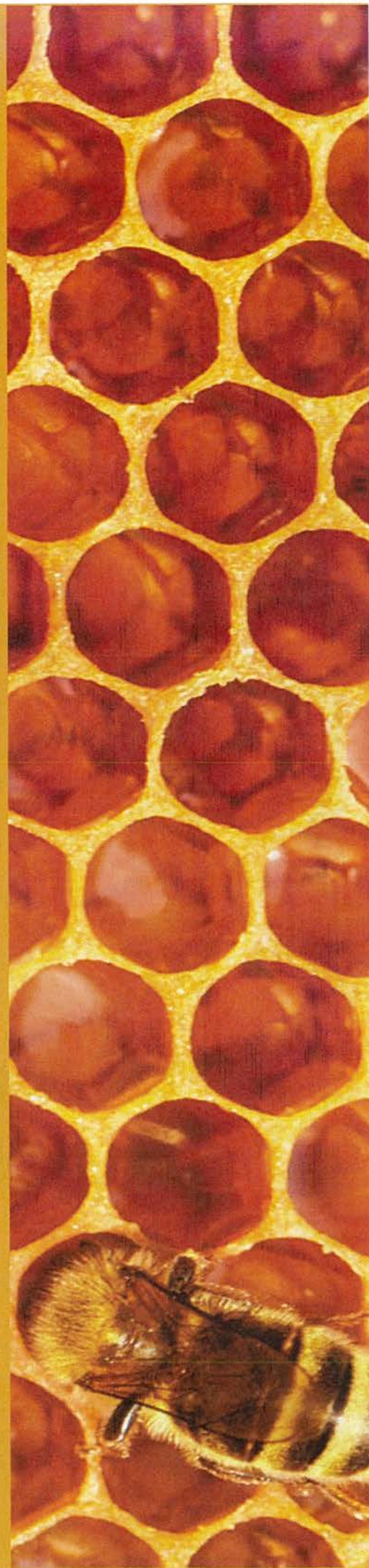






WESTERN AUSTRALIAN APIARISTS' SOCIETY

## BEST-PRACTICE GUIDELINES FOR URBAN BEEKEEPING







*These Best-Practice Guidelines have been developed by the members of the Western Australian Apiarists' Association (WAAS). WAAS has taken all reasonable steps to ensure that the information contained in these Guidelines is accurate at the time of publication.*

*Information contained in this document is provided as general advice only and readers should make appropriate enquiries to determine if the information is suitable for their circumstances and if new information is available.*

**Version 1 / 2020**

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# Western Australian Apiarists Society

## Best-practice guidelines for Urban Beekeeping

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## 1 INTRODUCTION

The keeping of the European honeybee, *Apis mellifera* is becoming increasingly popular in urban areas. Beekeeping provides honey for home consumption, enjoyment from looking after bees and learning all about them, and the opportunity to meet like-minded people.

The Western Australian Apiarists' Society Inc (WAAS) was established in 1953. It is an incorporated not-for-profit association whose main object is to promote safe and responsible beekeeping. WAAS has around 1000 members, most of whom reside in the Perth metropolitan area. It also has chapters in the greater Bunbury and Margaret River regions. WAAS has several training apiaries in the metropolitan area and in the regional chapters.

The number of hobby beekeepers has increased dramatically in recent years with the growing awareness of the environmental benefits of pollinators and the invention and marketing of the Flow Hive® making hobby beekeeping more appealing.<sup>1</sup> These guidelines apply equally to the keeping of bees in conventional Langstroth type hives as it does to other types, such as Warré top bar hives and Flow Hives. It does not however, apply to feral hives that establish themselves on an urban property.

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<sup>1</sup> The Flow Hive® is a beehive designed to enable honey to be extracted without having to open the hive.

There are over 3000 beekeepers registered in WA at the time of publishing. Most of them are hobbyists in urban areas. The beekeeping industry in WA is estimated to be worth more than a billion dollars per year, the major part of which is the value of crop and orchard pollination by bees.<sup>2</sup> Hobby beekeepers in WA urban areas can expect to harvest at least 40kg of honey per hive per year whereas commercial migratory beekeepers would expect up to 300kg.

When bees are properly managed, they present a low risk of adverse impact on the community and can be kept by competent beekeepers with minimal intervention by local or state authorities. Bees can and will sting when threatened or stressed. Bee stings are painful and can cause distress to people especially children, and animals. Fortunately, serious incidents involving bee stings are rare in WA.

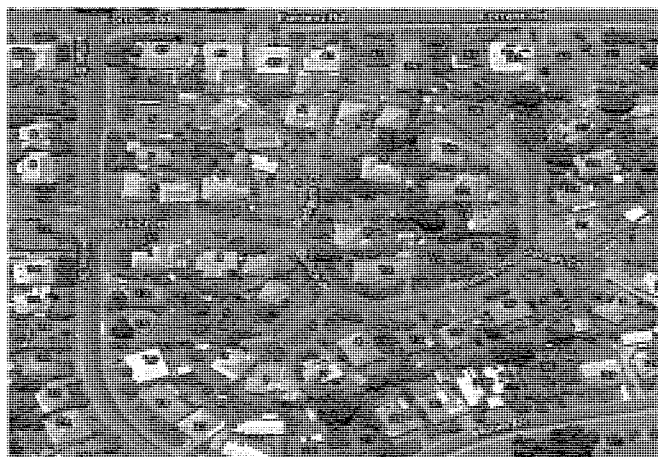
WAAS has published these guidelines to assist in maintaining a harmonious relationship between beekeepers, other members of their community and local councils. Compliance with the guidelines by beekeepers will ensure that the keeping of bees does not become a nuisance. The key to enacting these guidelines is the competency of the beekeeper.

These guidelines are meant to be a reference and provide standards for beekeeping in urban areas, including:

- Establishing practices which beekeepers should comply with to prevent their beehives from becoming a nuisance.
- Giving the community confidence in the safety of beekeeping.
- Helping local government and regulatory authorities to establish rules for beekeeping.
- Providing a standard against which complaints can be resolved.
- Promoting a competency standard for beekeepers.

All beekeepers should comply with the by-laws that apply within their local government authority jurisdiction; being aware that by-laws vary from one local authority to another. One of the goals in publishing these guidelines is to eventually achieve uniformity in by-laws governing beekeeping across all local authorities.

Members of WAAS are expected to comply with these guidelines.



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<sup>2</sup> *Pollination Aware – The Real Value of Pollination in Australia*; Australian Government, Rural Industries Research and Development Corporation, 2010.



## 2 BEST PRACTICE

### 2.1 BECOME INFORMED

These guidelines are intended to summarise and explain the important aspects of beekeeping for urban beekeepers to follow to ensure that their bees don't become a nuisance. Above all, the beekeeper should be competent and the road to becoming a competent beekeeper involves learning, hands-on training and mentoring. It is important that prior to acquiring bees, new beekeepers undertake a basic training course that includes a practical component or work alongside a competent and experienced beekeeper. The Western Australia Apiarists' Society offers such training to its members in its "An Introduction to Responsible Beekeeping" course.

This guide is not a beekeeping training manual; it identifies aspects of beekeeping that a responsible beekeeper should implement in an urban environment.

### 2.2 NUMBER OF HIVES ON A PROPERTY

One of the primary controls to minimize the potential for bees to become a nuisance in urban areas is to manage the density, or concentration, of hives. The recommended numbers of hives per property shown in Table 1 should not be exceeded.

Property area	Maximum Number of Hives
up to 400 square metres	2
400-1000 square metres	4
1000-2000 square metres	8
2000-4000 square metres	16
>4000 square metres, if zoned urban	40
For hives on rooftops:	Refer to Property area

Table 1. Recommended maximum density of hives on urban properties.<sup>3</sup>

As a measure to proactively prevent swarming as described in Section 2.8, a beekeeper may decide to split hives in which case it is permitted to retain both the original and the split hives for a period of no longer than three months, subject to the maximum number of hives allowed on the site not being exceeded by fifty percent at any time.

It should be noted that these are the recommended maximum hive numbers; the configuration of the beekeeper's property and of neighbouring dwellings and their surroundings, including gradients of terrain and vegetation, will influence (but not increase) the actual suitable maximum number of hives on a property.

<sup>3</sup> This table complies with the National Best Management Practice for Beekeeping in the Australian Environment, Australian Honey Bee Industry Council, 2007

### 2.3 LOCATING HIVES

Correct placement of hives is also important. The hives should be in a dry, quiet, sunny area of the property. For security reasons it is often better if they are out of sight from roads and footpaths. This means that hives will be usually located in rear gardens.

Hives are best positioned with the entry facing in a north-easterly direction and with ample winter sunshine, full sun if possible, to minimize the risks of diseases such as Nosema and Chalkbrood. During summer, afternoon shade can be important and, if natural shade is unavailable, can be provided using shade cloth or other materials to assist in preventing overheating inside the hive.

All though hives can be placed next to each other it is often easier if they are positioned with adequate surrounding space for the beekeeper to have access for maintenance. For example, for a traditional Langstroth hive a 1 metre clearance along one side of the hive and 60 centimetres along the opposite side allow easy access to work the hives. A space of approximately 1.5 metres behind the hive allows for easier inspections and working of the hives, as well as an area to place equipment required during an inspection. The bees require very little space at the front entrance but 30 centimetres, and more if possible, in front of the hive entry is advised. In total these dimensions mean that for a single hive and the working area around it will take up an area approximately 2.5 metres by 2.0 metres.

Refer to Fig. 1 below for an example of a layout with suitable clearances.

Multiple hives can be placed next to each other if enough room to work all hives is maintained.

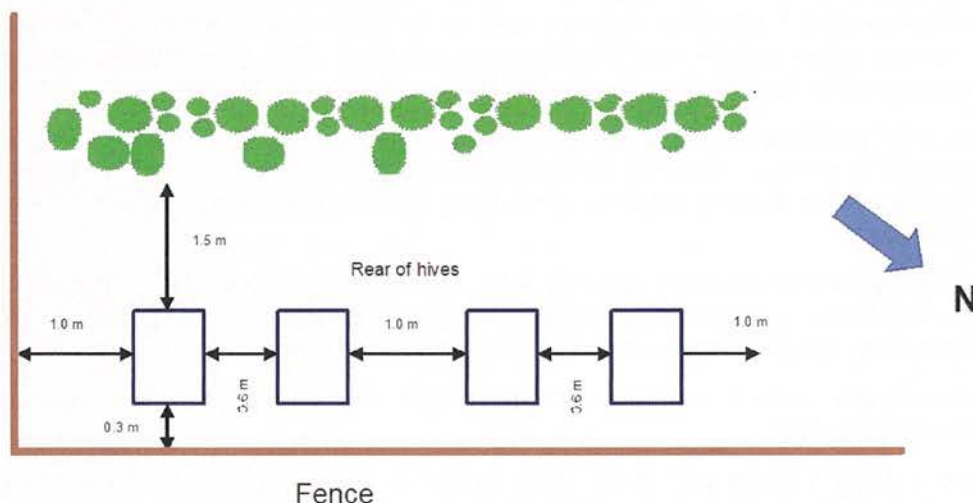


Fig 1. Example of layout and orientation of an apiary with suitable clearances for ease of management

### 2.4 MANAGING FLIGHT PATHS

A feature of bee behaviour is that they establish a distinct route that will be taken by many bees leaving from or returning to the hive. Therefore, hives should be set up to ensure that the flight path is well clear of people occupying adjoining property or passing by on footpaths or roads or any other area used for public access or recreation. The flight path height should be at least 3 metres at its lowest point above such areas.



Hives should not be placed within 3 metres of a property boundary unless it is defined by a solid barrier, such as a fence or impenetrable plant barrier not less than 1.8 metres high.

Hives should be separated from roads and not in direct line of sight of doors and windows of buildings. It is important to place hives such that bees will not be attracted to bright lights at night-time, which would create a risk that some bees might end up inside a house, an obvious nuisance.

Bees defecate when in flight and this can become a nuisance if their flight path is over a washing line or parked cars.



## 2.5 DEFENSIVE BEHAVIOUR

Guard bees position themselves at the entrance to hives to protect it from threats. Guard bees always exhibit defensive behaviour even to the extent that they may attack a person who comes within several metres of the hive entrance. The hive entrance should be oriented such that it is not within line of sight of where people or animals might be.

When bees are disturbed at the hive, they release pheromones which recruit other bees to respond defensively. Disturbing the hive by rough physical contact, strong odours and movement close to the hive entrance are all likely to cause defensive behaviour and should be avoided.

External environmental factors, such as wind, ambient temperature and the nature of the nectar which bees are gathering also can affect their temperament; a beekeeper should consider those factors when planning any disturbance of the hive.

Should a colony become defensive it can take some time, even days, for it to return to its normal tranquil state.

Genetics plays a strong part in the temperament of bees and the hive. Bees of docile temperament are far less likely to exhibit defensive and nuisance behaviour. Some strains of bees are more aggressive than others, and feral hives are more likely to be aggressive than a well-managed hive. The genetics of bee colonies kept in urban areas should be maintained with young healthy queens of a docile strain. Docility is one of the main selection criteria in queen bee breeding programs. There are a few queen breeders in Western Australia, most of whom sell through the retail beekeeping outlets. Queens can also occasionally be acquired through WAAS from member beekeepers.

Should, despite good bee keeping practice, a hive's behaviour be consistently aggressive, the beekeeper should replace the queen as soon as possible with a new queen from a reputable breeder.

## 2.6 PROVIDING WATER

Bees need water for their brood, the production of honey and to help maintain hive temperature and humidity. In hot weather, bees require a lot of water to cool down the hive, up to a litre per hive per day<sup>4</sup>. Bees seek out sources of water, and it is a requirement for a beekeeper to provide it,<sup>5</sup> otherwise the bees will go to swimming pools, bird baths and taps, which is a nuisance.

A beekeeper is required to provide a water source close to their hives, preferably within five metres but not more than 10 metres. Bees prefer water located in a sunny place with capillary moisture, for example wet sand or gravel, the edge of a concrete pond, or floating water weeds. The watering source must be permanent and established before spring. Given bees' propensity to learn and remember, if the water source provided should dry up at any time, the bees will find another source and the new habit will be hard to break.

## 2.7 WORKING THE HIVE

It is important to be gentle when working with bees. The beekeeper should avoid crushing bees, jerky movements or physical shocks to the colony, which will alarm the bees. When bees become defensive many of them could leave the hive and fly around some distance from it searching for the intruder. A smoker should always be used when working a hive. Smoke should be applied, initially at the hive entrance and then elsewhere as necessary whilst the hive is open. The smoker should be fuelled with untreated material of vegetable origin. Used correctly, smoke is harmless to bees. It works mainly by masking the alarm pheromones that bees use to communicate, and to stimulate them into preparedness to leave the hive quickly in the event of fire. These effects are very short lived.



Hive manipulations should be done as quickly and as calmly as possible to minimise disturbance of the bees. The beekeeper should aim to have the hive open for no more than around twenty minutes.

<sup>4</sup> *Australian Beekeeping Guide*: State Government of Victoria, Rural Industries Research and Development Corporation, 2014

<sup>5</sup> *Beekeeping for small landholders in Western Australia*: Government of Western Australia, Department of Primary Industry and Regional Development, Western Australia



The ideal time to work on a hive is when it is warm and sunny and not too windy, between mid-morning and mid-afternoon, when foragers are away from the colony gathering nectar and pollen. Opening hives at dawn or dusk should be avoided and never at night-time.

A beekeeper should avoid working on or harvesting hives in cold, windy or wet conditions. If the hive is open under such conditions, bees will become aggressive. Unless it is essential, a hive should not be opened during a nectar dearth which can cause defensive behaviour or robbing by other bees.

Beekeepers should cooperate with their neighbours when they need to work bees and ensure neighbours are not working or relaxing outdoors at the time. Domestic animals and small children should be kept indoors when bees are being worked, and until the bees have settled down afterwards.

When extracting honey, bees should be removed from honey supers and frames in a manner that will not agitate them. The use of clearer or escape boards to remove bees from honey supers is effective and should be considered. Shaking or brushing bees if done too vigorously will upset the bees. Use of a powered "bee" or leaf blower to clear bees from frames should be absolutely avoided as it will greatly upset them.

If, when working a hive, the bees become very defensive and don't respond to smoke, the beekeeper should consider aborting the work he or she is doing, closing the hive and coming back a few days later.

Good record keeping is the mark of a competent beekeeper. This record should include details such as ambient conditions, number of colonies, colony condition and any actions taken (see Appendix 1)

## 2.8 PREVENTING SWARMS

Swarming is a natural behaviour of bees to propagate and ensure the survival of their species. It occurs mainly in spring and early summer. Hives should be managed to prevent or minimise swarming. Such management can consist of, as appropriate to the circumstances:

- Replacement of old or failing queen bees with new ones, preferably ones with a low genetic disposition to swarm. Younger queens tend to be more vigorous which helps maintain the health and strength of the colony.
- Splitting of a colony into two or more units creating more space for brood and honey.
- Hive husbandry measures such as providing additional supers for brood rearing and honey storage, creating more space for the queen for laying and raising brood, and regularly replacing old brood comb in the brood chamber with frames fitted with fresh wax foundation.



A beekeeper should endeavour to collect any swarm that has originated from his or her hives and install it in a hive as soon as possible after it has formed into a cluster. Beekeepers should also respond promptly and sympathetically to calls from the public about swarms; in doing so they will be able to provide information about swarming behaviour and relocate a clustered swarm prior to a feral hive being set up, which could become a nuisance.

## 2.9 PEST AND DISEASE CONTROL

The rigorous adoption of biosecurity is vital to the prevention of disease in the apiary. Disease can enter the hive through procured bees, robber bees, bee products, hive components, beekeeping tools and equipment, and protective clothing especially gloves.<sup>6</sup>

Although Western Australia is relatively pest and disease-free, there are a few honeybee diseases here, of which American Foulbrood (AFB) is the most serious. Beekeepers should manage hives in accordance with the *Australian Honeybee Industry Code of Practice* and be particularly cautious about mixing hive equipment or purchasing hives unless they are from known AFB free apiaries.

AFB is a notifiable disease, and urban beekeepers are required to be familiar with the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* and act accordingly.<sup>7</sup>

## 2.10 STORING EQUIPMENT

Good storage practices are needed to restrict bees' access to equipment which should not be stored outdoors even for short periods. Beekeepers should follow good housekeeping practices and never leave wax, honey, frames or supers containing honey lying around and accessible to bees. Apart from being an offence, is not good beekeeping practice and can lead to the spreading of disease and aggressive robbing behaviour by bees which is a significant nuisance.

## 2.11 NOTIFY YOUR NEIGHBOURS

Beekeepers should be pro-active in keeping their neighbours informed about their beekeeping activities and of the fact that he or she is trained and competent and is maintaining a high standard of beekeeping by complying with this guideline. Before procuring a hive, the beekeeper should inform him/herself about the neighbourhood and of any special situations that might exist, such as the presence of a childcare centre, and ensure that this information is considered in his/her planning.

## 2.12 INSURANCE

Beekeepers should be insured against action for damages against harm caused to other persons by their bees or bee products that they sell. Financial members of WAAS are insured against such contingencies.

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<sup>6</sup> *Biosecurity Code of Practice: Australian Honey Bee Industry Council, 2016*

<sup>7</sup> *Biosecurity and Agricultural Management Act 2007, Western Australia: Biosecurity and Agriculture Management Regulations 2013*



## 3 OTHER CONSIDERATIONS

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### 3.1 OCCUPATIONAL HEALTH AND SAFETY

An apiary is a workplace<sup>8</sup> and the beekeeper is needs to observe health and safety standards including:

- Planning. Before carrying out an operation on the hive, the beekeeper should plan in detail, and especially identify all the risks presented by the situation and note the things he/she will need to do to manage them.
- Personal protection. When opening a hive, it is strongly recommended to protect the head and face with a hat and veil, or with a bee suit. If a full-length suit is not worn, long-sleeved shirts and long trousers of a light colour should be worn. Gloves should be worn, especially when manipulating frames in the brood box.
- Safe lifting techniques. Care should be taken when working beehives as the honey supers are heavy when full. Enough area, free of obstacles and trip hazards to work the hives should be maintained. Assistance from another person should be considered.
- Beekeepers should take bee stings seriously. It is important have a plan in case of bee stings. They can occur at any stage, and especially if things go wrong. Beekeepers should know how to remove stings and what to do if stings occur and be aware of the signs of an anaphylactic reaction and the appropriate response. An EpiPen® should be available at the site of work and the beekeeper must know when and how to use it.
- Beekeepers should avoid working alone.

### 3.2 USE OF SMOKE IN HIVE MANAGEMENT

Smoke is used by beekeepers as a management aid to subdue honeybees when opening hives.

The use of the bee smoker is subject to fire regulations. On total fire ban days it is prohibited to light and use a smoker and severe penalties apply to non-compliance.

When a smoker is used, the following rules should be followed:

- Light the smoker in an area devoid of combustible material.
- Do not set a lit smoker down on combustible material whilst in use. It is always recommended to keep a lit smoker in a metal bucket.
- The smoker should not be placed where it can be dislodged by wind or easily knocked over.
- The smoker must be extinguished completely when the work has been finished.
- A lit smoker must never be carried on or inside a motor vehicle.
- Water, at least 5 litres, should be readily available at the site in case of a fire.

The entrance of a hive should be smoked before mowing grass or using weed slashers close to the hives. The vibrations created by these machines, along with the smell of exhaust fumes and cut grass upset bees, and operators or people passing by could be stung.

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<sup>8</sup> Occupational Safety and Health Act 1984, Western Australia



### 3.3 TRANSPORTATION OF HIVES

Beekeepers need to take appropriate care when transporting hives<sup>9</sup>. All loads of hives and supers of honey should be closed and secured in accordance with the Road Regulations. The beekeeper needs to take all precautions to avoid loss of bees in travel.

Ideally, beehives should be transported after closing or blocking the hive entrance with a foam strip or similar, considering that:

- This method allows a beekeeper to shift bees a short distance and unload them without being stung.
- Hives must be fitted with adequate ventilation, so bees don't suffocate or overheat.
- Bees can be shifted on a box trailer or on a truck and hives should be prevented from moving or coming apart by securing them in accordance with transport regulations.
- Hives can be closed at night when any bees clustered at the entrance can be smoked and driven inside the hive.
- Shifting should be done at night when all bees are inside the hive and when temperatures are coolest.

Stopping off at fuel stations or travel through built up areas with bright street lighting and traffic lights could cause loss of bees and create a nuisance. Travel routes, refuelling stops, and rest breaks should be carefully planned.



<sup>9</sup> Rural Industries Research and Development Corporation, Victoria: *Australian Beekeeping Guide*

### 3.4 APPLICABLE LEGISLATION

In WA, beekeeping must be carried out in accordance with the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*. Beekeepers and their hives must be registered, and all supers branded.<sup>10</sup>

In addition, most local government authorities have by-laws which cover beekeeping in their jurisdiction, many of which are not uniform. Additionally many local government authorities have other regulations that must be complied with if honey is to be processed and sold. It is the responsibility of the beekeeper to ensure they comply with all regulatory requirements.

Very few local government authorities employ staff with beekeeping expertise. This guidance note establishes the practices that beekeepers are required to follow if keeping bees in an urban area, thereby relieving local government authorities of the need to have in-house expertise or enact unnecessarily restrictive bylaws.



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<sup>10</sup> *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013, Part 9 – Identification and Movement of Apiaries*, Western Australia

## 4 GLOSSARY

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### **Apiarist / Beekeeper:**

A person keeping bees.

### **Apiary:**

A place where honeybees are kept in hives.

### **Apiculture / Beekeeping:**

The management of beehives.

### **Beehive / Hive:**

A modular framed housing for a honeybee colony, which normally contains either a nucleus colony or a standard size colony.

### **Bee sting:**

The injury sustained and inflicted by the venom from a honeybee worker.

### **Brood Box:**

A normal hive box fitted with frames, separated from other boxes (supers) by a queen excluder, in which the queen bee lays eggs and the young bees are raised by nurse bees.

### **Colony:**

A family of bees: workers, a queen and drones

### **Comb:**

A collection of hexagonal wax cells typically built along a plane, which houses honey, pollen and/or brood (eggs, larvae, pupae). In the movable-frame system, comb is synonymous with the term frame or top bar.

### **Competent beekeeper:**

A beekeeper who has undertaken an approved course in beekeeping such as the WAAS "Introduction to Responsible Beekeeping" or has worked under the supervision of a competent beekeeper for enough time to achieve the same result.

### **Feral bee colony:**

A colony of bees which has its nest in a place other than a beehive, e.g. a hollow tree

### **Flight path:**

The distinct route taken by many bees leaving from or returning to their hive.

### **Foraging bees:**

Bees seeking out supply of water or feed; bees naturally forage flowers for nectar and pollen supplies. Bees forage at temperatures of 12C and higher

### **Harvest:**

The removal of honey from a Hive for human consumption.

### **Honeycomb:**

See Comb

### **Hive:**

A container or collection of boxes for housing bees.

### **Honey extraction:**

See Harvest



**Honey super:**

A super which is full of honey

**Nucleus colony:**

A small colony that only contains a few thousand bees and a queen. A beekeeper uses a nucleus colony to replace a lost colony, strengthen a weak colony or add a queen to a colony that has lost its queen. It is not considered a production colony and is often referred to as a 'nuc'.

**Nuisance:**

A private nuisance is where someone stops your use or enjoyment of your land or any rights you have linked to your land. It can include overhanging tree branches, air and noise pollution, and water run-off from a neighbouring property. It also includes the keeping of bees under many local government environment laws.

**Pollination:**

The transfer of pollen by honeybees from anthers to stigmas of flowers for the purpose of plant fertilisation.

**Robber Bees:**

Bees attempting to access stored or spilt honey, or honey in another hive.

**Smoker:**

A device used by beekeepers to produce and direct cool, nontoxic smoke to pacify bees and enable a hive to be worked safely and efficiently

**Sticky:**

A frame from which most of the honey has been extracted, and which contains honey residue

**Super:**

A box containing frames, placed above the bottom or brood box of a hive.

**Swarm:**

A cluster or flying mass of honeybees from a colony that has divided. A swarm contains a queen and 30-70 percent of the workers, all of which have left the hive to start a new one elsewhere

**Swarm cells:**

Prior to swarming, bees will rear new queen cells, which look distinct from cells containing worker or drone brood.



## 5 RESOURCES

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An updated list of resources on urban beekeeping, as well as a PDF version of these best-practice guidelines are available online at [www.waas.org.au](http://www.waas.org.au)

### 5.1 BEEKEEPING CLASSES AND WORKSHOPS

Western Australian Apiarists' Society runs a beginner's beekeeping course "*Introduction to Responsible Beekeeping*" in spring and summer each year. The course covers

- Theory Sessions  
Basic Purpose of Beekeeping, General safety precautions, Assembling and maintaining hives, Beekeeping equipment and obtaining bees, Selecting a bee site, What's in the Brood Box? Reducing Swarming Behaviour & Seasonal Considerations, Biosecurity and Health of the hive, Honey Extraction,
- Practical Sessions  
Lighting Your Smoker, Inspecting Hives-- Open, inspect and close a hive,

More intermediate level and advanced courses are being developed along with other specialist short courses

Some registered training organisations offer a Certificate 3 Beekeeping course in WA

### 5.2 BEEKEEPING INSTRUCTION BOOKS

Bee Agskills- A Practical Guide to Farm Skills-- NSW Department of Primary Industries

The Australian Beekeeping Manual –Robert Owen

Australian Beekeeping Guide: State Government of Victoria, Rural Industries Research and Development Corporation, 2014.

### 5.3 USEFUL WEBSITES

[www.waas.org.au](http://www.waas.org.au) The Western Australian Apiarists' Society Inc.

<https://www.agric.wa.gov.au/livestock-animals/livestock-species/bees> Department of Primary Industries and Regional Development – Bees

<https://www.agric.wa.gov.au/bam/biosecurity-and-agriculture-management-act-2007> Department of Primary Industries and Regional Development – Biosecurity

<https://www.allergy.org.au/hp/anaphylaxis/how-to-give-epipen> Australasian society of clinical immunology and allergy – How to give an EpiPen



#### 5.4 REFERENCES, CODES AND STANDARDS

*Code of practice Manual tasks*, Government of Western Australia, Department of Commerce, Commission for Occupational Safety and Health, 2010.

*Pollination Aware – The Real Value of Pollination in Australia*; Australian Government, Rural Industries Research and Development Corporation, 2010.

*Australian Beekeeping Guide*: State Government of Victoria, Rural Industries Research and Development Corporation, 2014.

*Beekeeping for small landholders in Western Australia*: Government of Western Australia, Department of Primary Industry and Regional Development.

*Biosecurity Code of Practice*: Australian Honey Bee Industry Council, 2016.

*Biosecurity and Agricultural Management Act 2007, Western Australia: Biosecurity and Agriculture Management Regulations 2013*.

Occupational Safety and Health Act 1984, Western Australia.

Bush Fires Act 1954: *Bushfire Regulations 1954*, Western Australia.



## 6 APPENDIX 1 – URBAN BEEKEEPING RECORD (EXAMPLE)

Date: \_\_\_\_\_ Apiary: \_\_\_\_\_ Time: \_\_\_\_\_

Temp: \_\_\_\_\_ °C    ☐ Sunny    ☐ Partly Cloudy    ☐ Overcast    ☐ Windy    ☐ Drizzle

Water Source:    ☐ In place    ☐ In place, needs to be refreshed    ☐ Absent

	Hive 1	Hive 2	Hive 3	Hive 4
<b>General Hive Appearance</b>				
Bees active?				
Pollen being brought in?				
Signs of robbing?				
Are the bees calm?				
Entrance reduced				
Number of supers? Number added.				
<b>Reproduction</b>				
Is the brood pattern good?				
Is there capped and uncapped brood?				
Are larvae healthy, white and shiny?				
How many frames are being fully or almost fully used for brood				
Active Swarm or supersedure cells?				
Colony Split				
New Queen Required or Installed				
<b>Capacity</b>				
How many frames are covered by bees				
How many frames have nectar or are capped				
Number of Frames taken for harvest				
<b>Signs of Pests</b>				
Ants present				
Wax moth present				
Unusual number of dead bees				
Is there an odour				
Any testing undertaken				
<b>Comments</b>				



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**"We promote and encourage the art of responsible beekeeping. "**

**This guide has been produced to improve the community's understanding and appreciation of the important role of bees in our environment and to train in the skills of responsible beekeeping.**











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# 1. Introduction

**While good governance doesn't guarantee success,  
poor governance guarantees failure.**

**John McKechnie QC, CCC Commissioner**

Good governance is about the processes for making and implementing decisions. It is not about making “correct” decisions, but about the best possible process for making those decisions.

Good decision-making processes have a positive effect on various aspects of local government including consultation policies and practices, meeting procedures, service quality processes, elected member and employee conduct, role clarification and good working relationships.

Good governance leads to good management, good performance, good stewardship of public money, good public engagement and ultimately good outcomes for residents and service users. Good governance enables Shire of Toodyay to pursue its vision effectively as well as underpinning that vision with mechanisms for control and the management of risk.

This Governance Framework examines the principles and practices of good governance at the Shire of Toodyay.

## 2. Definitions

Term	Meaning
Act	The <i>Local Government Act 1995</i> .
Audit	The inspection or examination of a Shire activity or facility to evaluate or improve its appropriateness, efficiency or compliance.
CCC	<b>Western Australia's Corruption and Crime Commission</b>
CEO	The Chief Executive Officer, who is the most senior employee in the organisation. The CEO is appointed by and directly accountable to the Council.
Community	The entire population within the Shire of Toodyay district. It includes those who work or invest in the district or visit the area for recreational or similar reasons.
Committee member	A member of a committee appointed by the Council, but does not include an elected member.
Council	The elected members meeting as a Council under the Act.
Councillor	An individual elected member.
Committee	A Committee of Council established by the Council under the Act and constituted of elected members, employees and/or members of the public.
Council meeting	A meeting of Council conducted in accordance with the Act.
CPA Australia	Certified Practising Accountants of Australia
District	The area of the State prescribed by legislation that a local government is required to control.
Elected member	The Shire President, Deputy Shire President and Councillors of the Shire.
Local government	A body corporate established under the Act.
Regulations	The <i>Local Government (Administration) Regulations 1996</i> .
Senior Management Group	The CEO and Senior Officers. Can be abbreviated as SMG.
Senior Officer	A senior position in the organisation engaged by and directly responsible to the CEO. Classified as a senior employee under the Act.
Shire	The local government of the Shire of Toodyay. Includes the Council and the administration.
Shire employees	People employed by the CEO to undertake activities to achieve the objectives of the Shire of Toodyay.
Shire President	Elected member elected by the Council from amongst elected members.
Strategic Community Plan	The overarching plan that provides strategic direction for all activities and guides <b>the development and provision of the Shire's services and programs.</b>



### 3. Local government defined

Local government in Western Australia is established under the Act and is the third sphere of government in Australia. Local government has legislative responsibility for many functions and activities that are relevant to a local community. As the level of government often seen as the 'closest' to the community, local government activities relate to matters that are fundamental to **people's** lives and impact strongly on their quality of life.

Under section 2.5 of the Act each local government throughout the state is established as a corporate body, with perpetual succession and a Common Seal. It has the legal capacity of a natural person which means that it can sue and be sued. However, the State government may dissolve, suspend or amalgamate local governments and may override Council decisions.

- 2.5. *Local governments created as bodies corporate*
- (1) *When an area of the State becomes a district, a local government is established for the district.*
  - (2) *The local government is a body corporate with perpetual succession and a common seal.*
  - (3) *The local government has the legal capacity of a natural person.*
  - (4) ***The corporate name of the local government is the combination of the district's designation and name.***  
*Example: City of (name of district)*
  - (5) ***If the district's name incorporates its designation, the designation is not repeated in the corporate name of the local government.***  
*Example: **district's name : Albany (Town)**  
corporate name : Town of Albany*
  - (6) *Proceedings may be taken by or against the local government in its corporate name.*

A local government consists of a Council – the Shire President and Councillors are the **Shire's** elected members and form the Council, and an organisation – consisting of the CEO and employees.

In accordance section 2.7 of the Act, **Council's role is to govern the local government's affairs and be responsible for the performance of the local government's functions. Council must oversee the allocation of the local government's finances and resources and determine the local government's policies.**

The following principles apply:

- Elected Members are able to exercise decision-making authority as a member of Council after they are elected and formally sworn in and when they meet as a Council.
- All lawful decisions are made at Council meetings or through delegations that are formally made by Council to the CEO (or a committee). The CEO can also sub-delegate his/her decision-making authority to other employees.

- 2.7. *Role of council*
- (1) *The council —*
    - (a) *governs the local government's affairs; and*
    - (b) *is responsible for the performance of the local government's functions.*
  - (2) *Without limiting subsection (1), the council is to —*
    - (a) *oversee the allocation of the local government's finances and resources; and*
    - (b) *determine the local government's policies.*

The CEO is the only employee appointed by Council and is therefore ultimately accountable to Council. The role of the CEO is detailed in section 5.41 of the Act.

#### 5.41. Functions of CEO

*The CEO's functions are to —*

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) *cause council decisions to be implemented; and*
- (d) *manage the day to day operations of the local government; and*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) *speak on behalf of the local government if the mayor or president agrees; and*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

The Shire's managers are designated as senior employees for the purposes of section 5.37 of the Act. All Shire employees are accountable to the CEO.

#### 5.37. Senior employees

- (1) *A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) *The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) *Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4A) *Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) *For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.*

### 3.1 Functions of local government

In order to understand good governance in the context of local government, it is necessary to understand the functions of local government, including the following:

#### Strategic Planning

Planning for the development and wellbeing of the community is a critical role for a local government. The Act requires local governments to develop and adopt a “plan for the future”, consisting of two key documents - Strategic Community Plan and Corporate Business Plan – which are informed by resourcing and delivery

strategies such as the Long-Term Financial Plan, the Workforce Plan and Asset Management Plan. These plans **drive the development of the local government's annual budget and provide the direction for the ongoing management of Shire activities.**

#### Lawmaking and enforcement

Local government makes decisions in areas over which it has legislative authority but cannot duplicate or contradict state or federal law. Laws made by local governments are called local laws and cover such issues as the activities permitted on public land, animal management and use of local government infrastructure. Local laws are enforced by Shire employees.

Local government is also responsible for administering and enforcing state legislation under which it has authority, such as the *Local Government Act 1995*, *Building Act 2011*, *Planning and Development Act 2005*, *Dog Act 1976*, *Cemeteries Act 1986*, *Bush Fires Act 1954*, *Cat Act 2011*, *Caravan Parks and Camping Grounds Act 1995* etc. and associated regulations.

Decisions made by local government must be based on relevant considerations and facts, be procedurally fair and follow the principles of natural justice.

#### Stewardship of public assets

Effective stewardship of public assets is a key element in ensuring that local government optimises the use of its financial, physical and intellectual resources for the benefit of its residents and ratepayers.

#### Policy development

An important role of Council is to make policy decisions on behalf of the community, in accordance with its role of providing strategic direction. An essential element of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing needs and allocating appropriate resources. A policy is a decision of Council and sets out agreed views and direction concerning a particular area of responsibility.

#### Representation

Elected members represent the interests of and are accountable to all electors, ratepayers and residents of the Shire.

#### Advocacy

Local governments have a role advocating on behalf of their community to state and federal levels of government, statutory authorities and private interests whose activities may have an impact on the community.

#### Service delivery

Local governments must ensure that services are delivered in the most efficient and effective manner. The Act provides a degree of autonomy to local governments to determine policies, in consultation with their community, about the nature and level of services provided. A local government should ensure the equitable delivery of quality services for which it has responsibility.

### 3.2 Community defined

When discussed in connection with good governance the term **"community"** is often used as if it is a homogenous entity and assumes that there is a single community interest, community demand or community need.

The population of the Shire of Toodyay consists of a diverse range of communities, for example, the resident community, the business community, the visitor community, the seniors community etc.

Often these various communities do not share the same aspirations, goals and interests. One of the challenges for local government is how to govern so that different and often competing interests are recognised, addressed and managed.

**When “community” is referred to in this Framework, it means** all groups, individuals and interests represented within the Shire of Toodyay.

## 4. Governance in local government

### 4.1 Definition of governance

Whilst the definitions of governance can vary between the public and private sector, CPA Australia in its publication ***“Excellence in Governance for Local Government”*** defines governance as follows:

*“Governance is the process by which decisions are made and implemented; the process by which organisations go about achieving their goals and producing their outputs and the process by which organisations are directed, controlled and held to account. It encompasses authority, accountability, stewardship, leadership, ethics, values and culture within the organisation.*

*Excellence in governance occurs when it is underpinned by accountability, integrity and openness. It involves a focus on clarity of roles and responsibilities, robust systems which support both internal and external accountability and public access to decision-making and information” (CPA 2005).*

### 4.2 Good governance in local government

Shire of Toodyay plays a key role in leading its community as well as ensuring the delivery of high quality services to its community. Good governance is important for several reasons: it not only gives the local community confidence in its Council, but it also improves the faith that elected members and employees have in their own local government and its decision-making processes.

Characteristics of Good Governance

**Accountable** – Local government has an obligation to report, explain and be answerable for the consequences of decisions it makes on behalf of the community it represents.

**Transparent** – The community should be able to follow and understand the decision-making process and the reasons for the decision.

**Follows the rule of the law** – Decisions are consistent with legislation and are within the powers of Council.

**Responsive** – Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.

**Equitable and inclusive** – Community members should be satisfied that their interests have been considered with opportunities provided for all to participate.

**Effective and efficient** – Includes developing the capacity and capability of elected members to be effective and ensuring employees have the capacity and capability and are provided the opportunity to deliver effectively.

**Participatory** – Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision.

Benefits of Good Governance:

- Promotes community trust and confidence;
- Leads to better decisions for the benefit of the community;
- Encourages elected members and Shire officers to be confident;
- Helps the Shire to meet its legislative responsibilities;
- Supports ethical decision making.



## 5. Governance principles

For the purposes of the **Shire of Toodyay's Governance Framework**, the principles contained in the '*Excellence in Governance in Local Government*' developed by CPA Australia have been adopted. The principles provide the foundation for good governance and a means for assessing the extent to which good governance is applied at the Shire.

### Principle 1 - Culture and vision

There is a clear *vision* and a *Strategic Community Plan* that is produced through a comprehensive and inclusive process, which is owned by all sectors of the community.

There is a positive *culture* and value system in place that promotes trust, openness and honesty, in which constructive and respectful questioning is encouraged and accountability is clear.

### Principle 2 - Roles and relationships

There is clarity about the roles of local government and there exists a sophisticated approach to defining and implementing these.

There are effective working relationships that are promoted and supported within and between the Shire President, Councillors, CEO and employees.

### Principle 3 - Decision-making and management

There are effective *decision-making processes* in place that reflect the transparency and accountability which underpin excellence in governance.

There should be robust and transparent *financial management* established and maintained to meet Shire's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future.

An effective approach to the identification, assessment, monitoring and *management of risks* should be established and maintained.

Effective *delegations* should be implemented and maintained to enable Council to focus on strategic issues.

### Principle 4 - Accountability

Local government must account for its activities and have systems and processes that support this *accountability*.

There should be an active *performance management* system in place that enables elected members and the administration to be openly accountable for their performance.

Local governments should establish internal structures that provide for *independent review* of processes and decision-making to assist the Council to meet its accountability to stakeholders.

*Consultation* should be undertaken that is appropriate to the scope and potential impact of the matter. It should respect the position and opinion of all stakeholders. The outcomes of the consultation should be taken into account when the decision is made and feedback should be provided to those who participated.

## 6. Principle 1 – Culture and vision

### 6.1 Vision

In accordance with section 5.56 of the Act and regulations 19C – 19D of the *Local Government (Administration) Regulations 1996*, the Shire is required to implement an Integrated Planning and Reporting Framework. This involves the development of three key documents and other informing strategies that reflect the priorities and vision of the community.

#### 5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The [\*Strategic Community Plan\*](#) (SCP) outlines the strategic directions and priorities for action over a ten year period. Developed with the input of the community, Elected Members and Shire officers, the Plan articulates **the community's vision and values**.

#### 19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
  - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
  - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
  - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
\*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

The [Long Term Financial Plan](#) outlines how the priorities outlined in the SCP will be financed over the ten year period. The Shire's [Corporate Business Plan](#) is a **business planning tool that translates Council's priorities into operations within the resources available and informs the annual budget process.**

<i>19DA. Corporate business plans, requirements for (Act s. 5.56)</i>	
(1)	<i>A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.</i>
(2)	<i>A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.</i>
(3)	<i>A corporate business plan for a district is to —</i> <i>(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and</i> <i>(b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and</i> <i>(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.</i>
(4)	<i>A local government is to review the current corporate business plan for its district every year.</i>
(5)	<i>A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.</i>
(6)	<i>A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.</i>
<i>*Absolute majority required.</i>	
(7)	<i>If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.</i>

The Shire of Toodyay CSP contains the following:

<b>Vision:</b>	We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.
<b>Purpose:</b>	Local Government and community working together to obtain the best possible social, economic and environmental outcomes for the people of Toodyay.
<b>Community Values:</b>	We value highly: <ul style="list-style-type: none"> <li>• Our sense of community support and spirit;</li> <li>• Our natural environment and healthy ecosystems;</li> <li>• Our rural lifestyle;</li> <li>• Our historic town; and</li> <li>• Our local economy built on agriculture and emerging tourism, arts and cultural opportunities.</li> </ul>

## 6.2 Culture

A positive culture promotes openness and honesty, makes accountability and responsibility clear and encourages debate on important issues. It assists the organisation to retain high calibre employees who want to work and participate in the activities of the Shire.

## 6.2.1 Organisational Values

The following values are characteristic of a positive culture:

<i>Honesty</i>	We are honest in our dealings with everyone.
<i>Integrity:</i>	We behave honestly to the highest ethical standard.
<i>Respect:</i>	We are always respectful of others and recognise the value of diversity in skills, backgrounds and perspectives.
<i>Continuous Improvement:</i>	We display a continuous willingness to learn, share, reflect and improve the way things are done.
<i>Customer Focused:</i>	We are committed to being professional and providing excellent customer service.
<i>Innovation:</i>	We are willing to seek ideas, share knowledge and try new ways of doing things, acknowledging that risks may be taken and mistakes learned from.

## 6.2.2 Ethical behaviour and the Code of Conduct

For people to have faith in those who govern and participate in the governance process, they must have trust that governments are acting for the common good. They must believe that governance is characterised by honesty and integrity and that those in government will behave accordingly.

In June 2020, a review of the *Local Government Act 1995* resulted in the introduction of priority reforms under the *Local Government Amendment Act 2019*. On 2 February 2021, as part of these reforms, the *Model Code of Conduct Regulations 2021* were gazetted prescribing a Model Code of Conduct for Council Members, Committee members and candidates, with effect from 3 February 2021.

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 *Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates* outlines the principles, values and behaviours that the community is entitled to expect of all elected members, committee members and candidates for election. These are to:

- act with reasonable care and diligence
- act with honesty and integrity
- act lawfully
- identify and appropriately manage any conflict of interest
- avoid damage to the reputation of the Shire
- be open and accountable to the public
- base decisions on relevant and factually correct information
- treat others with respect and fairness
- not be impaired by mind affecting substances.

This should be read in conjunction with the [\*Shire of Toodyay Standing Orders Local Law \(2008\)\*](#).

Council has adopted policy *G.4 Complaints of alleged breach of the Code of Conduct for Council Members, Committee Members and Candidates* which outlines the Shire's approach to the management of such complaints.

### 6.2.3 Reporting serious misconduct to the Corruption and Crime Commission

Both elected members and the CEO have a mandatory duty under section 28 of the *Corruption Crime and Misconduct Act 2003* to report to the CCC any reasonable suspicion of serious misconduct on the part of elected members or employees. Serious misconduct is the type of conduct which involves the misuse of an elected **member's or employee's position to obtain a financial advantage**; bribery and corruption where money or gifts are provided to coerce an elected member or employee to make a decision in a certain way; stealing from the Shire, lying, fraudulent behaviour and other criminal type behaviours.

28. *Certain officers obliged to notify serious misconduct*
- (1) *This section applies to the following persons —*
- (a) *the Parliamentary Commissioner;*
  - (b) *the Inspector of Custodial Services;*
  - (c) *the principal officer of a notifying authority;*
  - (d) *an officer who constitutes a notifying authority.*
- (2) *Subject to subsections (4), (5) and (6), a person to whom this section applies must notify the Commission in writing of any matter —*
- (a) *which that person suspects on reasonable grounds concerns or may concern serious misconduct; and*
  - (b) *which, in the case of a person referred to in subsection (1)(c) or (d), is of relevance or concern to that person in his or her official capacity.*
- (3) *The Commission must be notified under subsection (2) as soon as is reasonably practicable after the person becomes aware of the matter.*

### 6.2.4 Comprehensive induction programs

The Shire's positive culture is passed on to new elected members and employees through effective induction programs.

New elected members come from a variety of backgrounds and may not have experience in governance, local government, organisational behaviour or other fields that are relevant to their roles as elected members. Induction should help elected members to operate in the unique environment of local government to produce good outcomes for their communities.

The Shire's induction programs for elected members and employees focus on:

- the differing and complementary roles and functions of elected members and employees
- communication and working relationships between elected members and employees
- decision-making processes
- responsibility, accountability and delegations
- Code of Conduct, including organisational values and culture
- access to information and confidentiality.

The Shire of Toodyay also invests in and actively encourages training for both elected members and employees to assist in the development of skills required to fulfil their roles.



## 7. Principle 2 – Roles and relationships

### 7.1 Roles

An understanding and acceptance of the different roles of Council, the Shire President, Councillors, the CEO and employees, together with strong cooperation between all parties, underpins good governance at the Shire of Toodyay. While elected members are responsible for strategy and policy, the administration (CEO and employees) is responsible for advice, implementation and operations. This separation of roles is essential for local governments to govern effectively.

While each element of local government has its own role, each may also have a legitimate interest in the role of the others. For instance, while the management structure is the responsibility of the CEO, elected members will have an interest in the management structure and whether it achieves the **Council's goals**. **While the CEO takes** the ultimate decision, an astute CEO will always consult the Council before establishing or making significant changes to the management structure.

**Similarly, while policy and strategy are elected members' roles, the** CEO and employees should be consulted and offer advice when policy or strategy is being developed.

#### 7.1.1 Shire President

At the Shire of Toodyay, Council elects the Shire President by secret ballot immediately after local government elections held every two years.

Section 2.8 of the Act outlines the responsibilities of the Shire President which recognises the role of Shire President to represent the Shire at civic and ceremonial functions and to preside at Council meetings.

- 2.8. *Role of mayor or president*

(1) *The mayor or president —*

  - (a) *presides at meetings in accordance with this Act; and*
  - (b) *provides leadership and guidance to the community in the district; and*
  - (c) *carries out civic and ceremonial duties on behalf of the local government; and*
  - (d) *speaks on behalf of the local government; and*
  - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
  - (f) ***liaises with the CEO on the local government's affairs and the performance of its functions.***

(2) *Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

A very specific role for the Shire President is to represent and advocate the decisions of Council and speak on behalf of the Shire. The position of Shire President is pre-eminent and when speaking on behalf of the Shire, the Shire President should set aside personal views and articulate the views and decisions of Council.

The Shire places great importance on the role of the Shire President as the Presiding Member of Council to facilitate good decision-making. It is therefore important that the Shire President has a good knowledge of the *Shire of Toodyay's Standing Orders Local Law 2008*.

**The Shire President's leadership role is very important when it comes to good governance. While the Shire**

President has no statutory authority over other elected members in such areas as behaviour or adherence to Council policy, the Shire President is to ensure that all elected members are part of the decision-making process and are well and equally informed. The Shire President must reinforce the need for elected members to represent the interests of the whole community, not just the constituents in specific areas or interest groups.

The Shire President should also facilitate good relationships between elected members and the administration and help to create an environment where good communication thrives.

Section 5.34 of the Act states that the Deputy Shire President may perform the functions of the Shire President if that office is vacant or the Shire President is not available or unwilling to perform the functions of Shire President.

*5.34. When deputy mayors and deputy presidents can act*  
*If —*  
*(a) the office of mayor or president is vacant; or*  
*(b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*  
*then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.*

### 7.1.2 Council and elected members

As outlined in Part 3 above, Section 2.7 stipulates the role of the Council.

While these powers include responsibility for defining the policy and setting the overall strategic direction of the Shire, Council is not responsible for the day-to-day running of the business of the Shire. Such operational matters are the responsibility of the CEO.

The role of elected members is defined the Act as follows:

*2.10. Role of councillors*  
*A councillor —*  
*(a) represents the interests of electors, ratepayers and residents of the district; and*  
*(b) provides leadership and guidance to the community in the district; and*  
*(c) facilitates communication between the community and the council; and*  
*(d) **participates in the local government's decision-making processes at council and committee meetings; and***  
*(e) performs such other functions as are given to a councillor by this Act or any other written law.*

Elected members are elected for a four-year term at elections held every two years. There is no limit on the number of times they can be re-elected.

Elected members sitting formally as Council make and are accountable for all decisions taken at Council level. Decisions are made through formal Council meetings. Individual elected members do not have any powers to make decisions.

### 7.1.3 Chief Executive Officer (CEO)

The CEO has a statutory responsibility to manage the organisation through the implementation of the goals and strategies that have been endorsed by Council. The CEO plays a critical role in achieving excellence in

governance through the development of a culture that sees Council as the peak decision-making body, **supported and advised by the administration. The CEO's promotion and personal adoption of the Shire's culture** and vision set the standards which permeate the whole organisation.

A key accountability of the CEO is financial management: ensuring that the Shire is soundly managed from a financial perspective and regularly reporting the results and performance to Council.

The functions of the CEO are outlined in section 5.41 of the Act:

*5.41. Functions of CEO*

*The CEO's functions are to —*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

## 7.2 Working relationships

Effective working relationships are an important part of good governance and decision-making and should be promoted and supported within and between Shire President, Councillors, CEO and employees. At times, the very nature of local government business leads to conflict. How this conflict is addressed has implications for good governance and should be underpinned by principles of respect, courtesy and goodwill.

### 7.2.1 Relationship between Shire President and Councillors

The important aspects of this relationship are summarised as follows:

- the relationship needs to be based on mutual respect;
- the Shire President should facilitate an inclusive approach to decision-making and involvement in Council activities, ensuring that each elected member has access to the same information prior to making their decision;
- the Shire President should assist Councillors to have their issues considered by Council;
- the Shire President should take some responsibility for elected member training and development and should work with the CEO to ensure that elected members receive appropriate training opportunities; and
- the Shire President is responsible for facilitating resolution of any conflict between elected members.

### 7.2.2 Relationship between Shire President and CEO

The Shire President as leader of the Council, and the CEO as leader of the administration, are required to work closely together, often dealing with pressing and potentially controversial issues, when they may not have known each other before they were drawn together to lead the Shire.

**The Act requires each to liaise with the other on the Council's activities and its performance. However**, the relationship between both roles is much more complicated than this, involving an inevitable intersection of roles.

The essential principles for an effective Shire President / CEO relationship are:

- a) Communication
  - Both parties brief and inform the other about information each is privy to and which would assist the other in their job. Agreement about what information is important and what should be passed on to each other is well understood and constantly negotiated.
  - Regular meetings and electronic communications, as well as meetings called to progress unexpected and important matters, will enhance planning and communication.
  - **The “no surprises” principle ensures that neither the Shire President nor the CEO is caught off guard in any circumstance.**
- b) Role clarity
  - **The Shire President and CEO understand and respect one another's** role.
  - The Shire President and CEO work within the bounds of their authority. The Shire President has status and leadership capacity at Council and in the district. The CEO has statutory authority under the Act and leadership of the Shire workforce.
- c) Effective relationship
  - The relationship is symbiotic. The Shire President and the CEO put conscientious effort into making the relationship successful for the good of the Shire.
  - The relationship between the Shire President and the CEO aims to facilitate involvement and inclusion amongst elected members and administration rather than concentrating power in the relationship.

At Shire of Toodyay, the Shire President and CEO communicate on a regular basis, at least weekly but more frequently depending on emerging issues, either in person, by phone or email.

### 7.2.3 Relationship between elected members

Elected members need each other to achieve their individual and collective goals. Effective relationships between elected members help to promote a successful Council, a pleasant working environment and a Council with public credibility.

Features of an effective relationship are:

- While they may have different views, elected members treat each other with respect and courtesy.
- Disagreements are expressed in ways that are not personal attacks and do not cause detriment to individual elected members or Council as a whole.
- Elected members are not to undermine each other, either within the Shire or in public.
- Elected members have effective working relationships in order to succeed individually and collectively.

#### 7.2.4 Relationship between elected members and CEO

The relationship between elected members and CEO is critical to good governance.

Elected members need support to manage pressures in such a way that their constituents feel their issues or concerns are being heard but appreciate that their demands cannot always be met. Advice and support on consultation and engagement, good systems that refer complaints and queries to the relevant area for resolution, and responsive services and processes all assist in furthering good governance.

**Elected members must have a clear understanding that the role of the CEO is to implement Council's goals, policies, strategies and services and to advise and support Council.**

The CEO is accountable to elected members when they sit as Council. Elected members, sitting as Council, are responsible for the performance management of the CEO.

Features of an effective relationship are as follows:

- goodwill and trust
- **a good understanding of each other's** role
- good communication
- agreed processes and protocols
- an appreciation of legislative requirements
- clear delegations.

#### 7.2.5 Relationship between elected members and employees

The fundamental role difference between Council and the administration underpins this relationship. Elected **members should focus on strategy, policy and outcomes, while the administration's role is to focus on advice, implementation and operations.**

In light of these role differences, the features of an effective relationship are highlighted below:

- the role of elected members is one of strategic leadership, not management or administration;
- the CEO is responsible for implementing the decisions and policies of Council;
- employees are responsible to the CEO and the CEO is responsible to Council;
- elected members do not direct or instruct employees;
- elected members do not undertake a task that contributes to the administration of the Shire, unless the activities are undertaken in relation to a meeting or the express authority of Council or the CEO has been obtained prior to undertaking the task;
- elected members undertake their day-to-day communications with the Shire directly through the CEO or relevant Senior Officer, unless the CEO has established a protocol for communications on particular matters to occur directly with specified employees;
- when entering a Shire business location, elected members seek approval from the CEO or relevant Senior Officer before engaging in discussion with employees; and
- an employee undertakes direct communication with an elected member only when the employee is acting within the functions and responsibilities of their position or is acting under the direction of the CEO or Senior Officer.



## 8. Principle 3 – Decision-making and management

### 8.1 Effective decision-making

Decision-making is the most important activity undertaken by the Shire, both by Council and by employees. Effective decision-making processes increase the likelihood that the decisions themselves will be in the best interests of the entire community. Good processes will also mean that decisions will be owned and that individual elected members, even though they may be on the losing side of an issue, should not be able to find fault with the way in which the decision was made.

Good decision-making requires that:

- decisions must be those which the local government can lawfully make;
- decisions must be consistent with and in accordance with legislation;
- relevant Council policy/policies should be considered during the decision-making process;
- elected members should have all the relevant information before them in order to make a considered and informed decision;
- elected members should be impartial, objective, free from bias and act in the public interest of Shire residents;
- decisions should be made on a reasonable basis.

Decisions made at meetings are recorded in the form of resolutions which are binding on the Council until they are formally amended or repealed. Resolutions, once recorded, take effect immediately.

### 8.2 Decision-making meetings and processes

#### 8.2.1 Council meetings

The Council meeting is the formal debating and decision-making forum of Council. Elected members, CEO and Managers attend all Council meetings. Under section 5.23(1) of the Act, Council meetings are required to be open to the public.

#### *5.23. Meetings generally open to public*

*(1) Subject to subsection (2), the following are to be open to members of the public —*

*(a) all council meetings; and*

*(b) all meetings of any committee to which a local government power or duty has been delegated.*

However, when any of the matters listed in section 5.23(2) of the Act are to be considered, Council may resolve to close the meeting and proceed behind closed doors. In order to promote the transparency and accountability required for good governance, the closure of meetings should be applied prudently and as infrequently as possible.

*(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

*(a) a matter affecting an employee or employees; and*

*(b) the personal affairs of any person; and*

*(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
- (i) *a trade secret; or*
  - (ii) *information that has a commercial value to a person; or*
  - (iii) *information about the business, professional, commercial or financial affairs of a person,*
- where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
  - (ii) ***endanger the security of the local government's property; or***
  - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

Examples of matters that may require the meeting to be closed to the public:

- CEO annual performance reviews, contract renewals, remuneration reviews, (s.5.23(2)(a)) a matter affecting an employee or employees);
- Reports discussing legal advice obtained or to be obtained in relation to the subject of the report (s.5.23(2)(d)) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting);
- Nomination of elected members eligible for WALGA Honours (s.5.23(2)(b)) the personal affairs of any person);
- Planning reports that could affect the value of neighbouring properties (s.5.23(2)(e)(ii)) a matter that if disclosed would reveal information that has a commercial value to a person).

Good decision-making at a Council meeting is enhanced when the meeting is well run. This requires a clear and informative agenda, good chairing and facilitation and adherence to meeting procedures and to statutory requirements. It is the fundamental statutory obligation and duty of an elected member to vote on every item of business discussed at a Council meeting.

At Council meetings and where Council has granted a Committee delegated authority, Council can make a decision or pass a resolution.

Council has adopted the *Standing Orders Local Law (2008)* which provides a set of enforceable meeting procedures and rules to —

- ensure better decision-making processes during Council and committee meetings;
- assist in the orderly conduct of meetings dealing with Council business;
- provide a better understanding of the process of conducting meetings; and
- allow a more effective and efficient use of time at meetings.

Shire of Toodyay Council meetings and agenda briefings are livestreamed via Facebook and recorded. The recordings can be accessed from the Shire website a few days after each Council meeting. Archived recordings are available upon request.

### 8.2.2 Council meeting schedule

Council operates the following monthly meeting cycle:

- fourth Tuesday of the month: ordinary council meeting;
- third Tuesday of the month: council agenda briefing followed by a concept forum;
- first Monday of the month: council workshop

In December, the ordinary council meeting is held on the third Tuesday with the agenda briefing and concept forum held on the second Tuesday. No workshop is held in January and workshops are held on the second Monday where the first falls on a public holiday.

### 8.2.3 Council agenda briefing

For proper decision making, Councillors must have the opportunity to fully understand any issue that is being **presented for decision. While officers' reports should contain all of the relevant information, the complexity of** some issues means that Councillors need to be given the opportunity to ask questions to seek further clarity regarding an agenda item. Managed appropriately, agenda forums are an effective means of achieving this.

It is noted that no debate can be entered into and decisions cannot be made at an agenda forum.

It is advisable that wherever possible, elected member questions are provided in advance of the Council Meeting. This gives officers an opportunity to research and provide accurate and comprehensive information to assist in **Council's** effective decision-making process.

### 8.2.4 Concept Forum

Council forums provide an opportunity for two-way communication between elected members and the CEO on strategic or complex issues. Forums are open to all elected members, the CEO, Managers and other employees designated by the CEO as required. No decisions are made at Forums, which are relatively informal and are not open to the public.

At Council Forums elected members and staff can propose, discuss, and formulate philosophies, ideas, strategies and concepts for the development of the Shire.

Forums often involve projects that are in the early planning stage and are some time away from being presented to Council for decision. Matters listed on the agenda of the Council meeting are not to be discussed during the Council Forum.

In discussing such issues, employees are looking for guidance from elected members to assist in researching the matter and drafting the report. Elected members and employees are also looking to present ideas and concepts for future consideration.

### 8.2.5 Committee meetings

To assist with its decision-making responsibilities, Council may establish committees in accordance with section 5.8 of the Act. When Council establishes a committee, it must determine in clear terms of reference the purpose, reporting and other accountability requirements that will apply in relation to that committee. Committees report to Council and are subject to the requirements of the Act.

#### 5.8. Establishment of committees

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

Current committees of Council are listed below:

- Audit and Risk Committee (a requirement under section 7.1A of the *Local Government Act 1995*)
- Bush Fire Advisory Committee (as described under section 67 of the *Bush Fires Act 1954*)
- Local Emergency Management Committee (a requirement under section 38 of the *Emergency Management Act 2005*)
- Environmental Advisory Committee
- Museums Advisory Committee

Committees meet as and when required and make recommendations to Council. However, where a committee has delegated authority for some of its functions, it is able to make a decision in its own right: Council has not delegated authority to any Committee at the present time.

### 8.2.6 Avon Regional Organisation of Councils

The Shire President and CEO participate in the Avon Regional Organisation of Councils (AROC) which exists under a Memorandum of Understanding to facilitate member local governments to:

- *work together cooperatively to address regional problems, issues or challenges and advance the interests of the region;*
- *develop and implement resource sharing strategies or regional service delivery models;*
- *deliver training and development programs for elected members and/or staff; and*
- *undertake joint tendering or purchasing arrangements.*

Meetings are held every two months with minutes presented to Council. Current member local governments of AROC are the Shires of Goomalling, Northam, Toodyay, Victoria Plains and York.

### 8.2.7 Avon Midland Country Zone

The WA Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia, advocating on behalf of WA's 139 Local Governments. WALGA is not a government department or agency.

The WALGA governance structure comprises of the State Council and Zones. Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

The Avon-Midland Country Zone of WALGA represents the Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam Toodyay, Victoria Plains, Wongan-Ballidu and York.

The Shire President and the CEO attend Zone meetings which are held quarterly.

### 8.2.8 Agendas and minutes

The most important records produced by a local government are the agendas that drive council meetings and the minutes that record the decision-making process and the actual decisions.

Matters to be considered at meetings of Council or committees are presented in a formal agenda prepared by the CEO. Agendas comprise of reports prepared by officers. Reports are structured to include information on the background, financial, strategic, legislative, policy, risk and workforce implications of the proposal under consideration. All reports include the professional advice of the officer who has authored the report and contain recommendations as to the most appropriate course of action to take, based on the information presented.

Managers are responsible for authorising the reports from their department. Once finalised, all reports are reviewed by the CEO, Managers and relevant staff during the Agenda Settlement Meeting two weeks prior to the Council meeting. Agenda Settlement Meetings are convened to provide an opportunity for the authors of reports to answer questions from the CEO and Managers, provide technical or specialist information and incorporate suggestions from those in attendance to improve the accuracy, clarity or accessibility of the report prior to distribution of the agenda to elected members and the public. As a result of the Agenda Settlement Meeting the CEO should be satisfied and confident that all aspects of the matter which is the subject of a report have been suitably covered in such a way that the report can be included in the agenda and released to elected members and the public.

**The agenda is posted on the Shire's website two weekends before the Council meeting. A link to the agenda is** emailed to elected members, CEO, Managers and other relevant employees. The agenda is also placed on the Council Hub for elected members to access.

The minutes of a meeting comprise all reports considered at the meeting and also include attendance, all motions, movers and seconders, the results of the motions and the decisions that have been made.

Unconfirmed Council minutes must be made available for public inspection no later than ten working days after the meeting (five working days for committee meeting minutes). At the next meeting of Council or a committee these minutes will be confirmed as a correct and accurate record of the proceedings. Minutes may be amended to correct any identified inaccuracy prior to being confirmed.

### 8.2.9 Elected members' meeting preparation

Preparation before attending a meeting is critical: all reports should be read thoroughly, and the main points well understood. If anything is not clear, the elected member may seek further clarification and raise any concerns with the CEO or the responsible Manager, preferably well in advance of a meeting. Asking questions of a complex or technical nature at a Council meeting is to be avoided, as employees present may not be able to respond adequately off the cuff, there is a risk of a factually incorrect answer being given or the question may have to be taken on notice.

Reports affecting Shire planning, finance or legal matters can be quite complex and clarification of points prior to the meeting is essential. The CEO or relevant Manager should be emailed at the earliest opportunity to enable a written reply to be provided in advance of the meeting. This reply will be provided to all elected members, not just to the enquiring elected member.

The decision to adopt, amend or reject a recommendation rests with Council. Where a Council decision is different to the recommendation, reasons for that decision must be stated and recorded in the minutes.

A decision to defer a matter should be seen as a last resort and occur only where it is clear that additional



information is required or where circumstances have come to light after the agenda was distributed. A failure to consult with the community or key stakeholders may also give cause to defer a matter.

## 8.3 Decisions on land use planning and development

### 8.3.1 Quasi-judicial role

Quasi-judicial functions are those which involve the making of a decision by Council in the exercise of a discretionary power. Elected members (and employees when acting under delegated authority) perform quasi-judicial functions when deciding to approve or refuse applications for planning or development approval and for **other approvals, licences, consents and permits. They must therefore act in a judicial manner (“judge-like”).**

To act in a quasi-judicial manner, elected members must apply the principles of natural justice and without bias or conflict of interest make decisions in a judicial manner based on:

- The law and the relevant Shire policies as they exist, specifically the **Shire’s Local Planning Scheme** and Planning Policies; and
- The facts and merits of the case.

Applicants submitting documents for approval may attempt to persuade individual elected members in favour of their proposals; however elected members must remain objective and deal impartially with applicants or affected persons.

Determining applications must be based on sound legislative rationale and not on specific public perception. The role of an elected member in the decision-making process is to determine the application on the information **and recommendation provided by the Shire’s employees. The role of the employee is to assess the application** and provide an impartial, professional opinion and recommendation to elected members. To avoid prejudicing the eventual decision, elected members must not make up their minds about a development application until **they have read the employee’s report, clearly understood the relevant facts and law, and heard all the meeting** debate.

Elected members must not lose sight of the fact that when making decisions on development applications they have to apply the rules and discretions as they exist, not as they might want them to be.

**Elected members must be aware of the Shire’s adopted procedures for dealing with a development** application to ensure a clear distinction between the role of the employee assessing the application and the role of Council determining the application. There should be no opportunity for the two roles to be confused and no opportunity for those determining applications to unduly influence those carrying out the assessment and vice versa.

An elected member acting when biased and without disclosing an interest affecting impartiality may breach the Rules of Conduct Regulations. Non-compliance with quasi-judicial principles could result in Council decisions being invalidated.

## 8.4 Conflict of interest

Conflict of interest is about being transparent. Understanding what this means in the context of local government is essential to good governance.

The Act defines the specific circumstances that lead to a conflict of interest and describes what elected members and employees must do if they believe there is a conflict. This includes direct and indirect interests, disclosure requirements, exemptions, provision of advice and registers of interest.

### 8.4.1 Conflict of interest in local government

Elected members and employees should always be aware of the potential for conflict of interest. They have been entrusted to govern on behalf of the community and as such they must ensure that they do not gain personal benefit from their position with the Shire.

If they have personal interests in any of the decisions that they are part of, they must declare their interests and withdraw, if necessary, from the decision-making process. It is very important for elected members and employees to understand and adhere to the legislative requirements (sections 5.59 to 5.73 of the Act).

### 8.4.2 Good governance and conflict of interest

The following points are important for good governance.

Individuals must make their own decisions

Elected members and employees must individually take responsibility for assessing whether they have conflicts of interest in any matter relating to their formal roles. If the answer is yes, then they must act appropriately. This includes making a proper disclosure and not participating in the relevant decision-making process.

Seeking advice is appropriate

Elected members and employees should seek assistance or advice from the CEO, Shire President or fellow elected members when they think they may have a conflict of interest. In some circumstances elected members may need to obtain their own independent legal advice.

Individuals are accountable

Elected members or employees must ultimately assess whether they have a conflict of interest. Each elected member or employee is accountable for that assessment and the obligation to make the relevant declaration. This is regardless of any assistance or advice they may have received.

Conflict of interest is not a political weapon

Elected members should not use conflict of interest as a weapon against each other. No elected member can determine that another elected member has a conflict of interest. That is for the individual alone to decide. Using conflict of interest inappropriately compromises its importance as a principle of good conduct and natural justice.

### 8.4.3 Conflict of interest and community representation

Sometimes elected members will be in a position where they are required to declare a conflict of interest even though their community expects them to participate in a decision. For example, an elected member may have a conflict of interest in a local planning decision which the community feels strongly about.

Because conflict of interest can impact on governance and perceptions of governance, it is important that –

- elected members ensure they thoroughly analyse the situation (and seek appropriate advice) to determine what is required by the legislation;
- elected members clearly explain the situation to their community; and
- Council and administration provide support to elected members, when required, to explain conflict of interest requirements to the community.

Elected members should not, however, hide behind conflict of interest as a way of avoiding a vote on difficult issues in which they don't have a conflict.

#### 8.4.4 Protection from liability

Elected members, unlike state and federal members of parliament do not have parliamentary privilege. An elected member can be subject to civil action by a person who considers that the elected member has defamed them or has acted in a way that improperly harms them, whether this occurs in the council chamber or not.

Section 9.56 of the Act protects elected members, committee members and employees for any actions that they have, in good faith, done in the performance or purported performance of a function under the Act or under any other written law. This however does not relieve the Shire of liability for the actions of elected members, committee members and employees.

Elected members should be careful, especially in the heat of a Council debate, not to make defamatory statements which could give rise to a civil action.

If an elected member is subject to civil action, they will have to deal with the matter as an individual, even if the Shire is paying the legal costs. In some cases, **the Shire's insurers may refuse to provide indemnity for the elected member's actions** or statement if it is considered not to have occurred in the course of performing a council duty or to be done in good faith.

For further guidance, please refer to Shire's policy [A.4 – Legal Representation Costs Indemnification](#).

#### 8.4.5 Decisions by delegation

**Delegations form part of the Shire's decision-making** approach. Delegations entrust certain types of decisions to the CEO, employees or committees. Delegates exercise the delegated decision-making function in their own right; in other words, they have discretionary decision-making powers.

The use of delegated authority means that a large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community. Delegated authority allows Council to concentrate on policy development, representation, strategic planning and community leadership.

**The Shire's [Delegations Register](#)** contains all current delegations from Council to the CEO and committees and from the CEO to employees. It sets out unequivocally which statutory power and function are delegated, which part of the legislation allows such delegation and what the conditions and policy compliance requirements are.

Section 5.43 of the Act outlines those powers or duties that may *not* be delegated to the CEO. **The Shire's Delegations Register** is reviewed by Council on an annual basis.

##### *5.43. Limits on delegations to CEO 28*

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority of the council;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*

- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

## 8.5 Financial management

### 8.5.1 Role of the CEO

The CEO is accountable to Council for the financial performance of the Shire and must ensure that certain fundamentals are in place, including but not limited to:

- appropriate financial systems, plans, strategies and protocols;
- **adequate resources to support the Shire's activities and financial monitoring and performance;**
- suitable internal review and audit mechanisms;
- an organisational culture where responsibility and accountability are clearly delineated and understood; and
- adherence to and compliance with legislative provisions.

### 8.5.2 Financial management planning and principles

Council is ultimately responsible for the financial management of the Shire. Good financial management requires both Council and the administration to play their role.

As part of the Integrated Planning Framework, the Shire has developed its Long Term Financial Plan. The Plan is consistent with the strategic initiatives in the Strategic Community Plan and includes:

- projected income and expenditure, balance sheet and cash flow statements;
- planning assumptions underlying the plan;
- an analysis of the factors and/or assumptions that are most likely to affect the plan;
- modelling for alternative financial scenarios; and
- methods of monitoring financial performance.

**The Plan outlines the Shire's approach to delivering infrastructure and services to the community in a financially sustainable way that minimises the financial impact on the Shire's ratepayers. It is the primary planning tool for future Shire budgets.**

### 8.5.3 Annual budget

One of the responsibilities of Council under section 6.2 of the Act is to prepare, set and adopt the Shire's [Annual Budget](#). **Based on the leadership of Council, it determines the Shire's priorities for the year** ahead and the allocation of resources to achieve those priorities.

The annual budget must be reviewed before 31 March each year, taking into account changes in the operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

#### 6.2. Local government to prepare annual budget

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

\* Absolute majority required.

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
  - (a) *the expenditure by the local government; and*
  - (b) *the revenue and income, independent of general rates, of the local government; and*
  - (c) *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
  - (4) *The annual budget is to incorporate —*
    - (a) *particulars of the estimated expenditure proposed to be incurred by the local government; and*
    - (b) *detailed information relating to the rates and service charges which will apply to land within the district including —*
      - (i) *the amount it is estimated will be yielded by the general rate; and*
      - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
    - and*
    - (c) *the fees and charges proposed to be imposed by the local government; and*
    - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
    - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
    - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
    - (g) *such other matters as are prescribed.*
- (5) *Regulations may provide for —*
  - (a) *the form of the annual budget; and*
  - (b) *the contents of the annual budget; and*
  - (c) *the information to be contained in or to accompany the annual budget.*

#### 8.5.4 Other management plans

Asset Management Plans provide strategic direction in the management of Shire assets. Good governance requires the Shire to manage its assets in a financially viable, efficient and sustainable manner.

The Workforce Plan was developed to provide a strategic framework for organisational workforce planning and management. It guides the Shire in attracting and retaining a suitable, committed and professional labour force that is structured to achieve the priorities of the Strategic Community Plan and to deliver quality services to the community.

The Recordkeeping Plan sets out the matters about which records are to be created and how the Shire must keep and maintain its records in accordance with the *State Records Act 2000*. It applies to elected members, employees and contractors.



The Risk Management Framework contains practical guidelines to develop the Shire's capacity to appropriately manage risk. Risk management is critical to the organisation's ability to achieve the strategic objectives contained in its Strategic Community Plan and Corporate Business Plan. By fostering a dynamic risk management culture that encourages all employees to systematically apply the procedures outlined in this framework, the Shire seeks to minimise resource waste and ensure that all Shire events, activities and projects are undertaken with properly managed risk to employees and the general community.

## 9. Principle 4 - Accountability

### 9.1 Accountability

Excellence in governance is based on the principle that those who are involved in governance, both elected members and employees, are held to account for what they do, the decisions they make and their performance in undertaking their role. The public trust that elected members and officers act in the public interest.

Accountability systems that provide disclosure and review of decision-making processes are integral to good governance and are reflected through –

- Open and transparent government, so that the community can follow decision making processes and outcomes;
- Consultation and engagement, so that the community has confidence that it is being heard; and
- Good communication processes so that the community is kept informed.

The fundamental importance of accountability though comes from the fact that the Shire exists to govern for and on behalf of its community. Systems and values must reflect this accountability. Key systems are outlined in the following sections.

#### 9.1.1 Performance management

Council is accountable for monitoring the Shire's performance in the achievement of its strategic direction, goals and financial outcomes, which are set through the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Budget.

**Managing and reporting the Shire's performance is achieved in several ways:**

#### 9.1.2 Strategic reporting

Key performance indicators, derived from the Strategic Community Plan, help drive the Corporate Business Plan. **The Shire's Corporate Planning System** captures all Corporate Business Plan projects.

Performance against each of the Strategic Themes in the Strategic Community Plan is reported in the Annual Report.

#### 9.1.3 Financial reporting

The Shire undertakes its financial reporting as follows:

- The monthly Financial Activity Statement and List of Payments are prepared and presented to Council; and
- The audited Annual Financial Report is considered by the Audit and Risk Committee before being submitted to Council for adoption and inclusion in the Annual Report.

#### 9.1.4 Annual Report

The Shire's [Annual Report](#) provides detailed information to the community and the Shire's stakeholders about how the Shire intends to operate in a sustainable manner whilst addressing the many challenges it faces. The report **reviews the Shire's key achievements and progress made against the many initiatives outlined in the Strategic Community Plan**. The Annual Report is reviewed by elected members at a workshop before being adopted by Council for presentation to the electors of **the Shire at the Annual Electors' Meeting**.

### 9.1.5 CEO performance review

Council is accountable for managing the CEO's performance and is responsible for setting the CEO's performance plan and monitoring the CEO's performance. Council is to communicate its expectations to the CEO and is required to seek independent professional advice when undertaking the annual performance evaluation of the CEO.

### 9.1.6 Employee performance review

In accordance with the Act the performance of all employees must be reviewed at least once a year.

#### 5.38. **Annual review of employees' performance**

- (1) *A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- (2) *The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.*
- (3) *A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.*

Individual performance reviews and identification of development needs are formally carried out in August each year. The process involves a review of progress against **the previous year's targets and plans the setting of new ones** for the coming year.

During each performance review, recommendations for training and development programs to either complement existing skills or to develop new skills will be made. In addition, staff will have performance indicators set during the first few months of employment to monitor progress against goals and objectives.

Council has adopted policy [G.5 Standards for CEO Recruitment and Selection Performance Review and Termination](#).

### 9.1.7 Compliance Audit Return

Regulation 14 of the *Local Government (Audit) Regulations 1996* that the Shire conducts an annual audit of its compliance with statutory requirements and responsibilities placed on it under the Act.

14. *Compliance audits by local governments*
  - (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
  - (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
  - (3A) ***The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.***
  - (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
    - (a) *presented to the council at a meeting of the council; and*
    - (b) *adopted by the council; and*
    - (c) *recorded in the minutes of the meeting at which it is adopted.*

The Department of Local Government's Compliance Audit Return (CAR) comprises a checklist of the Shire's statutory obligations in areas such as local laws, tenders, meeting procedures, disclosures of financial interests

and financial management.

The CAR is completed by the Shire's Communications and Compliance Officer with input from the Senior Management Group. The completed return is then reviewed by the Audit and Risk Committee and presented for adoption by Council. A certified copy must be forwarded to the Department no later than 31 March of each year.

### 9.1.8 Audit and Risk Committee

The Act requires Council to establish an Audit Committee to guide and assist Council on matters of internal and external audit, risk management and the Shire's compliance functions. The Shire's Audit and Risk Committee meets at least four times per year. Regulation 16 of the *Local Government (Audit) Regulations 1996*.

#### 16. Functions of audit committee

*An audit committee has the following functions —*

- (a) *to guide and assist the local government in carrying out —*
  - (i) *its functions under Part 6 of the Act; and*
  - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) **to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;**
- (c) *to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
  - (i) *report to the council the results of that review; and*
  - (ii) **give a copy of the CEO's report to the council;**
- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
  - (i) *regulation 17(1); and*
  - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
  - (i) *is required to take by section 7.12A(3); and*
  - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
  - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
  - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

Council has adopted an [Audit and Risk Committee Charter](#) which guides the operation and responsibilities of the Audit and Risk Committee.

### 9.1.9 Community consultation and engagement

A Community Engagement Framework has been developed which formalises the Shire's approach to engagement and affirms its commitment to delivering meaningful, best practice community engagement as an

integral part of its strategic priorities.

Council policy [M.2 Public Consultation Formal Matters](#) currently provides guidance to officers on Council's expectations regarding how and when to undertake engagement activities.

#### 9.1.10 Customer Service Charter

Council has adopted a [Customer Service Charter](#) which outlines the customer service standards the community can expect from the Shire.

#### 9.1.11 Statement of Business Ethics

A **Statement of Business Ethics** has been adopted which outlines what the Shire expects from its suppliers and what its suppliers can expect from the Shire.

#### 9.1.12 Complaints Management

Council has adopted a [G.3 Community Complaints](#) policy to provide a framework and basis for all complaints relating to Shire services, processes or decisions to be resolved in a consistent, fair, and structured manner.

#### 9.1.13 Access to information

Under section 5.94 of the Act any member of the public can access certain information held by the Shire. Other documents – subject to their sensitivity – may be obtained through the Freedom of Information (FOI) process under the provisions of the *Freedom of Information Act 1992*.

##### 5.94. Public can inspect certain local government information

*A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection —*

*(a) any code of conduct;*

*[(aa) deleted]*

*(ab) any register of complaints referred to in section 5.121;*

*(b) any register of financial interests;*

*(ba) any register of gifts;*

*(c) any annual report;*

*(d) any annual budget;*

*(e) any list of fees and charges imposed under section 6.16;*

*(f) any plan for the future of the district made in accordance with section 5.56;*

*(g) any proposed local law of which the local government has given local public notice under section 3.12(3);*

*(h) any local law made by the local government in accordance with section 3.12;*

*(i) any regulations made by the Governor under section 9.60 that operate as if they were local laws of the local government;*

*(j) any text that —*

*(i) is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or*



- (ii) *would be adopted by a proposed local law of which the local government has given local public notice under section 3.12(3);*
- (k) *any subsidiary legislation made or adopted by the local government under any written law other than under this Act;*
- (l) *any written law having a provision in respect of which the local government has a power or duty to enforce;*
- (m) *any rate record;*
- (n) *any confirmed minutes of council or committee meetings;*
- (o) ***any minutes of electors' meetings;***
- (p) *any notice papers and agenda relating to any council or committee meeting and reports and other documents that have been —*
  - (i) *tabled at a council or committee meeting; or*
  - (ii) *produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;*
- (q) *any report of a review of a local law prepared under section 3.16(3);*
- (r) *any business plan prepared under section 3.59;*
- (s) *any register of owners and occupiers under section 4.32(6) and electoral rolls;*
- [(t) *deleted*]
- (ta) *a report on a supplementary audit prepared under section 7.12AH(1);*
- (u) *such other information relating to the local government —*
  - (i) *required by a provision of this Act to be available for public inspection; or*
  - (ii) *as may be prescribed.*

All elected members and staff should be aware of the FOI implications when creating internal or external documents. As a general rule, any written material generated by elected members or employees may become public knowledge and may become the subject of an FOI request.

# 10. Council and Elected Member Self-Assessment

## 10.1 Council self-assessment and evaluation

To assess whether the governance principles are being enacted, a self-assessment tool has been included in the Governance Framework. The questionnaire was originally developed by WALGA for use by the WALGA State Council. Permission has been granted for the Shire to use the self-**assessment tool to assess the Council's and individual Elected Member's performance against the governance principles**. It is intended that the results are used to develop action plans to improve governance performance.

The self-assessment aims to:

- assess what level of performance has been achieved in the period under review;
- assist in the development of a better understanding of individual Elected Member performance and **the Council's objectives**;
- focus on strategic goals;
- assist in the developing of a better understanding of performance orientated relationships;
- develop an action plan for improvement;
- encourage a program of ongoing personal and professional development for Elected Members.

The self-assessment tool has two components, being:

1. The Council Self-Assessment
2. Elected Member Self-Assessment.

Elected Members as a group should complete the Council Self-Assessment annually in September/October and the results used to **assess the Council's performance as a whole against the governance** principles. This should assist the Council in developing an action plan to improve performance (including the ongoing training and development program for Council).

The Elected Member Self-Assessment should also be completed by individual Elected Members to provide an **assessment of that individual's contribution to good governance and assist in the development of an individualised training and development program**.

## 10.2 Council Performance Assessment Questionnaire

Please circle your responses as per the following scale:

1. Strongly Disagree

2. Disagree

3. Unsure

4. Agree

5. Strongly Agree

Question	Rating				
1. The Council has been effective in setting the overall direction of the Shire to achieve the objects and purpose of the Shire	1	2	3	4	5
2. The Council is effective in considering and determining all major policy issues	1	2	3	4	5
3. The Council monitors appropriate financial and non-financial performance indicators	1	2	3	4	5
4. The Council has a clear understanding of business risk	1	2	3	4	5
5. The Council does not become drawn into operational management matters	1	2	3	4	5
6. Roles of the Shire President, Councillors and the CEO are clearly defined and understood	1	2	3	4	5
7. The Council understands the Shire's <b>vision, mission, values, philosophy and plans</b>	1	2	3	4	5
8. The Council regularly inputs into strategy development and review	1	2	3	4	5
9. The CEO and employees have commitment, capacity and enthusiasm	1	2	3	4	5
10. The Shire has relevant and reliable internal reporting and compliance systems	1	2	3	4	5
11. Elected Members are aware of the Shire's <b>responsibilities to regulators and external stakeholders</b>	1	2	3	4	5
12. The Council communicates effectively with its community	1	2	3	4	5
13. Elected Members bring valuable experience and skills to the Council	1	2	3	4	5
14. The Council has legitimacy and retains confidence in the eyes of the community	1	2	3	4	5
15. The Shire President ensures that meetings are chaired and matters are discussed / debated in a structured and effective way	1	2	3	4	5
16. The Shire President makes sure that the Council addresses all of the appropriate strategic issues	1	2	3	4	5
17. The Shire President makes sure there is sufficient time to discuss the important issues on the agenda	1	2	3	4	5
18. The Shire President encourages contributions by Elected Members to get the best out of them	1	2	3	4	5
19. The Shire President liaises effectively with the CEO	1	2	3	4	5
20. <b>The CEO is receptive to the Council's input</b>	1	2	3	4	5
21. The CEO assists Elected Members in meeting their governance obligations	1	2	3	4	5

Question	Rating				
22. The Council is effective in monitoring and evaluating the performance of the CEO	1	2	3	4	5
23. The Council papers, including agenda, minutes and briefing notes are timely, accurate and informative	1	2	3	4	5
24. The Council meetings address the key issues facing the community	1	2	3	4	5
25. The duration of meetings of the Council are appropriate	1	2	3	4	5
26. Elected Members come to meetings well prepared and participate effectively in debate and discussions	1	2	3	4	5
27. The Council adheres to effective governance practices	1	2	3	4	5
28. Appropriate records from Council meetings are documented in Minutes	1	2	3	4	5
29. The relationship between the Shire President and Elected Members is effective in enabling the Council to fulfil its duties and responsibilities	1	2	3	4	5
30. The relationship between the Council and the CEO is effective in enabling Council to fulfil its duties and responsibilities	1	2	3	4	5
Additional comments on the performance of the Council?					

Thank you for completing this questionnaire.

The information provided will not identify your individual response, but it will be used to assist Council to identify areas and actions for improvement and the priorities for training and ongoing development. Individual questionnaires will be treated in the strictest of confidence and will be destroyed once the information has been aggregated.

### 10.3 Elected Member Performance Assessment Questionnaire

Please circle your responses as per the following scale:

1. Strongly Disagree

2. Disagree

3. Unsure

4. Agree

5. Strongly Agree

Question	Rating				
1. I understand my roles, duties and responsibilities as an Elected Member of the Shire of Toodyay	1	2	3	4	5
2. I come to the Council meetings fully prepared	1	2	3	4	5
3. I understand the mission, vision, values, philosophy and strategy of the Shire	1	2	3	4	5
4. I participate in and enhance discussion and debate at the Council meetings	1	2	3	4	5
5. I have made a significant personal contribution to the Council achieving the objects for the Shire	1	2	3	4	5
6. I encourage openness and candour and ensure that others have a reasonable opportunity to put forward their views	1	2	3	4	5
7. I challenge those who sidetrack discussions or dwell on minutiae	1	2	3	4	5
8. I am a team player	1	2	3	4	5
9. I listen to <b>and consider other people's views on issues</b>	1	2	3	4	5
10. I am open and willing to change my views	1	2	3	4	5
11. I accept challenge from others without being defensive	1	2	3	4	5
12. I have the courage to say what is on my mind	1	2	3	4	5
13. I keep myself free from conflicts of interest and understand when a conflict may arise	1	2	3	4	5
14. The Council has legitimacy and retains confidence in the eyes of the community	1	2	3	4	5
15. I exercise independent judgement when considering or voting on any matter	1	2	3	4	5
16. I am responsive to requests from the Presiding Member that aim to ensure the orderly and good- spirited conduct of meetings	1	2	3	4	5
17. I understand and focus on the key issues of the Shire's <b>business</b>	1	2	3	4	5
18. I consider the viewpoints of all stakeholders in forming a position on an issue	1	2	3	4	5
19. I carry a fair workload when compared with my fellow Elected Members	1	2	3	4	5
20. I regularly liaise with the Shire President and other Elected Members of the Council outside of Council meetings	1	2	3	4	5
21. I regularly liaise with the CEO and senior employees outside Council meetings	1	2	3	4	5
22. I have adhered to all of the behavioural and ethical requirements of the Council <i>Code of Conduct</i>	1	2	3	4	5



Question	Rating				
23. Outside the Council meeting and when acting in my capacity as an Elected Member, I support Council decisions that have been made	1	2	3	4	5
<p>Are you satisfied with the level of support you are provided in undertaking your role as an Elected Member of the Shire of Toodyay? Are there any areas that can be improved?</p>					

Are there any specific areas in which you would like professional development to enhance your effectiveness as an Elected Member of the Shire of Toodyay?

Are you satisfied with the process of evaluating performance as an Elected Member of the Shire of Toodyay? Are there improvements you consider could be made?

Thank you for completing this questionnaire.

The information provided will not identify your individual responses, but it will be used to assist Council to identify areas and actions for improvement and the priorities for training and ongoing development. Individual questionnaires will be treated in the strictest of confidence and will be destroyed once the information has been aggregated.

## Sources and References

This Governance Framework has been compiled with reference to documents previously produced regarding the concept and practice of good governance. The following documents have been used in the development of the Shire of Toodyay Governance Framework.

*Governance Framework – Shire of Mundaring 2019*

*City of Joondalup Governance Framework 2020*

*City of South Perth Governance Framework 2016*

*A Guide to Meetings – Department of Local Government and Communities WA 2013.*

**Council Members' Self-Assessment Tool** – Local Government Association of SA 2004.

*Excellence in Governance for Local Government – CPA Australia 2007.*

*Good Governance Guide – Municipal Association of Victoria (MAV) 2012.*

*Local Government Operational Guidelines – Department of Local Government WA.*

*Public Sector Governance Better Practice Guide – Australian National Audit Office 2014.*

*State Council performance assessment questionnaire – WA Local Government Association*

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**From:** [Suzie Haslehurst](#)  
**Sent:** Thursday, 12 August 2021 4:53 PM  
**To:** [Marina Sucur](#)  
**Subject:** Shire of Toodyay Training Update

---

Good afternoon Marina

I last notified you that Mr Ron Back was going to conduct Financial Management Training on 28 June. Unfortunately Ron injured himself and had to defer this training. I can confirm that the training will take place on 16 August 2021. CEO Performance Appraisal training took place on 26 July.

Regards

Suzie Haslehurst  
**CHIEF EXECUTIVE OFFICER**

Shire of Toodyay  
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Our Ref: MAN13



29 July 2021

Ms Lanie Chopping  
Director-General  
Department of Local Government,  
Sport & Cultural Industries  
PO Box 8349  
Perth Business Centre WA 6849

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Via email: [REDACTED]

Cc: [REDACTED]  
[REDACTED]

Dear Ms Chopping

**RE: SHIRE OF TOODYAY GOVERNANCE REVIEW - INTERIM REPORT**

At the Ordinary Council Meeting held on 27 July 2021, it was resolved:

*That Council:*

1. *Receives the Governance Review Report from independent consultants, Hammond Woodhouse Advisory.*
2. *Requests the Chief Executive Officer to:*
  - (a) *Submit the Governance Review report to Director-General of the Department of Local Government, Sport and Cultural Industries no later than 30 July 2021.*
  - (b) *Requests the CEO to arrange a Council workshop to develop a response and proposed actions to the Governance Review Report prior to the agenda briefing being presented to Council for the September 2021 Ordinary Council Meeting.*

In accordance the above, please find attached the Governance Review report received from Hammond Woodhouse Advisory. A workshop will be held with Councillors and senior staff to consider the report and develop a response to the recommendations. This will be finalised and presented to Council at the Ordinary Council Meeting to be held on 28 September 2021 to seek formal approval for submission of the Final Report.

Please don't hesitate to contact the office on 9574 9300 or via email: [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au) if you require further information.

Yours sincerely

Suzie Haslehurst  
**CHIEF EXECUTIVE OFFICER**



# **REVIEW REPORT**

## **Shire of Toodyay**

### **Independent Governance Review**

**Andrew Hammond and John M. Woodhouse**

**Hammond Woodhouse Advisory**

**19 July 2021**

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Interim

# 1. SCOPE OF REVIEW AND METHODOLOGY

## 1.1 Scope

The scope of this review is stated in the Shire's Request for Quotation to be:

*"The review will need to include an assessment of:*

### **Area of Review - Detailed Scope of Work**

#### **The Role of the Council**

*i. Assess role of Council, for the period 1 November 2019 – 28 February 2021 fulfilling its prescribed role under s 2.7 of the Local Government Act 1995, as follows:*

*1. The Council —*

*a. governs the local government's affairs; and*

*b. is responsible for the performance of the local government's functions.*

*2. Without limiting subsection (1), the Council is to —*

*a. oversee the allocation of the local government's finances and resources; and*

*b. determine the local government's policies.*

*ii. Assess the performance of Council; (including conduct of meetings, compliance with Meeting Procedures Local Law – i.e. Standing Orders, clarity of motions, voting patterns – including casting vote, Presiding Member's role and responsibilities etc.).*

*iii. Assess the structure and functions of the Committees of Council (Terms of Reference, purpose, number of members, performance evaluation).*

*iv. Consider the degree to which Council involves itself in day-to-day operational matters in accordance with clause 19 of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021. NB: prior to 3 February 2021, Regulation 9(1) of the Local Government (Rules of Conduct) Regulations 2007 applied.*

#### **The Role of Individual Council members**

- i. Assess the role of individual Council members for the period 1 November 2019 – 28 February 2021, to ensure they are performing in accordance with s 2.8, 2.9 and 2.10 of the Local Government Act 1995.*

### **Council Culture and Dynamics**

- i. Assess the Council culture and dynamics for the period 1 November 2019 – 28 February 2021, to ensure adherence with the Local Government (Model Code of Conduct) Regulations 2021. NB: Prior to 3 February 2021, the Shire of Toodyay's Code of Conduct applied.*

### **Relationship between Council and the CEO**

- i. Assess the relationship between Council and CEO(s) for the period 22 June 2020 – 28 February 2021 to ensure it is productive, positive, professional and compliant with the Local Government Act 1995.*

### **Relationship between Council and the Administration**

- i. Assess the relationship between Council and the administration for the period 1 November 2019 – 28 February 2021 to ensure it is productive, positive, professional and compliant with the Local Government Act 1995, including but not limited to the Principles identified under section 5.40.*
- ii. The scope of work should detail the ability of councillors/administration staff to provide their commentary and feedback anonymously to the engaged entity undertaking the governance review, ensuring they can speak and / or submit information freely.*

### **Management of employees**

- i. Assess the Shire's processes for CEO recruitment (and termination where applicable) for the period 1 November 2019 – 28 February 2021 review to ensure compliance with Schedule 2 of the Local Government (Administration) Regulations 1996. NB: Prior to 3 February 2021, the Shire's human resources policies applied.*
- ii. Assess the Shire's annual performance reviews for the Chief Executive Officer for the period 22 June 2020 – 28 February 2021 to ensure compliance with s5.38(1) of the Local Government Act 1995.*

- iii. Assess samples of annual performance reviews for the Shire's employees the period 1 November 2019 – 28 February 2021 to ensure compliance with s5.38(2) and s 5.38(3) of the Local Government Act 1995.*
- iv. Assess the Shire's human resources policies to ensure that they meet the needs of the Shire, including compliance with the Occupational Safety and Health Act 1984 and grievance processes.*
- v. Assess any anomalies between officers who were provided an adequate review under section 5.38(3) and within 12 months had their employment terminated.*
- vi. Assess the Shire's empowerment of employees and delegation process in accordance with section 5.44.*

#### **Procurement and probity**

- i. Assess samples of the Shire's procurements above \$50,000 during the period 1 November 2019 – 28 February 2021 to ensure compliance with the legislative requirements and relevant Council Policies and make recommendations based on review findings having regard to industry best practice.*
- ii. Review the Council's current Purchasing Policy and the Shire's processes, procedures and guidelines to ensure compliance with legislative requirements and make recommendations based on the findings having regard to industry best practice.*

#### **Record Keeping**

- i. Assess the Shire's record keeping and records management to ensure compliance with the Local Government Act 1995, State Records Act 2005 and the Shire's Record Management Policy and make recommendations based on review findings having regard to industry best practice.*

#### **Other Policies**

- i. Assess the Shire's current Litigation Policy (adopted in October 2020) in relation to the scope and authority of the CEO regarding any litigation on the Shire's behalf.*



## 1.2 Interviews conducted, and documents reviewed

- (1) The interviews conducted and the documents reviewed are described later in this report under the headings “Methodology” for each individual topic within the Scope.

## 2. BACKGROUND

### 2.1 The Department’s inquiry

- (1) On 6 December 2018, the Director-General of the Department of Local Government, Sport and Cultural Industries (the “Department”) authorised an inquiry into the Shire of Toodyay in accordance with section 8.3(2) of the Local Government Act 1995.

- (2) The nature and scope of the inquiry were as follows:

- a) the adequacy of and adherence to Council’s policies and procedures by both elected members and administration staff,*
- b) enforcement action undertaken by the Shire,*
- c) the function of the audit committee,*
- d) declarations of interests by elected members,*
- e) the culture within the Shire,*
- f) any other matter that comes to the persons attention during the inquiry under section 8.4(2) of the Local Government Act 1995.*

- (3) Since the commencement of the Inquiry, the following changes have occurred at the Shire of Toodyay (according to the Shire’s Request for Quotation):

- a) Local government ordinary elections were held with five new members elected, with a later extraordinary election held to replace a member who resigned.*
- b) In accordance with new regulations, Councillor training has been undertaken across a range of areas including governance and financial management.*
- c) A new Chief Executive Officer was appointed following a comprehensive recruitment process and Performance Criteria that include actions relating to governance and compliance were set.*
- d) The Minister for Local Government; Heritage; Culture & the Arts accepted an invitation to visit Toodyay and address the Council.*

- e) Council met with officers of the Department to discuss the outcomes of the Inquiry.*
- f) Council has commenced a comprehensive policy review.*
- g) A review of procurements practices has been undertaken.*

(4) Again, according to the Request for Quotation, the organisation continues to seek and implement improvements, both in response to the Inquiry and generally, as part of a transition process to a more effective and accountable local government.

(5) The Inquiry Report was tabled in Parliament on 13 October 2020 and contained 25 findings in relation to the above.

(6) As a result, the Department made the several recommendations to the Council, one of which is that:

*The Shire undertake a Governance Review as approved by the Director General within 6 months of this report becoming final and the review is to be made available to the Director General.*

(7) The Department required the Shire to select an organisation to undertake an independent governance review and submit its preferred supplier, scope and timeline to the Department for approval.

## **2.2 The Inquiry Report**

Subsequent to the Inquiry, a Report was published and is available on the Department's website. The link is:

[https://www.dlgsc.wa.gov.au/docs/default-source/local-government/inquiries/report-of-the-inquiry-into-the-shire-of-toodyay.pdf?sfvrsn=95f11b3f\\_1](https://www.dlgsc.wa.gov.au/docs/default-source/local-government/inquiries/report-of-the-inquiry-into-the-shire-of-toodyay.pdf?sfvrsn=95f11b3f_1)

## **2.3 The Inquiry's recommendations**

(1) As stated above, a recommendation from the Inquiry Report, was the need to undertake a Governance Review which need to be made available to the Director General of the Department.

(2) The recommendations, in full, were as follows:

*“1. The Shire undertake a Governance Review as approved by the Director General within 6 months of this report becoming final and the review is to be made available to the Director General.*

*2. The Elected Members undertake training as determined appropriate by the Director General within 6 months of this report becoming final. That training is to include but not limited to;*

- Governance*
- Accountability*
- Roles and responsibility of both elected members and administration*
- Financial matters*
- Tendering and procurement*
- Meeting management.*

*3. Following completion of the training referred to in Recommendation 2, the CEO is to deliver to the Director General a comprehensive report:*

- a. demonstrating the knowledge and understanding gained by the Elected Members from the training; and*
- b. identifying members who have attended the training and any reasons for non-attendance; and*
- c. outlining the steps taken by the Shire to implement such knowledge and understanding.*

*4. Conduct a review of the CEO's performance by an independent consultant on an annual basis for the duration of the contract.*

*5. Council review the Litigation Policy to reflect the scope and authority of the CEO regarding any litigation on behalf of the Shire.”*

## **2.4 Summary of the Inquiry's key findings**

The summary of the key findings of the Inquiry is as follows:

### **“Finding 01**

*The minutes of the Ordinary Council Meeting held on 19 February 2013 did not comply with regulation 11(da) of the Local Government (Administration) Regulations 1996, as they did not provide written reasons for a decision that is significantly different from the Chief Executive Officer's written recommendation in relation to the Merrick matter.*

### **Finding 02**

*The CEO has failed to keep Council abreast of costs of litigation of the Merrick matter thus not enabling Council to make informed decisions regarding to matter.*

### **Finding 03**

*Mr Scott, as CEO, failed to comply with Policy F3 by failing to obtain three (3) written quotes for the purchase of goods or services relating to the provision of legal services for the Merrick matter.*

### **Finding 04**

*The Shire has failed to adopt a policy to give guidance and direction to the CEO on matters concerning litigation on behalf of the Council.*

### **Findings 05**

*The CEO has failed to ensure that the resources of the local government are effectively and efficiently managed, by pursuing a \$60 parking infringement at the cost of \$5381 in circumstances where the infringement notice had been issued to the wrong person.*

### **Finding 06**

*The CEO did not adequately discharge the responsibility he had under the s5.41(d) of the Local Government Act 1995 for the management of the day to day operations of the local government by managing legal costs, which were excessive given the nature of the matter.*

### **Findings 07**

*The CEO has failed to discharge his duty as per regulation 5(2)(a) Financial Management Regs in regard to ensuring that the resources of the local government are effectively and efficiently managed in relation to litigation of the Warragenny Holding Pty Ltd matter.*

### **Finding 08**

*The CEO has failed to keep Council abreast of continuing costs of litigation of the Warragenny matter thus not enabling Council to make informed decisions regarding to matter.*

### **Findings 09**

*The CEO has failed to ensure that efficient systems and procedures are to be established by the CEO of the local government for the*

*proper collection of all money owing to the local government in regard to rates setting.*

**Finding 10**

*The CEO did not have adequate oversight of the day to day operations of the local government, and this failure by the CEO has caused, or contributed to the potential unnecessary costs to the Shire of Toodyay.*

**Finding 11**

*The Audit Committee appears not to have complied with section 5.14 of the Act by not choosing one of themselves to preside at the 17 December 2018 meeting in the absence of the presiding member, Cr Welburn.*

**Finding 12**

*The Shire of Toodyay has breached of r33A(4) of the Local Government (Financial Management) Regulation 1996 by not submitting the Shire of Toodyay Budget Review to the Department of Local Government Sport and Cultural Industries for the 2018-19 financial year.*

**Finding 13**

*The CEO has breached of r5(g) of the Local Government (Financial Management) Regulation 1996 by not submitting the Shire of Toodyay Budget Review to the Department of Local Government Sport and Cultural Industries.*

**Finding 14**

*The CEO has failed to ensure that the Shire adhered to Local Government (Functions and General) Regulation 1996 r11 by neglecting to invite tenders before awarding the contract to Fire Mitigations Services.*

**Finding 15**

*The Council has failed to adhere to the F12 Disposal of Property policy by neglecting to contact all effected stakeholders as nominated in the policy.*

**Finding 16**

*The Council has failed to adhere to the Local Planning Policy 20 by not justifying why full compliance was impractical, or may result in*

*reasonably demonstrated detriment, or why variation was warranted in the circumstances of the case.*

**Finding 17**

*The Shire has provided incorrect advice allowing the use of a conventional septic system, when an Alternative Treatment Unit wastewater system was required.*

**Finding 18**

*The Shire was inconsistent in its approach in this case, in relation to the planning and building conditions to be adhered to with respect to the subdivision of land.*

**Finding 19**

*The CEO has failed to ensure that the resources of the local government are effectively and efficiently managed, by pursuing an unwarranted prosecution at the cost of \$36,500 in circumstances where the infringement notice had already been paid.*

**Finding 20**

*The CEO did not adequately discharge the responsibility he had under the s5.41(d) of the Local Government Act 1995 for the management of the day to day operations of the local government by managing legal costs, which were excessive given the nature of the matter.*

**Finding 21**

*The Shire has shown to have inconsistent dealings in relation to a planning application over a period of five years with no change in Shire planning or policies during that time, and at a significant cost to the applicant and rate payers.*

**Finding 22**

*The Shire has failed to adhere to their own O.2 Volunteer Policy by ensuring to provision of orientation/induction as per item 7.7 Induction of the Volunteer Policy by the Shire of Toodyay was provided to Ms Graham.*

**Finding 23**

*The Shire has failed to adhere to their own O.2 Volunteer Policy item 13 of Inappropriate Behaviour and Volunteer Dismissal, specifically affording the volunteer with procedural fairness and following the procedure for termination of a volunteer's services.*



#### **Finding 24**

*The CEO has breached Code of Conduct 3.5 Avoid Derogatory Statements by failing to communicate in a professional manner which may cause any reasonable person unwarranted offence or embarrassment.*

#### **Finding 25**

*The CEO has acted in an unethical manner by not disclosing to the Council that his son is working with the legal firm that the Shire has frequently engaged to provide legal services.”*

### 3. THE ROLE OF THE COUNCIL

#### **3.1 Methodology**

- (1) We conducted interviews with:
  - (a) the Shire President, the Deputy Shire President and 5 other Councillors; and
  - (b) the CEO, the Manager Assets and Services and the Acting Manager Planning and Development.
- (2) We reviewed the agenda papers and minutes of the ordinary and special meetings and committees of the Council for the period under review.
- (3) We undertook an extensive review of the following:
  - (a) the Policy Manual;
  - (b) the Strategic Community Plan; and
  - (c) the Corporate Business Plan.

#### **3.2 Findings**

- (1) In our view, all of the councillors interviewed demonstrated the knowledge and awareness necessary to collectively fulfil the role of the Council.
- (2) Whilst readily identifying as either an “old” (presumably elected in 2017) or “new” (presumably elected in 2019 or later) councillors, those interviewed stated that they considered there was no evidence that block or factional voting occurred at the Council meetings. This was supported by our review of the minutes of the meetings.

- (3)** A review of the minutes of the Committees of the Council demonstrated compliance with the Act, with Committee recommendations being given ultimate consideration by the Council at subsequent meetings.
- (4)** In fulfilling the role of the council, councillors rely upon the CEO to provide advice and information on which to base their decision making. Section 5.41(b) of the Act<sup>1</sup> provides that the CEO is to ensure that advice and information is available to the council so as informed decisions can be made.
- (5)** At the Shire, the forums in which this information is exchanged, and advice tendered, comprise:
- (a)** agenda briefing sessions convened one week before the Ordinary Council Meeting conducted on the fourth Tuesday of the month; and
  - (b)** Council Workshops conducted monthly or more regularly depending upon demand and typically on a Monday.
- (6)** The Council Policy entitled “Council Forums” adopted on 27 May 2014 sets out the rules and processes to be used in convening and conducting forums. It states that Council Forums will convene 2 weeks prior to scheduled Ordinary Council Meetings.
- (7)** The current practice does not accord with this Council Policy. This Policy requires review.
- (8)** The quality of this advice and information, in the form of agenda papers, reports, financial information, and strategic planning documents, is a critical component in assisting the Council to achieve the role set out in s. 2.7 of the Act. That role is to:
- (a)** govern the local government’s affairs;
  - (b)** oversee the performance of the local government’s functions;
  - (c)** oversee the allocation of the local government’s finances and resources; and
  - (d)** determine the local government’s policies.
- (9)** Our examination of the Agenda papers, for the period under review, demonstrated a number of recurring shortcomings requiring improvement.

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<sup>1</sup> In this Report, “Act” refers to the Local Government Act 1995.

- (10) The phrase “no adverse implications”, or other similar words, is used regularly in the implications section of the agenda papers. The purpose of the implications section is to explain and convey the underlying strategy, policy, legal or financial implications that might impact upon the conclusion of the report, the officer’s recommendation and the ultimate decision of the Council. “No adverse implications” should not be applied as a default position.
- (11) Several instances of the incorrect application of the definition of Council’s decision-making roles are evident. For example, Item<sup>2</sup> 9.2.3 of the Ordinary Council Meeting of 24 March 2020 relating to the making of a local law provides that Council’s role in the matter is “Quasi-Judicial” when it is, in fact, legislative.
- (12) Item 9.6.1 of the same meeting provides that the receipt of committee minutes and acceptance of a quotation was “Quasi-Judicial” when it is, in fact, an executive function.
- (13) The “legal implications” section of agenda reports varies from containing no implications whatsoever, no adverse implications, unexplained reference to legislation (Item 9.3.4 of 28 August 2020 and Item 14.2 of 28 August 2020) or large amounts of unexplained excerpts of legislation being copied and pasted (Item 9.3.1 of 24 November 2020).
- (14) The legal implications sections of agenda papers should provide an explanation of the legislation that is applicable to the subject matter. The explanation should be succinct, clear and in “plain English”.
- (15) Referencing legislation within a council motion is unnecessary and potentially confusing (e.g. Item 9.1.1 of 24 November 2020 and Item 10.2.3 of 23 February 2021).
- (16) A common theme that emerged from the councillors interviewed was that there was a need to improve the quality of agenda papers. Specific concerns were as follows:
- (a) the “cutting and pasting” of large swathes of unexplained legislative material was unhelpful and at times confusing. In some instances it was seen as being intimidating;
  - (b) financial information was, at times, difficult to comprehend and, on several occasions, had contained significant and material errors.; and

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<sup>2</sup> “Item” refers to an item of the agenda of the relevant meeting.

- (c) complex policy and strategy matters had been placed upon the meeting agenda for a decision, giving the councillors little chance of comprehension of the subject matter that could lead to an informed decision being made.
- (17) It should be understood and acknowledged by officers writing agenda reports that they do so not only to inform and advise the councillors, but also members of the community. Reports should be written in such a way that a member of the community with reasonable literacy and numeracy skills can understand the contents of the body of the report and its alignment with the officer's recommendation.
- (18) As will be mentioned later in this report, it is our view that the application of s.5.23(2) of the Act, relating to when matters are dealt with "behind closed doors", is too broad.
- (19) According to s.1.3(2) of the Act, the Act is intended to result in greater community participation in the affairs and decisions of local governments and, greater accountability of local governments to their communities.
- (20) The provisions of s.5.23 of the Act that allow a council to treat matters confidentially, involves a discretionary decision. In our view, the preferable "default position" of the Council should be one of openness and transparency, unless there are compelling reasons to conclude that dealing with a matter publicly might expose the local government to inappropriate legal or financial risk or be otherwise inappropriate.
- (21) Currently, all tenders are treated confidentially (commented upon elsewhere in this review) as are most matters relating to the recruitment, appointment and review of the CEO.
- (22) For example, the subject matter relating to CEO Recruitment (Item 14.2 of 26 November 2019) does not, in our view, contain sensitive or personal material and therefore could have been dealt with in a public forum.
- (23) A further example is Item 14.3 of 26 November 2019, entitled "Sport and Rec Update" which is a progress report on the Sport and Recreation Precinct project. We were told that this project was contentious within the community. The report provides a detailed summary of the work in progress as well as details of project costings and project funding sources. It seems that the report was treated confidentially because of the sensitivity of some of the attachments. However, it is noted that the officer's report on page 32 (first sentence) states "While it is proposed that Officer (sic) Report be public, the attachments will remain confidential.

- (24) A search of the publicly available minutes of the Council's ordinary meetings for November 2019 and December 2019 demonstrates no evidence of the release of this report. In any case, it is our view, that there was no good reason for the matter to be dealt with behind closed doors. The attachments were technical documents relating to operational project management matters and therefore the province of the administration and not the Council. They need not have been included.
- (25) In August 2020 (Item 9.3.1), the Council resolved to request the CEO to undertake a comprehensive review of the Shire's Policies and Delegations, acknowledging the scale of the task, by allowing a 12-to-18-month timeframe.
- (26) The current Shire Policies are demarcated into 7 functional areas comprising of Administration, Engineering, Finance, Local Planning, Member, OSH and Other. This is despite advice contained within a report submitted to Council in March 2020 (Item 9.5.1) for the purposes of revoking the Council Policy - M1 Policy Manual that stated "the policy page on the Council website will separate the policies into their relevant departments as follows:
- Community Development;
  - Corporate Services;
  - Executive Services;
  - Planning and Development;
  - Works and Services.
- (27) A recurring theme, in our interviews with the councillors, was a desire, on their part, to become more involved in the development and review of policies. Concern was expressed that draft policies or significant revision of existing policies had been submitted for decision without opportunity for the councillors to effectively discuss and explore the context and purpose of policies in their formative stages through a workshop process.
- (28) Given this general acknowledgement that the Council Policy suite and processes requires review, it might be timely to consider a Council Policy on Policies. Such a policy would set the necessary guidelines on how a policy should progress from origination of concept through to adoption. The policy would prescribe when, how and in what forum the Council and the community are to be engaged and what processes would guide revision and review.

(29) In developing a policy of this nature clear delineation should be made between:

- (a) Council Policies which should deal with matters relevant to the role of the Council, set out in s.2.7 of the Act, serving to provide uniformity in decision making, guidance in exercising discretion and establishing clear direction regarding the delegation of authority and exercising the role of the CEO; and
- (b) Administration Policies which should be relevant to the role of the CEO as provided for in s.5.41 of the Act and establish corporate processes and systems, business rules and underpin where necessary the implementation of Council policy.

(30) The current suite of Council Policies contains some policies that do not reflect current practices, for example Council Policy – Council Forums, however other than the Local Planning Policies the suite is generally comprehensive and capable of guiding consistent and orderly decision making.

(31) The suite of Local Planning Policies, however, require review. There are 23 Local Planning Policies in existence. Thirteen of those 23 were last reviewed in 2010, 6 in 2012, 22 in 2014, one in 2015 and one in 2018.

(32) The Local Planning Policy Guide published by the Western Australian Local Government Association provides useful insight into the writing, development and review of these type of policies.

(33) The section on reviewing policies (page 11) provides the following relevant and important information:

*“LPP’s (Local Planning Policies) should be reviewed regularly to ensure that they remain relevant and in line with sound town planning principles. The age of an LPP reduces its relevance when making decision making, and thus possibly becomes a less useful tool as it ages. **The State Administrative Tribunal has determined that the age of an LPP has direct relevance to the weight afforded to it**” therefore regular review is warranted.” (Our emphasis added).*

(34) The Corporate Business Plan was last adopted in May 2020. It is a comprehensive document effectively representing the aspirations of the Strategic Community Plan and containing 5 years’ financial projections.



- (35) All of the councillors interviewed knew of the existence of the Corporate Business Plan but, when questioned as to its use as a key planning tool, responded that reference to it was rarely, if ever, made.
- (36) Given the major capital expenditure on the new recreation facility and the resulting significant increase in year in year out operating expenses, the Corporate Business Plan becomes an important tool in assisting the Council in overseeing the local government's finances and allocating resources into the future.
- (37) The financial information and forecasts contained within the document conform with contemporary accounting standards and include non-cash items such as depreciation and asset revaluation. The inclusion of non-cash items, whilst necessary by law, can make understanding and analysing "year in year out" financial scenarios somewhat daunting for councillors and members of the community.
- (38) Another set of financial projections excluding depreciation and asset revaluation, essentially a "year in year out" rate setting statement over 5 years, would provide a particularly useful tool for analysis and decision making. Current and projected reserve balances, borrowings and relevant performance ratios should also be included in the business plan.
- (39) A review of the Strategic Community Plan was commenced in 2020 culminating in a draft document being submitted to the Council for approval on 25 May 2021 (Item 9.3.2). Up until this time, the Council was not involved, nor had it discussed the development of the plan.
- (40) The majority of councillors interviewed were unhappy that the Council had essentially been isolated from such an important process until the ultimate approval phase. Some were concerned that the draft document made no mention of the need to manage community expectations and acknowledge that careful and considered financial management relevant to the capital expenditure and commensurate year in year out operating costs of the new recreation facility was necessary.
- (41) Whilst the Strategic Community Plan should be informed by significant community and stakeholder input, the Council is responsible for overseeing the process to ensure that input is balanced, relevant and inclusive.
- (42) In the circumstances, in our view, it would have been preferable for the Council to have had an opportunity to consider and endorse the process

that was to be used, including the methods of community and stakeholder consultation and the role of the Council and of the councillors throughout the process. In our view, it would also have been preferable for the draft document to have been submitted to a workshop for discussion prior to being submitted for formal consideration.

### **3.3 Recommendations**

- (1)** The content, layout and structure of reports being submitted to the Council should be reviewed and standard templates developed with the objective of providing clear, succinct, and informative reports that can guide effective and considered decision making.
- (2)** Formal report writing and agenda preparation training should be provided to all staff involved in the development of agenda items.
- (3)** The Council should consider proposals to deal with confidential matters individually and on their merits and do so only after they have carefully balanced the relevant financial and legal risks of openness against the principles of accountability and transparency espoused in the Act.
- (4)** A risk-based review should be undertaken on all Council Policies, identifying those policies that might expose the Shire to inappropriate levels of risk. Local Planning Policies should be afforded special attention. Policies identified in this process should be reviewed as a priority.
- (5)** The Council should consider developing a new policy on the manner in which important corporate documents are to be managed from inception including their review and their rescission. These documents would include Council Policies, Local Planning Policies, Community Strategic Plans and Corporate Business Plans. The objective of the new policy would be to clearly identify the process to be utilised and role and involvement of the Council and the community when dealing with corporate documents.
- (6)** The Corporate Business Plan should be modified to include a 5-year financial forecast of income and expenditure which excludes non-cash items such as depreciation and asset revaluation not dissimilar to a “rate setting statement”. The plan should also include reserve fund balances actual and projected and long-term outstanding debt principal actual and projected.

- (7) The Corporate Business Plan should be elevated in priority to be the Council's principal guide to strategic financial management. Workshops should be convened at least twice per year to afford the councillors and senior staff the opportunity to analyse, discuss and deliberate upon the allocation of the local government's finances and resources. It is suggested that the workshops are convened in October and April of each year to align with end of financial year performance (October) and formulation of the annual budget (April).

## 4. THE ROLE OF INDIVIDUAL COUNCIL MEMBERS

### 4.1 Methodology

- (1) We conducted interviews with:

- (a) the Shire President, Deputy Shire President and 5 other councillors;  
and
- (b) the CEO.

### 4.2 Findings

- (1) No evidence was found that suggested individual councillors were not performing their roles in accordance with s.2.8, 2.9 or 2.10 of the Act.

## 5. COUNCIL CULTURE AND DYNAMICS

### 5.1 Methodology

- (1) We conducted interviews with:

- (a) the Shire President, the Deputy Shire President and 5 other councillors; and
- (b) the CEO.

- (2) We examined and reviewed the agenda papers and minutes of the ordinary and special meetings of the Council for the period under review.

## 5.2 Findings

- (1) Each of the councillors who were interviewed, when asked about the behaviour of other councillors at meetings of the Council, stated that, in their view, there were instances where one or more councillors behaved in ways, or spoke using language, that was considered to be contrary to the principles set out in the Shire's Code of Conduct or contrary to provisions of the Shire's Standing Orders Local Law.
- (2) For example, it was said that there were instances when a councillor spoke in a disrespectful fashion concerning fellow councillors.
- (3) It appeared to be the case that:
  - (a) generally, the councillors to whom we spoke had a reasonable understanding of the standards of behaviour required of them by the Shire's Code of Conduct and the Shire's Standing Orders Local Law; and
  - (b) the instances to which they referred would not, therefore, be attributable to a lack of understanding of the applicable standards.
- (4) We understand that no formal complaints were made in relation to the instances raised by the councillors. The councillors appeared to understand what steps could be taken to address instances of alleged, unacceptable behaviour, including steps under the Act and under the Standing Orders Local Law. We can only surmise that there may be any one of a number of reasons why a councillor may have chosen not to lodge to take those steps.
- (5) Most importantly, in our view, each of the councillors who were interviewed stated that they had encountered:
  - (a) no "factional" voting;
  - (b) no instances where voting had not occurred on what could be considered the merits of the matter; and
  - (c) no instances where they were not afforded a proper opportunity to be heard on a matter or to properly debate a matter.
- (6) These statements lead us to find that, whilst the councillors have concerns as to occasional, unacceptable behaviour and language at council meetings, nevertheless, the Council, as a whole, is functioning properly and proper decision making is taking place.

- (7) It should be said that, in our view, if there are instances of behaviour which are considered to fall short of the applicable standards, then it is for each of the councillors, including the presiding member, to consider taking whatever steps are appropriate in the circumstances. This may include a councillor immediately objecting to the behaviour or language by way of a point of order or the presiding member calling the particular member to order. These steps may not prevent future such instances but, nevertheless, can highlight that the councillors do not consider that that behaviour is acceptable or will be permitted to take place without comment. This would demonstrate to the public that the correct standards of behaviour are important.

### **5.3 Recommendations**

- (1) We have no recommendations to make to the Shire but we recommend that each of the councillors should pay particular attention to the views we have expressed in para 5.2(7) above.

## **6. RELATIONSHIP BETWEEN COUNCIL AND THE CEO**

### **6.1 Methodology**

- (1) We conducted interviews with:
- (a) the Shire President, the Deputy Shire President and 5 other councillors; and
  - (b) the CEO.
- (2) We examined and reviewed the agenda papers and minutes of the ordinary and special meetings of the Council for the period under review.

### **6.2 Findings**

- (1) All of the councillors interviewed spoke of the CEO in positive terms and of the improvements that the CEO had instituted since commencing in the role in June 2020.
- (2) The CEO stated that she was enjoying the role but that she was facing challenges with the recent departure of the Manager of Corporate Services

particularly with regards the implementation of a new enterprise ICT system. We were advised at the time that the recruitment process was well underway and that she had recruited adequately qualified temporary officers to assist in the interim.

- (3) An independent consultant was engaged to undertake the annual CEO probation review (Item 14.1 of 24 November 2020).
- (4) The review was undertaken in December 2020 with a councillors' median score on assessment of overall performance demonstrating that the CEO had performed above expectations.
- (5) In March 2021 (Item 14.1) the Council resolved to adopt revised performance criteria and referred the review of remuneration as part of the next performance review process.
- (6) Upon the information provided, we believe that the councillors and CEO enjoy a sound and productive working relationship underpinned by an appropriate and compliant performance review and goal setting arrangement.

### **6.3 Recommendations**

- (1) We emphasise the importance of engaging a qualified independent facilitator to assist in the annual performance review process, in alignment with recommendation 4 of the Authorised Inquiry.

## **7.RELATIONSHIP BETWEEN THE COUNCIL AND THE ADMINISTRATION**

### **7.1 Methodology**

- (1) We conducted interviews with:
  - (a) the Shire President, the Deputy Shire President and 5 other councillors;
  - (b) the CEO; and
  - (c) 5 of the employees.
- (2) We reviewed the agenda papers and minutes of the ordinary and special meetings of the Council for the period under review.

### **7.2 Findings**



- (1) All of the councillors interviewed expressed a clear understanding of the separation of roles between the elected members and the employees. All requests for information or communications regarding constituents were typically channelled through the CEO or on rare occasions her reporting Managers. The CEO collaborated this view. Other staff who were interviewed did not refer to any inappropriate elected member involvement in administrative functions.
- (2) Of the 5 employees interviewed, 3 stated that, on occasions, they had experienced unpleasant and inappropriate behaviour from elected members when attending workshops and agenda briefings.
- (3) A majority of the councillors interviewed stated that there were instances where the “atmosphere” in workshops and meetings could become somewhat strained as a result of questions or comments directed at staff.
- (4) One of the councillors who we interviewed gave several examples (supported with written evidence) of information provided by staff to the councillors for consideration at meetings that contained errors or was lacking in relevant detail. Some errors were relatively minor, but in one example of a series of financial statements submitted, errors were of a magnitude that could have suggested a material financial problem for the Shire.
- (5) Section 5.41 (b) of the Act provides that the CEO must ensure that advice and information is available to the council so that informed decisions can be made. It follows that this advice and information should be factual, contemporary, relevant and accurate.
- (6) Clause 5 of the Model Code of Conduct Regulations provides, in part, that a council member should treat others with respect, courtesy and fairness and should maintain and contribute to a harmonious, safe and productive working environment.
- (7) Clause 19 of the Model Code of Conduct Regulations prohibits abusive or threatening behaviour towards others.
- (8) Inappropriate behaviour at meetings, whether or not it is thought to be borne of the frustration of receiving incorrect or inadequate advice or information, is unjustified and inappropriate.
- (9) If any of the councillors were to have a concern as to the quality of advice or information provided by the CEO, to assist in their decision making and

governance, then they should raise the matter with the Shire President who should then liaise with the CEO in accordance with s. 2.8(1)(f) of the Act.

- (10) If after liaison, improvement is still not forthcoming, the matter should then be dealt with as part of the annual performance review process with consideration being given to identifying the shortcoming as a performance criterion requiring resolution.

### **7.3 Recommendations**

- (1) We recommend that the councillors pay particular attention to the provisions of the Shire's Code of Conduct relating to relationships with others and behaviour when dealing with Council staff in meetings and workshops.
- (2) We recommend that a councillor should advise the CEO, as soon as practicable, where the councillor considers that he or she has been provided with information which may be incorrect. Preferably, this should be done before the commencement of the meeting or workshop to which the information refers, so that the CEO can consider the position and can rectify any erroneous advice.
- (3) We recommend that the CEO pays particular attention to the quality of the information and advice that is to be provided by the administration to the councillors (in accordance with the responsibilities under s 5.41(b) of the Act). If shortcomings are identified then improvements to systems, procedures and organisational capacity should be instituted as a priority.

## **8. MANAGEMENT OF EMPLOYEES**

### **8.1 Methodology**

- (1) We conducted interviews with:
  - (a) the CEO; and
  - (b) 5 of the employees.
- (2) We examined and reviewed:
  - (a) the agenda papers and minutes of the ordinary and special meetings of Council for the period under review;

- (b) documentation relevant to the recruitment of the incumbent CEO;
- (c) the Council policies relating to human resource management and occupational health and safety;
- (d) samples of performance reviews undertaken for level 3/4, 5/6, 7-9, Manager, and Executive Manager positions; and
- (e) all correspondence relating to terminations that occurred during the period under review.

## 8.2 Findings

- (1) The Shire has no adopted Council policies regarding the recruitment or appointment of a CEO.
- (2) The timing of the appointment process, commencing in December 2019 and concluding in April 2020 means that Division 2 of the Local Government (Administration) Regulations 1996 relating to standards for the recruitment for CEO's could not practically be applied.
- (3) In the circumstances, the Local Government Operational Guideline number 10 entitled "Appointing a CEO" was used as a guide to assess the efficacy of the process.
- (4) The following is a chronology of decision making relating to the appointment of the CEO which ultimately resulted in the appointment in April 2020.

### **26 November 2019 Item 14.2**

*Resolution 303/11/19*

*Council resolves not to appoint a CEO recruitment committee and to seek the services of a consultant to guide the recruitment process*

*Resolution 308/11/19*

*Council resolves to invite tenders for the services of a recruitment consultant to guide and advise upon process. Council also decides to establish selection criteria and authorise the CEO to prepare a specification and submit it to the December meeting for endorsement.*

### **17 December 2019 Item 9.5.2**

*Resolution 322/12/19*

*Council resolves to approve the advertisement for the position, endorse the tender specifications, and authorise the CEO to undertake the procurement process.*

### **28 January 2020 Item 14.1**

*Resolution 28/01/20*

*Council resolves to accept the tender from Beilby Downing Teal Pty Ltd to provide CEO recruitment services and authorises the CEO to issue a letter of award and sign the AS 4122 -2010 General Conditions Contract*

**7 and 14 April 2020**

*Council meets to select preferred applicant, agree upon the terms of the contract and to authorise the Shire President to negotiate contract terms with the preferred applicant.*

*No resolutions were made as to the preferred applicant or contract terms but according to the minutes "consensus" was reached.*

*Resolution 119/04/20*

*Council resolves to authorise the Shire President to negotiate contract terms*

**April 21 and 23 April 2020**

*Resolution 125/04/20*

*Council resolves to authorise Shire President to make an amended offer on the terms of contract*

**28 April 2020**

*Resolution 150/04/20*

*Council resolves to employ the incumbent CEO and endorses contract of employment.*

- (5) On the information provided, we are satisfied that the process leading to the appointment of the CEO complied with the relevant conditions of the Local Government (Administration) Regulations in force at the time of commencement of the process.
- (6) In applying the operational guidelines, we found that there was no record contained within the minutes of the Council reviewing the selection criteria and performance criteria of the position description prior to the vacancy being advertised.
- (7) However, we have reviewed the position description and consider the selection criteria and performance criteria contained in the position description to be relevant, appropriate, and reflecting of sound human resource management practice.
- (8) Matters relating to the setting of new performance criteria and dealing with the probation period are dealt with elsewhere in this report.

- (9) An analysis of annual performance reviews was undertaken utilising samples representing administration and clerical, para-professional, professional, managerial, and executive managerial roles.
- (10) Feedback from the staff interviewed was that the most recent round of performance reviews was undertaken in a professional and considered manner. This is corroborated by the supporting documentation that was provided to us.
- (11) During this review we have received feedback from some staff that they had been requested to perform roles considered to be beyond the scope of their position description. We observed that these staff, to their credit, had taken on the new roles along whilst still fulfilling their existing specified roles. Those employees said that they did so in recognition of what they saw as limited human resources and in an endeavour to “get the job done”.
- (12) Directing or inviting staff to perform roles and functions outside of the remit of their position description, and possibly outside of the scope of their skills and experience, notwithstanding that they might be eager or willing to do so, can expose the organisation to significant risk. It is also has the potential to expose the employee to unfair professional reputational risk should the outcome not meet expectations.
- (13) On the information provided to us, there is no evidence that the currency and relevance of position descriptions is being discussed or assessed as part of the review process. This is so notwithstanding that there is an introductory message on the second page of the review form which contains an invitation or opportunity to do so. Employees should only perform functions and undertake roles commensurate with their skills and qualifications. An important function of the position description is to align the skills qualifications and experience of the employee with the functions, roles, and objectives of the position.
- (14) Based upon the information provided to us, there is no evidence of any anomalies between officers who were provided an adequate review under section 5.38(3) and within 12 months had their employment terminated.
- (15) In our view, the empowerment of employees and delegations in accordance with s. 5.44 of the Act is appropriate and sufficient to allow for the efficient and effective day to day operation of the Shire.
- (16) In our view, the Shire’s Human Resource Policies and the

Occupational Safety and Health Policy reflect sound human resource management practice and do not expose the Shire to any inappropriate levels of risk. It is noted however that template varies between policies and most policies have not been subject to a review.

### **8.3 Recommendations**

- (1) The annual performance review form should be modified to incorporate a section for identifying any changes in the year under review to the role or function of the position. The modifications should include provision for the identification of training and development programs that will assist the employee in meeting the objectives of the redesigned position.
- (2) No employee should be directed or permitted to undertake functions or roles outside of the specification of the employee's position description unless the employee clearly possess the skills and experience necessary to do so.
- (3) As part of the forthcoming annual performance review process, the job specification contained within each position description should be reviewed to identify any variations with the staff member's actual role and functions.
- (4) Training and development opportunities should be identified as part of this process.

## **9. PROCUREMENT AND PROBITY**

### **9.1 Methodology**

- (1) Prior to conducting interviews, we requested the complete files of all procurements of \$50,000 or more for the relevant period.
- (2) We were provided with electronic files of documents for 7 separate procurements which included some "Requests for Quote" and some "Invitations To Tender".
- (3) The files initially provided to us were not comprehensive. Our expectation would be that each of the Shire's procurement files, within its record system, would contain:



- The Request for Quote or Invitation To Tender including the proposed contract or conditions of contract;
- The advertisement in the case of tenders;
- The actual submissions or tenders;
- The evaluation report;
- The report and recommendation; and
- The decision and the award.

**(5)** Later, further documents were provided to us which, whilst not comprehensive, were sufficient for us to make findings and recommendations concerning the Shire's procurements.

**(6)** We conducted interviews with:

- (a)** CEO;
- (b)** the Compliance and Communications Officer; and
- (c)** the Manager Assets and the Services.

**(7)** In this regard, we consider it relevant to note that:

- (a)** Some of the Shire's employees who were involved with procurements during the relevant period are no longer with the Shire.
- (b)** The CEO commenced with the Shire only in June 2020 which was after the period to which the Inquiry Report relates and roughly mid-way through the period to which this Review relates.
- (c)** Whilst the responsibilities of the Compliance and Communications Officer include oversight of the tender process and assistance with some administrative components of the tender assessment, they do not extend to the development of the proposed contract or the scope of works or specification.
- (d)** The Manager Assets and Services only commenced with the Shire in January 2021 (the previous Manager Assets and Works having finished in October 2020). The Manager was therefore present for the last 2 months of the period of this review. He was responsible for one relevant report to the Council during this period which was a report recommending the award of a tender relating to "Bridge 0700".

**(8)** We were also given access to, and reviewed, the Shire's relevant policy namely, Policy F3 – Purchasing.

## 9.2 Findings

- (1) Based on our examination of the 7 procurement files provided to us, there are a number of recurring “themes” for both our findings and our recommendations.
- (2) Those “themes” relate to:
  - (a) improvements which can be made with respect to the proposed contract and the proposed specification or scope of works;
  - (b) matters which could improve the evaluation stage;
  - (c) the need for the removal of unnecessary confidentiality with respect to reporting and decision-making; and
  - (d) the need for a greater emphasis on targeted training to lift the skills of the Shire’s staff who are involved with procurement.
- (3) In addition to the findings which follow, and which are of a general nature, there are a number of specific findings with respect to the tender for the management of the Recreation Centre (which tender was considered by the Council at a special meeting on 11 August 2020). We refer to this tender as the “Recreation Centre Management Tender”. Our findings lead us to make certain recommendations for the future.
- (4) Our examination of a number of the files disclosed that the Request for Quote document (“RFQ”) and the Invitation To Tender document (“ITT”) did not use or incorporate a separate contract document. Rather, it was the case that the Conditions of Tendering component of the document included a set of “General Conditions” which were intended to set out the terms of the contract once the tender was awarded. We were not told of the origins of these “General Conditions”, and it was not known when, by whom or for what particular purpose they had been prepared.
- (5) In our view, the preferable approach is for the RFQ and the ITT documents to comprise each of the following as a separate and identifiable component:
  - (a) The conditions of tendering (or quoting);
  - (b) The proposed contract;
  - (c) The scope of works or specification; and
  - (d) The form of tender.

- (6) There are good reasons for this approach being the preferred approach. One significant reason, in the current context, will be to emphasise that the particular form of contract chosen must be suitable for the particular project and that there is not a “one size fits all” set of terms and conditions. The appropriate form of contract will differ, for example, on whether the nature of the work or services is a building contract, or a design and construct contract, or a minor works contract (which can be principal-administered or superintendent-administered), or a contract for consultancy services, or an agreement for the supply of goods, and so on.
- (7) Generally speaking, it would be sensible for the Shire’s relevant Manager or senior officer who is directly responsible for delivering the project to be the person who determines the most appropriate contract. It is of vital importance that that person has adequate and appropriate training, skill and experience to make a decision of that sort.
- (8) Where the procurement is from WALGA’s list of preferred suppliers then it is reasonable for the Shire to use the appropriate and relevant standard contract provided by WALGA.
- (9) In other cases, it would be preferable and desirable for the Shire to have a suite of contemporary and recognised standard contract template for use in its differing procurements.
- (10) With respect to the evaluation of tenders and quotes, we observed that, for each RFQ and ITT, the selection criteria and the percentage weightings to be considered by the evaluation panel differed. This appeared to indicate that a conscious and considered decision had been made in each case. This is as it should be and appeared to be reasonable, assuming of course that the decisions were made with a view to the Shire getting best value.
- (11) In a number of cases, the Shire’s evaluation panel included the Compliance and Communications Officer in addition to “technical” officers of the Shire. In this regard, the view expressed by the Manager Assets and Services was that her inclusion was valuable because it added an independent viewpoint to the evaluation. In our view, whilst this has some merit, we think it is more sensible for the Compliance and Communications Officer to remain focussed on supervising the tender process for compliance with legislation and policy and not to have an active role as a member of the panel. In our view, members of the panel should be chosen because they can contribute to the evaluation of the

tenders and submissions by reason of their qualifications and experience relevant to the subject matter of the particular procurement.

- (12) The specification or scope of works document is a separate document but is annexed, to the contract template, and thus forms an integral and critical part of the contract. It sets out the detailed requirements of the precise engineering works, building works, other works or services are required to be performed.
- (13) Our examination of the Shire's procurement files revealed a "mixed bag".
- (14) The example of the tender for "Bridge 0700" is pleasing. In this case, the drawings were prepared by the Shire's Asset team, and the specification used was one obtained from Main Roads. The Manager of Assets and Services considered that he and his team were more than capable of doing these drawings and generally capable of preparing specifications for "core" work such as road maintenance and road upgrades. We see no reason to question that.
- (15) This example is in contrast with some others. For example, in the case of the tender for the consultancy services for the recruitment of a CEO, there was no scope of work or services as part of the ITT and, indeed, no detailed description of the precise services required. This is not to say that appropriate and suitable services were not delivered in this particular case or that the Shire did not receive good value.
- (16) Rather, in our view, it would be preferable practice for the Shire to clearly state what services it expects to be performed and to do so in properly developed specification or scope of works.
- (17) Our review of the ITTs and the related minutes of Council meetings revealed that, so far as we could ascertain the general position is that tenders are dealt with by the Council as a confidential item and that that part of the meeting is closed to the public.
- (18) In our experience, there are differing approaches across WA local governments with respect to how tenders are dealt with by councils in terms of transparency.
- (19) In our view, the preferred and better practice is for tenders to be considered and decided as an open item of business. Many metropolitan local governments take this approach, and the greater transparency has been welcomed and, indeed, is now taken as a given where it occurs.

- (20) Where the local government deals with tenders as an open item there is, nevertheless, a number of differing approaches as to what particular information is dealt with by way of a confidential attachment. In some cases the tender prices and the in-house panel's tender scoring matrix are kept as confidential attachments (only available to the Council) and in other cases that information is made public.
- (21) In our view, greater transparency is to be preferred. It promotes public confidence in the processes and decisions of the council, and we are not aware of any evidence of drawbacks or difficulties being experienced. We accept, however, that no one approach can be presently regarded as "best practice". Therefore, we consider that the decision as to whether the prices and evaluation should be publicly available is a matter which should be decided by the Council upon consideration of an appropriate report prepared by the CEO.
- (22) We turn now to our findings in connection with the Recreation Centre Management Tender which was considered by the Council at a special meeting on 11 August 2020.
- (23) As mentioned earlier, the current CEO commenced in June 2020 and had been with the Shire a little over 2 months at the time of the relevant report and the special meeting of the Council. Well prior to her commencement, a decision had already been taken to invite tenders for the engagement of a contractor to manage the Centre and the ITT had been issued by the Shire in May 2020. According to the report the Recreation Centre was due to be completed in August/September 2020.
- (24) Based on our interviews and examination of relevant documents, a number of aspects came to our attention as follows:
- (a) Firstly, there was no formal decision taken by the Council to seek tenders or to "outsource" the management of the Centre.
  - (b) According to the report, *"it was determined that the most appropriate method of ensuring the successful management of the facility was to invite tenders from the open market"*. Several councillors recalled that the outsourcing was raised for discussion at a council workshop. However, there was no disagreement that a decision of the council had not been taken. There was no indication that the Council would not have made that decision if it had been considered and we note that this aspect of the matter

was not raised by anyone when the award of the tender was considered in August 2020.

- (c) Nevertheless, in our view, it was a failing of proper process that no decision to outsource and to invite tenders was considered or decided at a meeting of the Council.
- (d) In our view, it would have been proper and sensible for there to have been proper consideration at a council meeting of the various alternatives open to the Council. These alternatives would include:
- to invite tender from external parties only;
  - to invite tenders from both external parties and with an in-house bid; or
  - to undertake the management itself (and not go to tender).
- (e) We consider our view to be reasonable given that, at least in 2017 the view of the Shire was that it would undertake the management itself. This appears in the Shire's "Business Plan" dated February 2017 where, in connection with management it was stated that:
- "2.4.6 Management  
The Shire manages the existing Toodyay Showgrounds and hence is responsible for the maintenance of the playing fields and buildings and management of all bookings, including receiving fees for use of the main pavilion. The long term operational management of the facilities will be part of the Shire's community development directorate and will house 3 to 4 operational staff."*
- (f) The view we have expressed in para (d) above should not be seen as any criticism of the current CEO who commenced after the decision in a practical sense had already been taken and when a decision on the invited tenders was imminent.
- (g) Secondly, the ITT did not incorporate either a proposed contract or set of proposed terms and conditions. Also there was no separate and detailed scope of the services required. The ITT mentioned certain services expected but could not be described as a proper and detailed scope.



(h) To the contrary, the ITT stated that:

- (i) *“Council is seeking to apply a Contract Management Model and enter into a contract with a suitably qualified facility management organisation (Manager) to manage the Precinct for a fixed period of time, which may be through a Management Agreement (Agreement)”*; and
- (ii) Proposals from tenderers should include the *“Proposed contract agreement including performance based arrangements”*.

(i) The fact that the ITT did not incorporate a contract as proposed by the Shire is further evidenced by the fact that the recommendation in the report, and the decision by the Council, stated that the Council:

*“Authorises the Chief Executive Officer to:*

- (a) enter into contract negotiations with the successful tenderer in accordance with the provisions of the submitted tender.*
- (b) prepare and execute the necessary contract documents once negotiations have been finalised”*.

(j) We were advised that subsequent to the Council’s decision on 11 August 2020, the Shire instructed solicitors to prepare a contract and later that contract was entered into by the Shire and by the party identified as the “successful tenderer”.

(k) The Recreation Centre is currently being managed pursuant to that contract. Indeed, the initial contract term runs, we were advised, until December 2022, at which time a decision would need to be made by the Shire as to whether or not to exercise an option for a further term.

(l) In our view, it would make sense for the Council to be provided with a detailed report which analyses the benefits and disadvantages of each of the alternatives and for this to occur before any decision is made with respect to the contract option.

(25) In our view, the Shire must take steps, in the future, to ensure that whenever a decision is taken to invite tenders or request quotes that the

ITT or RFQ documents are of high standard and comprise the following essential elements:

- (a) the conditions of tendering (or quoting);
- (b) the proposed contract;
- (c) the scope of works or specification; and
- (d) the form of tender.

(26) Further, in our view, the CEO is to ensure that if the staff do not have the appropriate and relevant skill and experience, in the case of the contract template or the specification/scope, then external expertise should be sought to develop those documents. Where it would make sense to do so, existing staff should be provided with appropriate training.

### 9.3 Recommendations

- (1) A suite of standard contract templates should be established for those procurements which:
  - (a) are regularly encountered by the Shire; and
  - (b) are of a significant value (say over \$50,000); and
  - (c) are not procurements through the WALGA Preferred Panel (where a WALGA contract template would generally be used).
- (2) Examples of projects of this type might include:
  - (a) major road related works;
  - (b) significant consultancy engagements;
  - (c) orders for the supply of goods or services that are on an as required basis but which when aggregated would represent a significant total cost;
  - (d) building work of a major nature requiring the appointment of an independent superintendent;
  - (e) construction work which is usually referred to as minor works. This could need an independent superintendent or alternatively might be “principal administered”.
- (3) Those examples are appropriate cases for use of a high quality contract template.

- (4) We recommend that, in each case, a good and well recognised base template be used. A Standards Australia set of general conditions would be appropriate. Examples include:
- (a) AS 2124 - building contract.
  - (b) AS 4122 - consultancy contract.
  - (c) AS 4905 - minor works principal administered.
  - (d) AS 4906 - minor works superintendent administered.
  - (e) AS 4912 - contract for the periodic supply of goods.
- (5) However, we recommend that the template be amended so as to contemporary and fairly balanced in terms of risk as between the Shire as principal, and the contractor or consultant. These amendments should be done through a suitably experienced and specialised law firm. Appropriate firms can be found from within the WALGA panel.
- (6) Each contract template should be accompanied by firstly, a layman's guide to the more important provisions and secondly, by a simple statement explaining when the use of the template is suitable and useful and when it is not suitable or appropriate.
- (7) These tasks need not all be done at once but should be done over a reasonable timeframe according to a prioritised list.
- (8) Once one or more templates are developed, then their use by the employees should be mandated.
- (9) This should be done by means of a directive by the CEO applying to all staff. This could take the form of, say, a "CEO Direction" or an "Administrative Procedure" (but not a Council Policy as it is an operational matter not a council matter).
- (10) This directive, the templates and other supporting documents referred to above should be easily accessible to employees on the Shire's information system.
- (11) Going forward, the Manager Assets and Services and other senior staff responsible for significant procurements should be strongly encouraged by the CEO to undertake targeted training in relation to any template contract with which they are not well acquainted or require greater familiarity and understanding.
- (12) The use of the appropriate and contemporary contract template for each procurement is critical. Also of critical importance is the use of a high

quality Scope of Services or Specification which is attached to, and forms part of, the overall contract being offered.

- (13)** The Manager Assets and Services considered himself to be well experienced with the development of scopes and specifications for certain differing types of work particularly roadwork and road related infrastructure.
- (14)** There will other work types however where the services of a suitable external consultant is required and should be sought.
- (15)** This review did not extend to identifying all of those other areas where external assistance should be sought to prepare the scope/ specification. Therefore, a suitable list should be developed and mandated.
- (16)** It is recommended that the CEO instructs the Manager Assets and Services to prepare a list of matters where, by reason of:

  - (a)** the nature or complexity of the work or of the goods or services;
  - (b)** the quantum of the likely expenditure involved; or
  - (c)** the level of the risks involved (whether the risk is reputational, financial or otherwise),

the Shire's best interests are served by having an external professional (perhaps an engineer or other expert) prepare the scope/specification.
- (17)** Once this list is settled, it should be mandated and made available in the same way as described in paras (8), (9) and (10) above.
- (18)** The CEO should take steps to ensure that:

  - (a)** the role of the Compliance and Communications Officer remain focussed on supervising the tender process for compliance with legislation and policy and that officer does not to have an active role as a member of any evaluation panel; and
  - (b)** members of the panel are be chosen because they can contribute to the evaluation of the tenders and submissions by reason of their qualifications and experience relevant to the subject matter of the particular procurement.
- (19)** The CEO should consider doing so in the form of a CEO Direction or an Administrative Policy.
- (20)** Well prior to any decision in connection with the exercise of the contract option for the Recreation Centre management, the CEO should ensure that the Council is provided with a detailed report, for its

consideration and decision, which analyses the benefits and disadvantages of each of the alternatives which are open to the Council for its ongoing management.

## 10. RECORD KEEPING

### 10. Methodology

- (1) We undertook interviews with:
  - (a) the Shire's Senior Records Officer who has been with the Shire for 9 years; and
  - (b) the CEO.
- (2) We also raised the topic of record keeping with the other employees who were interviewed in the event that any of them wished to provide information.
- (3) We reviewed the Shire's Record Keeping Plan and the Shire's Record Keeping Policy.

### 10.2 Findings

- (1) The Shire of Toodyay Record Keeping Plan contains the following objectives:
  - (a) compliance with section 28 of the *State Records Act 2000*;
  - (b) recordkeeping within the Local Government is moving towards compliance with State Records Commission Standards and Records Management Standard AS ISO 15489;
  - (c) processes are in place to facilitate the complete and accurate record of business transactions and decisions;
  - (d) recorded information can be retrieved quickly, accurately, and cheaply when required; and
  - (e) the protection and preservation of the Local Government's records.
- (2) For a number of years and at the time of our visit to the Shire, the Shire was utilising an enterprise-wide ICT system ("the current system") to record and retrieve documents in accordance with its obligations under the State Records Act and the Record Keeping Plan. We were advised that the current system carries integration across all software modules and is accessible to all staff who normally have access to a computer workstation.

- (3) Inward and outward written correspondence is recorded on the current system. We were advised by the Senior Records Officer that the process of recording these documents is effective and facilitates their efficient retrieval. This was verified by all other staff interviewed.
- (4) The Shire Record Keeping Policy adopted by Council on 25 June 2019 provides that all records are to be captured at the point of creation. "All records" includes emails. We were advised that no systems or practices are currently in place that facilitate the recording of either inward or outward emails relevant to the administration and councillors.
- (5) This failure to effectively record emails would be in breach of the Shire Record Keeping Policy. It is also would not comply with the Record Keeping Plan endorsed by the State Records Commission.
- (6) We were advised by the Senior Records Officer that a new enterprise-wide software system has been purchased by the Shire and is being installed in readiness for commissioning on 1 July 2021("the new system").
- (7) We were advised that the new system does not include a fully functional or integrated records management module. We were advised that the contract relevant to the purchase of the new system provides that the development and pricing of a records management module is a matter for both parties to resolve in the future.
- (8) We were advised that records created on or before 30 June 2021 would not be accessible in the same manner as records created after 1 July 2021. It was suggested to us that a solution under consideration would be to retain a small number of the existing user agreement licences (for the existing system) to afford access to these records. In our view, limiting the number of user agreement licences and access in this manner might lead to a breach of the Record Keeping Plan in that all staff may not be able to properly keep their records.
- (9) We were shown some details of "third party" software solutions that were being considered as a replacement for the existing system's record keeping capability. However, we were not given any assurance that the efficacy of these new systems, if installed, would provide enterprise-wide functionality.
- (10) In our view, a change to the Shire's existing system should deliver either the same level of service, or preferably improvements in productivity and functionality across all software modules, including, importantly, records management.



- (11) On the information provided to us, it appears that the new system will not, at this time, provide a records management capability that is an adequate replacement of that capability in the existing system. It is vital that at all times the Shire has a system which meet the objectives, and complies with the requirements of, the Record Keeping Plan.

### 10.3 Recommendations

- (1) Administrative policies and procedures should be developed and implemented that facilitate the effective recording of all inward and outward emails being generated and received by the administration and the Councillors.
- (2) The Shire should take whatever steps are necessary to ensure that there is, at all times, enterprise wide access to the Shire's records management system so that the objectives and requirements of the Shire's Record Keeping Plan are satisfied and met. The manner by which this is achieved is the responsibility of the CEO.

## 11. THE SHIRE'S LITIGATION POLICY

### 11.1 Methodology

- (1) According to the Scope for this Review, the task in this regard was to:

*"Assess the Shire's current Litigation Policy (adopted in October 2020) in relation to the scope and authority of the CEO regarding any litigation on the Shire's behalf."*

- (2) It became clear, from our investigation and our interviews, that the reference in the Scope to the Shire's "current Litigation Policy" was, in fact, a reference to the policy adopted by the Council in October 2020 entitled:

"G1 Compliance and Enforcement".

- (3) In this Section 12, it is this "Compliance and Enforcement" Policy that we refer to as the "Policy".
- (4) We reviewed the Policy and the minutes of the council's October 2020 meeting (at which the Policy was adopted).

- (5) The Policy was discussed during an interview with the CEO.

## 11.2 Findings

- (1) We were told that, whilst the Policy was referred to in the Scope as a “litigation” policy nevertheless it intended as a policy to deal specifically with prosecutions and enforcement of laws rather than with some wider field of litigation such as commercial litigation.

- (2) This intention is reflected by the terms of the Policy itself as is evident from the “Introduction” to the Policy which states:

*“This policy is intended to provide direction regarding the Shire’s approach to compliance and enforcement of legislation.”*

- (3) Key matters dealt with by the Policy are set out in the section entitled “Principles” and state as follows:

*“(a) The Shire will administer its statutory responsibilities under the applicable legislation, in a fair, unbiased and equitable manner in the interest of public health, safety and amenity.*

*(b) Each compliance investigation undertaken by the Shire will be assessed case by case and on its merits.*

*(c) The Shire will generally not investigate or respond to anonymous allegations.*

*(d) The Shire will endeavour to protect the private details of complainants as much as possible within the legislative framework.*

*(e) Allegations of a breach or offence will be prioritised for investigation based upon the seriousness of the alleged breach or offence and resources available.*

*(f) Decisions regarding enforcement will be commensurate with the seriousness of the alleged breach or offence and have regard to upholding the Public Interest.*

*(g) Prosecution will only be commenced where the Chief Executive Officer (or delegate) has considered the prospects of achieving a conviction and is satisfied that prosecution is warranted.*

*(h) The Chief Executive Officer will keep elected members informed of any legal proceedings, anticipated costs and their progress.*

*(i) The Shire may discontinue an investigation where it reasonably considers that the allegation is unsubstantiated, mischievous, vexatious, pertains to a civil matter, has previously been investigated and concluded or is likely to result in disproportionate costs being incurred.”*

- (4) Under the heading “Limit of Authority”, further matters are provided for as follows (our summary):
- Procurement of legal services will be done under the Purchasing Policy.
  - The CEO’s authorisation is limited to \$5,000 for any one matter.
  - The CEO is to report with details to the Council where a matter is likely to exceed that figure.
- (5) In our view, the Policy straight forward in terms of its intent and application. It is not unduly complex and seems reasonably appropriate for a local government such as the Shire.
- (6) In the course of our discussion with the CEO, we observed that whilst the Policy was reasonable and appropriate, 2 aspects of the Policy could, in our view, be improved.
- (7) The first matter relates to the considerations to be considered before initiating a prosecution. We noted that the prospects of “achieving a conviction” (under para (g) quoted above) is a relevant and important consideration for commencing a prosecution but is not the only relevant consideration. The CEO noted, correctly in our view that it was implicit that there were other relevant considerations where it was stated that the CEO or delegate must be “*satisfied that prosecution is warranted*”. In our view, it would be desirable if express reference were to be made in the Policy to other relevant considerations. In this regard, consideration ought to be given to Statement of Prosecution Policy and Guidelines currently published and adopted by the WA Director of Public Prosecutions.
- (8) The second matter relates to the CEO reporting to the Council. In this regard, we observed that it would be wise for the CEO to report to the Council as to any prosecution that was to be defended or was required to go to a hearing. The CEO advised us that she would do this in the normal course of keeping the Council informed and that this would be done via the existing information bulletin to councillors. In our view, consideration should be given to formalising this practice with a requirement to that effect in the Policy.

### **11.3 Recommendations**

**(1)** Consideration should be given to amending the Policy:

- (a)** requiring that, when considering the commencement of a prosecution or when a matter is required to go to a hearing, consideration must be given to the factors set out in the Statement of Prosecution Policy and Guidelines published by the WA Director of Public Prosecutions; and
- (b)** requiring the CEO keep the Council informed of any prosecution that is defended or is required to go to a hearing.

**John M. Woodhouse  
and Andrew Hammond**

**Hammond Woodhouse Advisory**

**19 July 2021**

Interim

**TABLE A**

**TABLE OF CONSOLIDATED RECOMMENDATIONS**

<b>REVIEW TOPIC</b>	<b>Report paragraph</b>	<b>Recommendation (abbreviated)</b>	<b>Priority (H=high, M=medium and L=low)</b>
<b>THE ROLE OF THE COUNCIL</b>			
	• 3.3 (1)	Review content, layout and structure of reports to the Council	<b>M</b>
	• 3.3(2)	Provide training to staff re report writing/agenda preparation	<b>M</b>
	• 3.3(3)	Council to consider all proposals to treat matters as confidential on individual basis	<b>H</b>
	• 3.3(4)	Undertake risk-based review of all Council Policies	<b>H</b>
	• 3.3(5)	Develop Council Policy for dealing with corporate documents	<b>M</b>
	• 3.3(6)	Modify Corporate Business Plan to include 5-year financial forecast	<b>H</b>
	• 3.3(7)	Undertake workshops to elevate CBP to guide strategic financial management	<b>H</b>
<b>THE ROLE OF INDIVIDUAL COUNCILLORS</b>			

	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	No recommendations	
<b>COUNCIL CULTURE AND DYNAMICS</b>			
	<ul style="list-style-type: none"> <li>• 5.3(1)</li> </ul>	Councillors to pay attention to taking steps to address behaviour issues	<b>H</b>
<b>RELATIONSHIP BETWEEN THE COUNCIL AND CEO</b>			
	<ul style="list-style-type: none"> <li>• 6.3(1)</li> </ul>	See Recommendation 4 of the Authorised Inquiry	<b>M</b>
<b>RELATIONSHIP BETWEEN THE COUNCIL AND ADMINISTRATION</b>			
	<ul style="list-style-type: none"> <li>• 7.3(1)</li> </ul>	Councillors to pay attention to Code in dealings with staff	<b>H</b>
	<ul style="list-style-type: none"> <li>• 7.3(2)</li> </ul>	Councillors to advise CEO promptly of advice concerns	<b>H</b>
	<ul style="list-style-type: none"> <li>• 7.3(3)</li> </ul>	CEO to pay attention to standard of advice provided by staff	<b>H</b>
<b>MANAGEMENT OF EMPLOYEES</b>			
	<ul style="list-style-type: none"> <li>• 8.3(1)</li> </ul>	Modify annual performance review forms re role changes	<b>M</b>
	<ul style="list-style-type: none"> <li>• 8.3(2)</li> </ul>	Employees not to be directed to undertake functions outside PD without appropriate skills/experience	<b>H</b>
	<ul style="list-style-type: none"> <li>• 8.3(3)</li> </ul>	Review of all job specifications when performance reviews done	<b>M</b>



	<ul style="list-style-type: none"> <li>• 8.3(4)</li> </ul>	Identify training opportunities	<b>M</b>
<b>PROCUREMENT AND PROBITY</b>			
	<ul style="list-style-type: none"> <li>• 9.3(1)</li> <li>• 9.3(2)</li> <li>• 9.3(3)</li> <li>• 9.3(4)</li> <li>• 9.3(5)</li> <li>• 9.3(6)</li> <li>• 9.3(7)</li> </ul>	Establish suite of standard contract templates	<b>H</b>
	<ul style="list-style-type: none"> <li>• 9.3(8)</li> <li>• 9.3(9)</li> <li>• 9.3(10)</li> </ul>	Develop CEO directive to mandate use of templates	<b>H</b>
	<ul style="list-style-type: none"> <li>• 9.3(11)</li> </ul>	CEO to encourage training	<b>M</b>
	<ul style="list-style-type: none"> <li>• 9.3(12)</li> <li>• 9.3(13)</li> <li>• 9.3(14)</li> <li>• 9.3(15)</li> <li>• 9.3(16)</li> <li>• 9.3(17)</li> </ul>	Develop and mandate list of matters where scope of works to be prepared by external expert	<b>H</b>
	<ul style="list-style-type: none"> <li>• 9.3(18)</li> <li>• 9.3(19)</li> </ul>	CEO to oversee evaluation panels and consider a suitable CEO Directive	<b>M</b>
	<ul style="list-style-type: none"> <li>• 9.3(20)</li> </ul>	CEO to provide report to Council re Rec Centre option	<b>M</b>
<b>RECORD KEEPING</b>			
	<ul style="list-style-type: none"> <li>• 10.3(1)</li> </ul>	Develop procedures re record keeping for councillor emails	<b>M</b>
	<ul style="list-style-type: none"> <li>• 10.3(2)</li> </ul>	CEO to ensure enterprise-wide record keeping capability	<b>H</b>
<b>LITIGATION POLICY</b>			
	<ul style="list-style-type: none"> <li>• 11.3(1)</li> </ul>	Consider amending Policy re prosecutions	<b>M</b>

Interim

**From:** [Marina Sucur](#)  
**Sent:** Tuesday, 15 June 2021 9:46 AM  
**To:** [Suzie Haslehurst](#)  
**Subject:** [External]-RE: [External]-Response to Authorised Inquiry

---

Thanks very much for the update Suzie, sounds like all is going well.

Regards  
Marina

---

**From:** Suzie Haslehurst <s.haslehurst@toodyay.wa.gov.au>  
**Sent:** Tuesday, 15 June 2021 9:27 AM  
**To:** Marina Sucur <[REDACTED]>  
**Subject:** RE: [External]-Response to Authorised Inquiry

Good morning Marina

Thanks for checking in.

The consultants have been engaged and the Governance Review has commenced. A large amount of documentation was couriered to the consultants on Friday. They will be conducting interviews with staff and councillors next week over 3 days (22-24 June).

The Shire has engaged Mr Ron Back (recommended by City of Swan) to conduct Financial Management Training with elected members. I have attached his resume for your information. This will take place on 28 June 2021.

Please don't hesitate to contact me should you have any queries.

Regards

Suzie Haslehurst  
**CHIEF EXECUTIVE OFFICER**

Shire of Toodyay  
PO Box 96  
TOODYAY WA 6566

Phone: (08) 9574 9300  
Fax: (08) 9574 2158  
E: [ceo@toodyay.wa.gov.au](mailto:ceo@toodyay.wa.gov.au)  
W: [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)



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**From:** Marina Sucur <[REDACTED]>  
**Sent:** Monday, 14 June 2021 10:14 AM  
**To:** Suzie Haslehurst <[s.haslehurst@toodyay.wa.gov.au](mailto:s.haslehurst@toodyay.wa.gov.au)>  
**Subject:** [External]-Response to Authorised Inquiry

Good morning Suzie

I hope you are well. I'm just checking in to see how the Shire is progressing on its response to the recommendations from the Authorised Inquiry, particularly in relation to the Governance Review.

Also, was the Shire able to source appropriate financial management training for councillors? If you have any other updates that are relevant, or queries, please also let me know.

Regards

**Marina Sucur**

Senior Project Officer, Local Government Support  
Department of Local Government, Sport and Cultural Industries  
140 William Street, Perth WA 6000  
GPO Box R1250, Perth WA 6844

Telephone [REDACTED]

Email [REDACTED]

Web [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au)

*inal peoples of Western Australia as the traditional  
custodians of this land, and we pay our respects to their Elders past and present.*



Department of  
**Local Government, Sport  
and Cultural Industries**



Customer Focused



Responsive



Respectful



Accountable



Innovative

\* This message has been scanned by the PPS spam filtering system.

## CEO Performance & Remuneration Review 2021

<b>Parties Involved</b> <ul style="list-style-type: none"> <li>All Councillors</li> <li>Independent consultant</li> <li>CEO</li> <li>Executive Assistant – administrative support</li> </ul>	
<b>Compliance</b> <ul style="list-style-type: none"> <li>Section 5.38 of the <i>Local Government Act 1995</i></li> <li>Regulation 18D and Schedule 2, clause 16 of the <i>Local Government (Administration) Regulations 1996</i></li> <li>CEO Employment Contract</li> <li>Policy G.5 Standards for CEO Recruitment and Selection, Performance Review and Termination</li> </ul>	
<b>Principles</b> <ul style="list-style-type: none"> <li>Focus on key achievements and areas for development</li> <li>Natural justice / procedural fairness</li> <li>Acknowledgement of context</li> </ul>	
Scope of Work	Responsibility
1. Review CEO Contract of Employment and the CEO Probationary Review Report and agreed Performance Criteria endorsed by Council.	Consultant
2. Initiate the Performance Review Process	Consultant / Councillors
<ul style="list-style-type: none"> <li>Provide a briefing session for Councillors regarding the process for review and Council's role.</li> <li>Conduct initial review which will include as a minimum: <ul style="list-style-type: none"> <li>Develop and distribute of a review document that provides a rating system of performance against agreed criteria and overall performance.</li> <li>Review to be completed by all Councillors and returned to consultant.</li> <li>CEO to complete self-assessment report and return to consultant.</li> </ul> </li> <li>The review may also include phone, in-person and/or online interviews with relevant parties or other tools as suggested by the consultant.</li> </ul>	Consultant  Councillors  CEO  Consultant
3. Initial Review of Performance Data	Consultant
<ul style="list-style-type: none"> <li>Collate and distribute a report to Councillors and the CEO.</li> <li>Meet with Council only to discuss: <ul style="list-style-type: none"> <li>The CEO's performance rating.</li> <li>Areas for improvement and any support or training proposed.</li> <li>Remuneration of the CEO.</li> <li>Priorities for KPIs and measures for the next 12 months.</li> </ul> </li> </ul>	Consultant / Councillors

## CEO Performance & Remuneration Review 2021

Scope of Work (cont)	Responsibility
<p>4. Performance Appraisal Meeting</p> <ul style="list-style-type: none"> <li>Facilitate an open dialogue between the CEO and Council to agree on the Performance Review outcomes.</li> </ul>	Consultant / Councillors / CEO
<p>5. Adoption of Performance Review Outcome</p> <ul style="list-style-type: none"> <li>Finalise Assessment Report and Recommendations for presentation to OCM as a CONFIDENTIAL agenda item.</li> <li>Resolve to either accept the review, with or without modification, or to reject the review with reasons.</li> </ul>	Consultant  Council
<p>6. Implement the Performance Review Outcomes</p> <ul style="list-style-type: none"> <li>Formalise any contractual matters arising from the Performance Review via addendum to CEO contract of employment signed by the Shire President and CEO</li> <li>Undertake actions to implement agreed outcomes.</li> </ul>	Shire President / CEO  Manager, Corporate & Community Services



A photograph of an outdoor swimming pool with lane markers and starting blocks. The pool is blue with white and blue lane lines. There are seven starting blocks visible, numbered 1 through 7. In the background, there are three white umbrellas and a green hill under a clear blue sky.

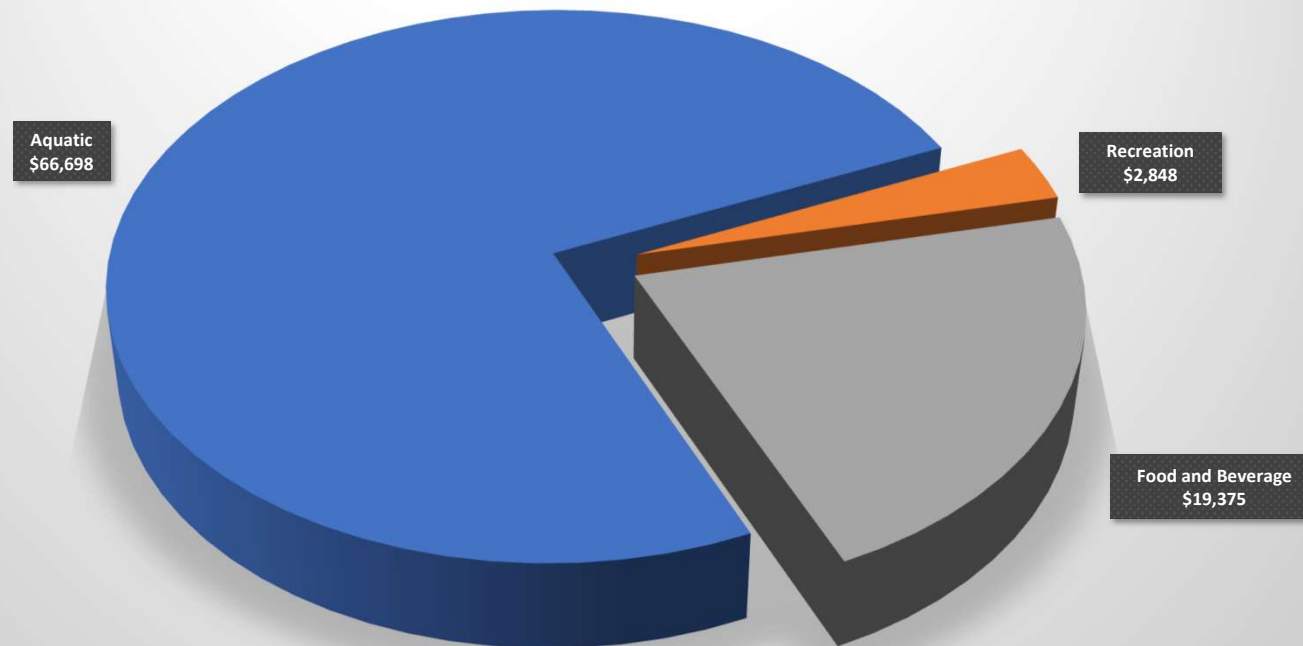
# **Toodyay Recreation Centre MANAGEMENT REPORTING PACK October 2020 to June 2021**

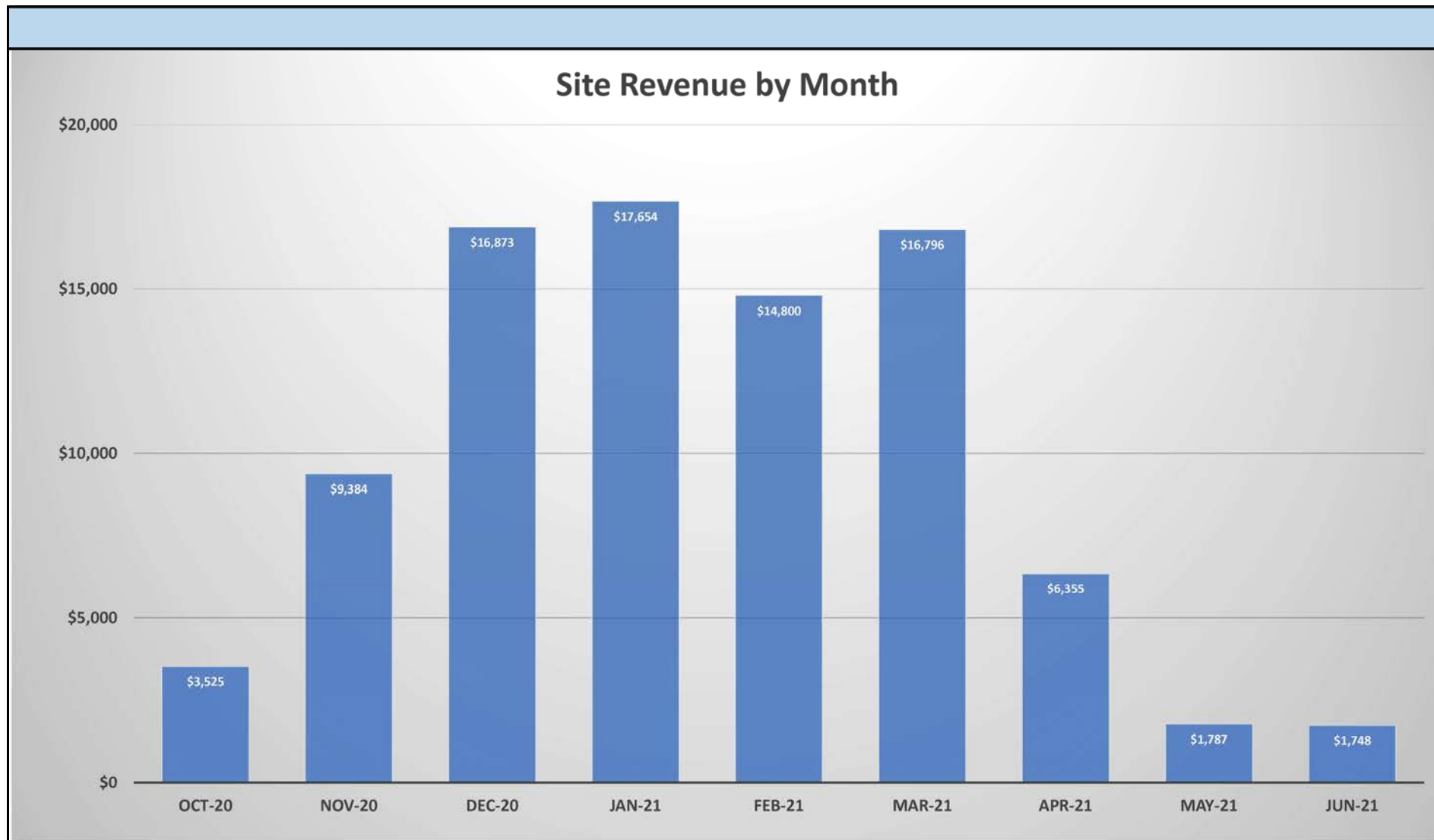


Commercial in Confidence  
Property of Clublinks Management Pty Ltd  
ABN 41 099 690 301

TOODYAY RECREATION CENTRE				October 2020 to June 2021
DEPARTMENT SUMMARY	Actual	Budget	Variance	Budget
Aquatic Contribution	(78,014)	(134,931)	56,917	(134,933)
Food & Beverage Contribution	(39,452)	6,562	(46,014)	6,562
Recreation Contribution	(8,717)	14,982	(23,699)	14,980
Administration Contribution	(209,498)	(235,354)	25,856	(235,354)
<b>TOTAL OPERATING PROFIT/(LOSS)</b>	<b>(335,682)</b>	<b>(348,745)</b>	<b>13,059</b>	<b>(348,745)</b>
<b>NET PROFIT/(LOSS)</b>	<b>(335,682)</b>	<b>(348,745)</b>	<b>13,059</b>	<b>(348,745)</b>
<b>OPERATIONS SUBSIDY</b>	348,737	348,745	(8)	348,745
<b>NET OPERATING CONT.</b>	<b>13,056</b>	<b>-</b>	<b>13,056</b>	<b>-</b>
<b>NON-OPERATING EXPENSES</b>				
Profit Share	13,056	-	13,056	-
<b>NET CONT.</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

## Revenue by Department





AQUATIC				October 2020 to June 2021
INCOME	Actual	Budget	Variance	Budget
Aquatic Memberships	17,891	10,391	7,500	10,391
Aquatic Programs	3,215	7,361	(4,146)	7,361
Facility Rental - Club	989	-	989	-
Group Exercise	-	12,992	(12,992)	12,990
Health Services	-	5,196	(5,196)	5,196
Lane Hire	1,473	4,320	(2,847)	4,320
Merchandise	7,970	5,600	2,370	5,600
Recreation Swim	24,880	49,875	(24,995)	49,875
Swim School	9,796	21,000	(11,204)	21,000
<b>TOTAL INCOME</b>	<b>66,214</b>	<b>116,735</b>	<b>(50,522)</b>	<b>116,733</b>
<b>COST OF SALES</b>				
Merchandise COGS	6,403	3,640	2,763	3,640
Function & Event COGS	1,253	-	1,253	-
<b>TOTAL COST OF SALES</b>	<b>7,656</b>	<b>3,640</b>	<b>4,016</b>	<b>3,640</b>
<b>GROSS PROFIT</b>	<b>58,557</b>	<b>113,095</b>	<b>(54,538)</b>	<b>113,093</b>
Employment Expenses	99,343	181,294	(81,951)	181,294
<b>DIRECT EXPENSES</b>				
Building Supplies	13	-	13	-
Consumables	342	7,200	(6,858)	7,200
Contractors Cleaning	2,000	17,400	(15,400)	17,400
Debit Fees	1	629	(628)	629
Depreciation	570	-	570	-
Equipment Supplies	216	-	216	-
Freight & Courier	1,129	-	1,129	-
Licences & Subscriptions	988	2,000	(1,012)	2,000
Marketing	6,687	18,500	(11,813)	18,500
Merchant Fees	-	6,303	(6,303)	6,303
Pool Chemicals	11,393	11,500	(107)	11,500
Preventative Maintenance (Pool)	1,250	3,200	(1,950)	3,200
Printing & Stationery	154	-	154	-
Staff Amenities	12	-	12	-
Staff Training	6,775	-	6,775	-
Staff Uniforms	1,085	-	1,085	-
Telephone & Internet	114	-	114	-
Travel Expenses	4,403	-	4,403	-
Wastage	98	-	98	-
<b>TOTAL DIRECT EXPENSES</b>	<b>37,228</b>	<b>66,732</b>	<b>(29,504)</b>	<b>66,732</b>
<b>TOTAL AQUATIC OPERATIONS CONTRIBUTION</b>	<b>(78,014)</b>	<b>(134,931)</b>	<b>56,917</b>	<b>(134,933)</b>

FOOD & BEVERAGE				October 2020 to June 2021
	Actual	Budget	Variance	Budget
<b>INCOME</b>				
Cafe	19,375	13,125	6,250	13,125
<b>TOTAL INCOME</b>	<b>19,375</b>	<b>13,125</b>	<b>6,250</b>	<b>13,125</b>
<b>COST OF SALES</b>				
Cafe COGS	11,558	6,563	4,995	6,563
<b>TOTAL COST OF SALES</b>	<b>11,558</b>	<b>6,563</b>	<b>4,995</b>	<b>6,563</b>
<b>GROSS PROFIT</b>	<b>7,818</b>	<b>6,562</b>	<b>1,256</b>	<b>6,562</b>
Employment Expenses	46,259	-	46,259	-
<b>DIRECT EXPENSES</b>				
Cash Overs/Unders	0	-	0	-
Consumables	462	-	462	-
Contractors Cleaning	65	-	65	-
Depreciation	30	-	30	-
Merchant Fees	1	-	1	-
Wastage	453	-	453	-
<b>TOTAL DIRECT EXPENSES</b>	<b>1,011</b>	<b>-</b>	<b>1,011</b>	<b>-</b>
<b>TOTAL FOOD &amp; BEVERAGE CONTRIBUTION</b>	<b>(39,452)</b>	<b>6,562</b>	<b>(46,014)</b>	<b>6,562</b>



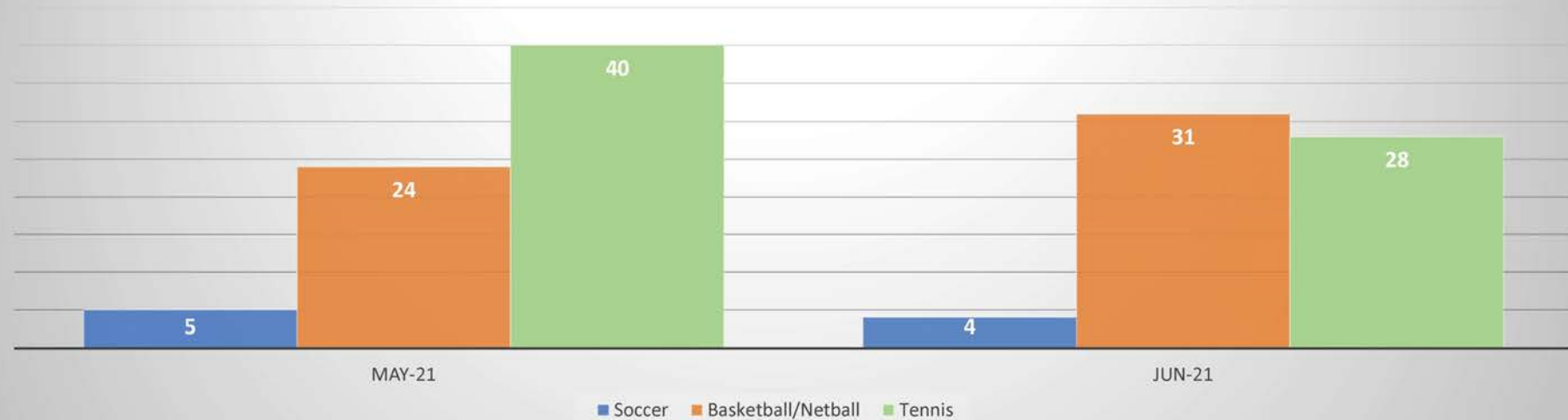
RECREATION				October 2020 to June 2021
	Actual	Budget	Variance	Budget
<b>INCOME</b>				
Childrens Programs	-	9,120	(9,120)	9,120
Facility Rental - Club	2,307	5,460	(3,153)	5,460
Facility Rental - Other	152	-	152	-
Merchandise	55	-	55	-
School Holiday Program	-	17,500	(17,500)	17,500
Schools	-	900	(900)	900
Sports competitions	386	27,000	(26,614)	27,000
Sports Courts rental	432	16,930	(16,498)	16,928
Toodyay Moves	-	3,378	(3,378)	3,378
<b>TOTAL INCOME</b>	<b>3,332</b>	<b>80,288</b>	<b>(76,956)</b>	<b>80,286</b>
<b>COST OF SALES</b>				
Merchandise COGS	36	-	36	-
<b>TOTAL COST OF SALES</b>	<b>36</b>	<b>-</b>	<b>36</b>	<b>-</b>
<b>GROSS PROFIT</b>	<b>3,296</b>	<b>80,288</b>	<b>(76,992)</b>	<b>80,286</b>
Employment Expenses	9,503	58,806	(49,303)	58,806
<b>DIRECT EXPENSES</b>				
Consumables	193	-	193	-
Contractors Cleaning	535	-	535	-
Equipment Supplies	784	-	784	-
Freight & Courier	41	-	41	-
Gardening & Maintenance	53	5,000	(4,947)	5,000
Marketing	210	1,500	(1,290)	1,500
Merchant Fees	4	-	4	-
Security	14	-	14	-
Staff Recruitment	650	-	650	-
Travel Expenses	28	-	28	-
<b>TOTAL DIRECT EXPENSES</b>	<b>2,510</b>	<b>6,500</b>	<b>(3,990)</b>	<b>6,500</b>
<b>TOTAL RECREATION CONTRIBUTION</b>	<b>(8,717)</b>	<b>14,982</b>	<b>(23,699)</b>	<b>14,980</b>

ADMINISTRATION				October 2020 to June 2021
INCOME	Actual	Budget	Variance	Budget
Other Income	-	-	-	-
<b>TOTAL INCOME</b>	-	-	-	-
Employment Expenses	80,609	84,104	(3,495)	84,104
<b>DIRECT EXPENSES</b>				
Bank Fees	49	-	(49)	-
Building Supplies	-	3,600	3,600	3,600
Cash Overs/Unders	11	-	(11)	-
Clublinks Management Fee	22,500	22,500	-	22,500
Clublinks Support Services Fee	45,000	45,000	-	45,000
Consumables	327	-	(327)	-
Contractors Cleaning	(390)	-	390	-
Depreciation	1,653	7,200	5,547	7,200
Electricity	2,500	12,000	9,500	12,000
Equipment Supplies	11	-	(11)	-
Finance Costs	-	900	900	900
Freight & Courier	5	-	(5)	-
Gas	450	2,200	1,750	2,200
Insurance	9,398	7,200	(2,198)	7,200
Licences & Subscriptions	7,437	-	(7,437)	-
Marketing	599	-	(599)	-
Merchant Fees	789	-	(789)	-
POS and MyWellness	12,578	20,700	8,123	20,700
Printing & Stationery	3,111	3,000	(111)	3,000
Security	1,031	2,750	1,719	2,750
Staff Amenities	742	-	(742)	-
Staff Recruitment	2,165	-	(2,165)	-
Staff Training	714	-	(714)	-
Staff Uniforms	374	-	(374)	-
Telephone & Internet	486	4,000	3,514	4,000
Travel Expenses	7,546	-	(7,546)	-
Waste Disposal	1,600	6,400	4,800	6,400
Water	1,800	6,600	4,800	6,600
Workplace Health & Safety	6,404	7,200	796	7,200
<b>TOTAL DIRECT EXPENSES</b>	<b>128,889</b>	<b>151,250</b>	<b>(22,361)</b>	<b>151,250</b>
<b>TOTAL ADMINISTRATION CONTRIBUTION</b>	<b>(209,498)</b>	<b>(235,354)</b>	<b>25,856</b>	<b>(235,354)</b>

## Social Sport Competitions Autumn Season Participation

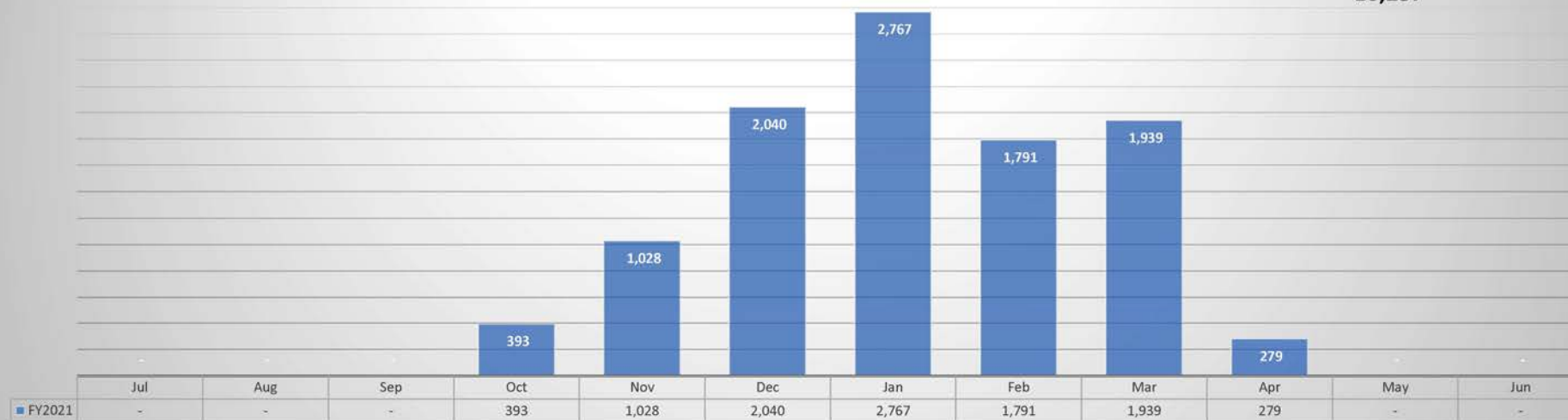


## Recreation Facility Bookings

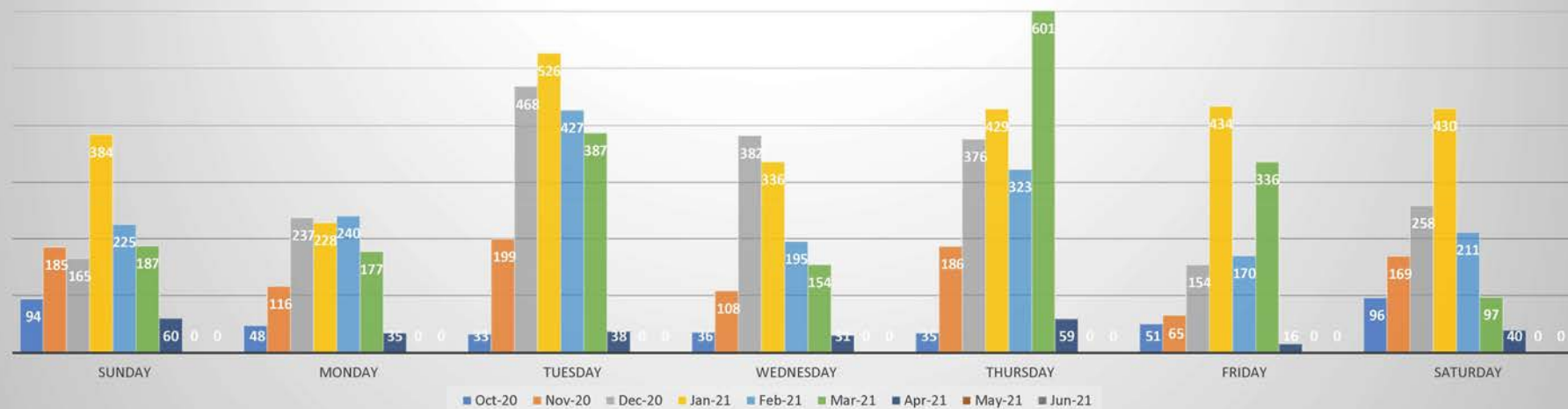


## Total Aquatic Attendance (Qty)

**FY21 Attendance**  
**10,237**



## Aquatic Attendance by Day of the Week



BALANCE SHEET									
	October 2020 to June 2021								
	2020	2020	2020	2021	2021	2021	2021	2021	2021
	October	November	December	January	February	March	April	May	June
<b>ASSETS</b>									
<b>CASH ASSETS</b>									
Business Account	5,390	8,733	167,795	165,702	130,921	58,692	115,424	66,503	31,739
Petty Cash	-	200	62	130	137	196	30	134	97
Total Cash Assets	5,390	8,933	167,856	165,832	131,058	58,888	115,453	66,636	31,836
<b>CURRENT ASSETS</b>									
Accounts Receivable	152,262	152,672	128,039	1,727	2,041	110,714	4,569	5,228	3,896
Accrued Income	-	-	-	341	455	-	-	55	-
Cash Clearing	2,200	443	2,766	3,518	2,873	205	803	695	510
Cash Floats	450	450	450	500	500	500	500	500	500
Customer Account Clearing	-	(410)	(376)	-	-	-	-	(575)	-
EFT Clearing	-	-	-	-	-	-	-	-	-
Food & Beverage Stock	1,538	2,121	2,594	1,782	973	1,206	810	857	658
Merchandise stock	1,434	2,746	3,140	3,964	3,912	2,851	2,465	2,331	2,331
Prepaid Expenses	17,886	25,778	21,285	28,223	25,192	15,361	11,897	10,778	21,180
Square Clearing	-	-	-	-	-	-	31	-	-
Total Current Assets	175,770	183,801	157,897	40,055	35,945	130,838	21,076	19,869	29,075
<b>FIXED ASSETS</b>									
Office Equipment	960	2,344	2,723	2,776	2,943	2,943	3,512	3,512	3,512
Less Acc. Dep'n on Office Equipment	(960)	(1,164)	(1,211)	(1,312)	(1,521)	(1,568)	(1,614)	(1,685)	(1,754)
Plant & Equipment	196	196	196	380	380	380	380	380	380
Less Acc. Dep'n on Plant & Equipment	(5)	(15)	(25)	(219)	(228)	(238)	(248)	(258)	(268)
Signage	145	669	669	669	669	764	764	764	764
Less Acc. Dep'n on Signage	-	(7)	(26)	(45)	(62)	(176)	(195)	(213)	(232)
Total Fixed Assets	335	2,023	2,325	2,248	2,180	2,103	2,599	2,499	2,402
<b>TOTAL ASSETS</b>	<b>181,494</b>	<b>194,756</b>	<b>328,078</b>	<b>208,135</b>	<b>169,183</b>	<b>191,829</b>	<b>139,129</b>	<b>89,004</b>	<b>63,313</b>

BALANCE SHEET (Cont.)	October 2020 to June 2021								
	2020	2020	2020	2021	2021	2021	2021	2021	2021
	October	November	December	January	February	March	April	May	June
<b>CURRENT LIABILITIES</b>									
Accounts Payable	22,937	20,552	44,668	14,466	26,926	13,423	16,848	3,881	30,652
Accrued Expenses	22,398	42,522	38,982	56,878	51,518	37,267	32,276	34,744	26,408
Accrued Wages	10,101	932	3,221	6,025	5,568	8,230	5,942	394	1,344
Annual Leave Provision	630	1,395	2,484	3,513	4,039	4,893	5,744	6,654	6,026
Donations Received	-	-	-	-	122	123	-	-	-
GST	12,330	11,477	21,751	21,552	19,090	6,531	3,810	(3,933)	(8,223)
Loan - Clublinks Management P/L	7,500	38,000	67,000	-	-	-	-	-	-
PAYG Withholdings Payable	822	5,550	8,480	11,454	14,564	3,262	6,314	2,638	1,666
Payroll Clearing	-	10,138	-	-	-	-	-	4,203	-
Prepaid Income - Aquatic Memberships	3,927	9,873	10,105	9,761	6,610	3,305	-	-	-
Prepaid Income - Other	-	-	500	500	1,000	2,591	1,545	1,105	937
Prepaid Income - Shire of Toodyay	83,143	45,360	115,929	71,878	37,179	94,388	55,501	26,317	-
Prepaid Income - Social Fitness	-	-	-	283	273	137	-	-	-
Prepaid Income - Squad Memberships	-	-	1,229	1,323	882	441	-	-	-
Prepaid Income - Swim Lessons	-	-	-	1,091	2,595	-	-	-	-
Security Deposits & Bonds	-	-	-	-	-	-	-	-	700
Superannuation Payable	526	3,188	4,847	1,885	3,580	5,275	1,366	2,896	3,803
Suspense	-	-	-	-	(279)	-	-	5	-
Total Current Liabilities	164,315	188,986	319,197	200,608	173,668	179,865	129,346	78,903	63,313
<b>TOTAL LIABILITIES</b>	<b>164,315</b>	<b>188,986</b>	<b>319,197</b>	<b>200,608</b>	<b>173,668</b>	<b>179,865</b>	<b>129,346</b>	<b>78,903</b>	<b>63,313</b>
<b>NET ASSETS</b>	<b>17,179</b>	<b>5,771</b>	<b>8,881</b>	<b>7,527</b>	<b>(4,485)</b>	<b>11,965</b>	<b>9,782</b>	<b>10,100</b>	<b>-</b>
<b>EQUITY</b>									
Current Year Earnings	17,179	5,771	8,881	7,527	(4,485)	11,965	9,782	10,100	-
Retained Earnings	-	-	-	-	-	-	-	-	-
<b>TOTAL EQUITY</b>	<b>17,179</b>	<b>5,771</b>	<b>8,881</b>	<b>7,527</b>	<b>(4,485)</b>	<b>11,965</b>	<b>9,782</b>	<b>10,100</b>	<b>-</b>



## 2. CONFIRMATION OF MINUTES

### 2.1 Minutes of Meeting held on 4 May 2021.

#### **OFFICER'S RECOMMENDATION/BFAC RES NO. 05/08/21**

**MOVED** C Stewart

**SECONDED** J Hansen

That the Unconfirmed Minutes of the Bush Fire Advisory Committee Meeting held on 4 May 2021 be confirmed subject to amendments on page 4, paragraph 2 as part of the amendments to the confirmation of minutes as follows:

- the words "raising way of a charge" be amended to read "way of raising a charge."
- The words "to clean-up the site" be amended to read "to control the site."

**MOTION CARRIED 12/0**

## 3. INFORMATION ADDITIONAL TO THE AGENDA

### 3.1 Review of the BFAC Status Report

The report was reviewed and amended as follows:

- Changes to Volunteer Bushfire Brigade Bush Fire Operating Procedures can be removed as it has been signed off and is on the Shire website.
- Issue with Corporations and Landowners – CBFCO liaising with Albany Shire in relation to their Local Law, newly introduced. CESM to be debriefed by CBFCO about progress. The Shire can access the Albany local law for consideration.

## 4. PRESENTATIONS OR EVENTS

Nil

## 5. REPORTS FROM SHIRE OFFICERS

### **5.1. Fire Control Officer (FCO) Nominations**

<b>Date of Report:</b>	13 July 2021
<b>File Reference:</b>	R1.15/FIR3
<b>Author:</b>	R Koch – CESM
<b>Responsible Officer:</b>	R Koch - CESM
<b>Confidential Attachments:</b>	1. FCO Nomination Report 2021/2022; and
<b>Public Attachment:</b>	2. FCO Process Flow Chart

## **PURPOSE**

To consider the FCO Nomination Report 2021/2022 and make a recommendation in respect to nominations of FCOs to Council.

## **BACKGROUND**

The Bush Fire Advisory Committee (BFAC) has historically considered FCO nominations and made recommendations to Council in their August BFAC Meeting each year. This is in accordance with Clause 11.5.1 of the Shire of Toodyay Bush Fire Operating Procedures.

On 14 July 2021, the confidential report was forwarded to all BFAC Members.

## **OFFICER COMMENT**

Consider the information attached, which is of a confidential nature and make recommendations to the Council about the appointment of FCO's.

### **OFFICER'S RECOMMENDATION**

The Bush Fire Advisory Committee recommends to Council the following:

That Council appoints FCO's as follows:

<b>Appointment of:</b>	<b>to Position:</b>
(name)	Chief Bush Fire Control Officer (CBFCO)
(name)	Deputy Bush Fire Control Officer 1 (DBFCO1)
(name)	Deputy Bush Fire Control Officer 2 (DBFCO2)
(name)	Fire Control Officer
(name)	Fire Control Officer
(name)	Fire Control Officer
(name)	Fire Control Officer
(name)	Fire Control Officer
(name)	Fire Control Officer
(name)	Fire Control Officer
(name)	Fire Control Officer
(name)	Fire Control Officer
(name)	Fire Control Officer

The Presiding Member asked the CESM to provide an overview of the report and to explain the secret ballot process.

Nomination forms tabled at 6.19pm by the CESM.

**Chief Bush Fire Control Officer (CBFCO)**

Ian MacGregor nominated Craig Stewart as the CBFCO

J Hansen seconded the nomination.

The Presiding Member declared that as there were no further nominations then C Stewart will be the Shire's Chief Bush Fire Control Officer.

**Deputy Bush Fire Control Officer 1 & 2 (DBFCO1 & DBFCO2)**

J Hansen nominated N Griggs as DBFCO.

P Brennan seconded the nomination.

J Hansen nominated R Koch, the CESM as DBFCO.

C Stewart seconded the nomination.

The CESM spoke to the members requesting the CESM position remain the lower ranked of the Deputies.

The Presiding Member put the nominations to the vote.

**OFFICER'S RECOMMENDATION/BFAC RES. NO. 06/08/21**

**MOVED** I MacGregor

**SECONDED** D Bowen

The Bush Fire Advisory Committee recommends to Council the following:

That Council appoints FCO's as follows:

<b>Appointment of:</b>	<b>to Position:</b>
C Stewart	Chief Bush Fire Control Officer (CBFCO)
N Griggs	Deputy Bush Fire Control Officer 1 (DBFCO1)
R Koch	Deputy Bush Fire Control Officer 2 (DBFCO2)
G Forsyth	Fire Control Officer (FCO)
C Wroth	Fire Control Officer (FCO)
K Maddrell	Fire Control Officer (FCO)
I MacGregor	Fire Control Officer (FCO)
J Hansen	Fire Control Officer (FCO)
G Scobie	Fire Control Officer (FCO)

**MOTION CARRIED 12/0**

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## **2. TABLING OF MINUTES FROM PREVIOUS MEETING**

### **2.1 Minutes of Meeting held on 12 May 2021.**

**OFFICER'S RECOMMENDATION/LEMC RES. NO.: 03/08/21**

**MOVED** K French

**SECONDED** K Maddrell

That the Unconfirmed Minutes of the Local Emergency Management Committee Meeting held on 12 May 2021 be confirmed.

**MOTION CARRIED 7/0**

## **3. INFORMATION ADDITIONAL TO THE AGENDA**

### **3.1 Review of the LEMC Status Report (Action List)**

Any action will be carried forward to the next meeting.

## **4. CORRESPONDENCE**

### **4.1 Inward Correspondence**

Nil

### **4.2. Outward Correspondence**

Nil

## **5. PRESENTATIONS OR EXERCISES**

Nil

## **6. STANDING ITEMS TO BE CONSIDERED AT EACH MEETING**

### **6.1 Contact details**

Contact List reviewed.

### **6.2 Post-incident reports**

Nil

### **6.3 Post-exercise reports**

Nil

### **6.4 Funding nominations and applications progress**

Points raised as follows:

- Water tank Grant Application has been submitted for 10 water tanks for various strategic locations, waiting on an outcome in the next few weeks.
- Waiting on feedback for Bejoording Fire station and second appliance under LGGS Capital Grants
- Shire has been successful subject to technical evaluation for 6 S-T-A-N-D installations - Back up internet and Phone reception

sites in the Shire if Other phone and internet providers system crash. \$100,00 each fully funded. Within something like 40 metres, like emergency Wi-Fi spot. Locations are:

- Shire Admin
- Town Hall
- Toodyay Co-Location
- Morangup Co-Location
- Coondle BFB
- Julimar BFB

### **6.5 Emergency Risk Management / treatment strategies progress**

- Mitigation Activity is still underway and is planned to be completed in due course.

### **6.6 Review Local Emergency Management Arrangements (LEMA)**

Date of Report:	6 August 2021
Applicant or Proponent:	Local Emergency Management Committee (LEMC)
File Reference:	COC03
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	S Haslehurst – Chief Executive Officer
Council's Role in the matter:	Executive
Attachments:	1. Draft Local Emergency Management Arrangements

## **PURPOSE OF THE REPORT**

To receive the revised Local Emergency Management Arrangements (LEMA) documents and consider its referral to Council for submission to the District Emergency Management Committee.

## **BACKGROUND**

Under section 41 of the *Emergency Management Act 2005* Local Government is required to have a LEMA and review every five years.

LEMAs are developed to provide a community focused, coordinated approach to the management of all potential emergencies within a local government area. It is a requirement for each local government in Western Australia to provide access to their LEMA and to publish their Local Emergency Management Arrangements (LEMAs) on their website.



The Shire of Toodyay's existing LEMA review is due prior to the end of 2021.

### **COMMENTS AND DETAILS**

The revision of the LEMA has been undertaken with assistance from the Department of Fire and Emergency Services, District Emergency Management Advisor (DEMA).

Should LEMC and subsequently Council endorse the LEMA, it will be submitted to the September District Emergency Management Committee meeting for final acceptance.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative:**

During the revision process a workshop with LEMC members was held on 12 May 2021 to gain local content for the document.

Two draft versions were provided to the membership ahead of the 11 August 2021 LEMC meeting, the second following assessment and feedback from DFES Great Southern Region District Emergency Management Advisor. The second draft version was reassessed by the DEMA satisfactorily addressing all identified issues.

#### **Strategic:**

Facilitating community safety and wellbeing by collaborating with fire and emergency services (S 2.3) and reducing the impact of extreme weather conditions through emergency management planning (S 1.4) have been identified in the Toodyay Strategic Plan 2028.

#### **Policy related:**

Nil

#### **Financial:**

Nil

#### **Legal and Statutory:**

Under section 41 of the *Emergency Management Act 2005* Local Government is required to have a LEMA in place and review it every five years.

#### **Risk related:**

- *Reputational Risk – There is a potential reputational risk to the Shire should review of a major incident expose unacceptable levels of training/skill or oversight in the application of emergency management.*

*Likelihood: Rare Consequence: Major Analysis Risk: Medium*

- *Social/Economic/Environmental Risk – There is the potential for social, economic and impact of emergencies which lack management in recovery.*

*Likelihood: Rare Consequence: Extreme Analysis Risk: High*

The adoption of a LEMA review is one action which assists the mitigation of the above risks.

**Workforce related:**

The document references responsibilities of the Shire. This includes appointment of Local Recovery Coordinators and Welfare Liaison Officers among others. It is important that the organising affords the time and resources to the nominated Officers to carry out duties related to the roles including training.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION/LEMC RES NO. 04/08/21**

**MOVED** K French

That Council:

1. Endorse the attached Draft Local Emergency Management Arrangements; and
2. Authorise the CEO to submit the report to the District Emergency Management Committee.

**MOTION CARRIED 7/0**

**6.7 Recovery Plan review** (*Outcomes of debriefs, exercises to be captured and added to plans where appropriate*).

Nil.

**6.8 Review LEMC business plan strategies and record key achievements**

Nil.

**7. PROJECT PROGRESS REPORTS**

Julimar Shed is progressing as scheduled.

**8. AGENCY UPDATES**

**8.1 TDHS – D Ball**

Received \$1m updates to create universal access, including the installation of a lift that will give better access for children in wheelchairs.

**8.2. Toodyay Police – K French**

Fairly good. COVID comes up every so often with respect to roadblocks.



# Local Emergency Management Arrangements

## Shire of Toodyay

The aim of the Shire of Toodyay Local Emergency Management Arrangements (LEMA) is to ensure there is a written understanding between agencies and stakeholders involved in managing emergencies within the Local Government to ensure the community is prepared to deal with emergencies should they arise.

Document Control			
Document ID	LEMA	Version	0.2
LEMC Endorsement date		Last Review	12 May 2021
Current Review		Next Review Date	
Prepared by	Community Emergency Services Manager		
Documents maintained by	Community Emergency Services Manager		

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## **AUTHORITY**

These arrangements have been produced and issued in compliance with s(41)(1) and (2) of the [Emergency Management Act 2005](#) ('the Act'), endorsed by the Shire of Toodyay Local Emergency Management Committee (LEMC) and Council, the District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC).

These arrangements have been developed by personnel within the Shire of Toodyay and by the Local Emergency Management Committee. Consultation has been sought from the wider community.

These arrangements should be read in conjunction with the *Emergency Management Act 2005* and the State Emergency Management Plans (WESTPLAN), State Hazard Plans (SHP), State Emergency Management Policy Statements and the Department of Communities' Local Emergency Management Plan for the Provision of Welfare Support.

### **Endorsed by:**

---

Chairperson, LEMC

---

Date

The Common Seal of the Shire of Toodyay  
was hereto affixed as per council resolution  
No. ....in the presence of:

---

Cr Rosemary Madacsi  
Shire President

---

Date

---

Ms Suzie Haslehurst  
Chief Executive Officer

---

Date

## **AMENDMENT HISTORY**

AMENDMENT		DETAILS OF AMENDMENT	AMENDED BY
NUMBER	DATE		NAME
1	21 June 2021	Updated with comments from LEMA workshop held 12 May 2021.	Y. Grigg
2	16 July 2021	Further information added by LG	R. Koch
3	02 August 2021	Further information added by LG following feedback from SEMC	R. Koch

Suggestions and Comments from the Community and Stakeholders can help improve these arrangements and subsequent amendments.

To forward feedback, please copy the relevant section, mark the proposed changes and forward to:

The Chairperson

Local Emergency Management Committee Shire Toodyay

15 Fiennes Street TOODYAY WA 6566

Or email to: [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

The Chairperson will refer any correspondence to the LEMC for consideration and/or approval. Amendments promulgated are to be certified in this document when updated.

- [State Emergency Management Policy](#)
- [State Emergency Management Plan](#)
- [State Emergency Management Procedure](#)
- [State Emergency Management Guidelines](#)
- [State Emergency Management Glossary](#)

## **DISTRIBUTION LIST**

<u>Organisation</u>	<u>No. Copies</u>
Shire of Toodyay	
Chief Executive Officer	1
Shire President	1
Shire Council Elected Members	2
Toodyay Community Emergency Services Manager	1
Toodyay Chief Bush Fire Control Officer	1
Shire of Toodyay Website	1
Public Library	1
LEMC Membership (Not Included Above)	
Chairperson LEMC	1
WA Police - OIC Toodyay	1
Toodyay Volunteer Fire and Rescue	1
Toodyay State Emergency Service	1
Toodyay St John Ambulance sub-station	1
Toodyay District High School	1
Department of Communities	1
Department of Fire and Emergency Services (DEMA, DO Avon)	2
Main Roads WA Representative	1
Silver Chain Representative	1
Other Local Governments	
Shire of Northam	1
Shire of Goomalling	1



<u>Organisation</u>	<u>No. Copies</u>
Shire of Victoria Plains	1
City of Swan	1
Shire of Mundaring	1
Other Committees	
Wheatbelt District Emergency Management Committee	1
State Emergency Management Committee	1

DRAFT

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# Introduction

## Section One

## 1.0 Glossary of Terms

**Australasian Inter-Service Incident Management System (AIIMS):** A nationally adopted structure to formalise a coordinated approach to emergency incident management.

**Combat Agency:** As prescribed under Section 6(2) of the *Emergency Management Act 2005*, a combat agency is to be a public authority, or other person who or which, because of the agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for performing an emergency management activity prescribed by the regulations in relation to that agency.

**Comprehensive Approach:** The development of emergency and disaster arrangements to embrace the aspects of Prevention, Preparedness, Response and Recovery (PPRR). PPRR are aspects of emergency management, not sequential phrases. (Synonyms: disaster cycle, disaster phases and PPRR)

**Command:** The direction of members and resources of an organisation in the performance of the organisation's role and tasks. Authority to command is established in legislation or by agreement with an organisation. Command relates to organisations and operates vertically within an organisation. (See also *Control* and *Coordination*)

**Control:** The overall direction of emergency management activities in an emergency situation. Authority for control is established in legislation or in an emergency plan and carries with it the responsibility for tasking and coordinating other organisations in accordance with the needs of the situation. Control relates to situations and operates horizontally across organisations. (See also *Command* and *Coordination*)

**Controlling Agency:** An agency nominated to control the response activities to a specified type of emergency.

**Coordination:** The bringing together of organisations and elements to ensure an effective response, primarily concerned with the systematic acquisition and application of resources (organisation, manpower and equipment) in accordance with the requirements imposed by the threat or impact of an emergency. Coordination related primarily to resources, and operates, vertically, within an organisation, as a function of the authority to command, and horizontally, across organisations, as a function of the authority to control. (See also *Control* and *Command*)

**District Emergency Management Committee:** A committee established under Section 31(1) of the *Emergency Management Act 2005*



**Emergency:** The occurrence or imminent occurrence of a hazard which is of such a nature or magnitude that it requires a significant and coordinated response

**Emergency Coordination Centre:** A facility established to coordinate and organise emergency provision of services.

**Emergency Management:** The management of the adverse effects of an emergency including

- A. prevention: the mitigation or prevention of the probability of the occurrence of, and the potential adverse effects of, an emergency.
- B. Preparedness: preparation for response to an emergency
- C. Response: the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage and help to speed up the recovery process.
- D. Recovery: the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing.

**Emergency Management Agency:** A hazard management agency (HMA), a combat agency or a support organisation.

**Hazard:** An event, situation or condition that is capable of causing or resulting in loss of life, prejudice to the safety, or harm to the health of persons or animals; or destruct of; or damage to property or any part of the environment and is defined in the *Emergency Management Act 2005* or prescribed in the *Emergency Management Regulations 2006*.

**Hazard Management Agency (HMA):** A public authority, or other person, prescribed by the *Emergency Management Regulations 2006* to be a hazard management agency for emergency management, or an aspect of emergency management, of a hazard for a part of the whole of that State.

**Incident:** the occurrence or imminent occurrence of a hazard.

**Incident Controller:** The person designated by the Controlling Agency, to be responsible for the overall management and control of an incident within an incident area and the tasking of agencies in accordance with the needs of the situation. (Note: Agencies may use different terminology, however, the function remains the same).

**Incident Support Group:** A group of agency/organisation liaison officers convened

by the Incident Controller to provide agency specific expert advice and support in relation to operational response to the emergency.

**Local Emergency Coordinator:** The person appointed by the State Emergency Coordinator to provide advice and support to their local emergency management committee in the development and maintenance of emergency management arrangements, assist hazard management agencies in the provision of a coordinated response during an emergency in the district and carry out other emergency management functions under the direction of the State Emergency Coordinator.

**Local Emergency Management Committee:** A committee established under Section 38 of the *Emergency Management Act 2005*.

**Operational Area:** The area defined by the Operational Area Manager for which they have overall responsibility for the strategic management of an emergency. This area may include one or more Incident Areas.

**Preparedness:** Preparation for response to an emergency.

**Prevention:** The mitigation or preventing of the probability of the occurrence of, and the potential adverse effects of, an emergency.

**Public Authority:** An agency as defined in the *Public Sector Management Act 1994*;

- A body, corporate or unincorporated that is established or continued for a public purpose by the State, regardless of the way it is established;
- A local government or regional local government;
- The Police Force of Western Australia;
- A member or officer of a body referred to in one of the above; or
- A person or body prescribed (or of a class prescribed) by the regulations as a public authority for the purposes of this definition

**Recovery:** The support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychological and economic wellbeing.

**Response:** The combatting of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery.

**Risk:** A concept used to describe the likelihood of harmful consequences arising

from the interaction of hazards, communities and the environment.

- The chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood;
- A measure of harm, taking into account the consequences of an event and its likelihood. For example, it may be expressed as the likelihood of death to an exposed individual over a given period; and
- Expected losses (of lives, persons injured, property damaged, and economic activity disrupted) due to a particular hazard for a given area and reference period. Based on mathematical calculations, risk is the product of hazard and vulnerability.

**Standard Operating Procedure:** A set of directions detailing what actions could be taken, as well as how, when, by whom and why, for specific events or tasks.

**State Emergency Management Committee:** A committee established under Section 13 of the *Emergency Management Act 2005*.

**Vulnerability:**

The characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. There are many aspects of vulnerability, arising from various physical, social, economic and environmental factors that vary within a community and over time.

**Welfare:** The provision of immediate and continuing care of emergency affected persons who may be threatened, distressed, disadvantaged, homeless or evacuated; and the maintenance of health, well-being and prosperity of such persons with all available community resources until their rehabilitation is achieved.

## **1.1 General Acronyms used in these Arrangements:**

BFS	Bush Fire Service
BFB	Bush Fire Brigade
CA	Controlling Agency
CEO	Chief Executive Officer
DC	Department of Communities
DEMC	District Emergency Management Committee
ECC	Emergency Coordination Centre
DFES	Department of Fire and Emergency Services
FRS	(Volunteer) Fire and Rescue Service
HMA	Hazard Management Agency
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG	Local Government
LRC	Local Recovery Coordination
LRCC	Local Recovery Coordinating Committee
MOU	Memorandum of Understanding
NGO	Non-governmental organisation
PaW	Parks and Wildlife Service (Department of Biodiversity, Conservation and Attractions)
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SES	State Emergency Service
SEWS	State Emergency Warning Signal
SHC	State Health Coordinator
SJA	St John Ambulance
WA HEALTH	Department of Health
WAPOL	WA Police Force

## **1.2 Disclaimer**

The Shire of Toodyay makes no representations about the suitability of the information contained in this document or any material related to this document for any purpose. The document is provided with no warranty of any kind to the extent permitted by law. The Shire of Toodyay hereby disclaims all warranties and conditions with regard to this information, including all implied warranties and conditions of merchantability, fitness for particular purpose,

title and non-infringement. In no event shall the Shire of Toodyay be liable for any special, indirect or consequential damages resulting from the loss of use, data or profits, whether in an action of contract, negligence or other tortious action, arising out of or in connection with the use of information available in this document. The document or material related to this document could include technical inaccuracies or typographical errors.

**1.3 Document Availability:**

A copy of this document is available on the Shire of Toodyay website [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)

A print copy of this document (public version) will be made available to the public at the Shire of Toodyay administration building at 15 Fiennes Street TOODYAY WA 6566

An electronic copy of this document (confidential version) is available to all Local Emergency Management Committee members.

**1.4 Aim:**

To detail emergency management arrangements and ensure understanding between agencies and stakeholders involved in managing emergencies within the Shire.

**1.5 Purpose:**

To set out:

- The Shire of Toodyay policies for emergency management
- The roles and responsibilities for public authorities and other persons involved in emergency management
- Provisions about the coordination of the emergency operations by performed by the public authorities and other persons
- Description of emergencies likely to occur within the Shire of Toodyay
- Strategies and priorities for emergency management in the district
- Other matters about emergency management in the Shire of Toodyay that the Shire of Toodyay considers appropriate

**1.6 Scope:**

These arrangements are to ensure the community is prepared to deal with the identified emergencies should they arise. It is not the intent of this document to detail the procedures for HMA's in dealing with an emergency. These should be detailed in the HMA's individual plans.

- This document applies to the local government district of the Shire of

### Toodyay

- This document covers areas where the Shire of Toodyay provides support to HMAs in the event of an incident.
- This document details the Shire of Toodyay capacity to provide resources in support of an emergency, while still maintaining business continuity; and the Shire of Toodyay's responsibilities in relation to recovery management.

The arrangements are to serve as a guide to be used at the local level. Incidents may arise that require action or assistance from district, state or federal level.

### **1.7 Area Covered:**

The Shire of Toodyay is located approximately 85 kilometres Northeast of Perth. It encompasses an area of 1683 km<sup>2</sup> and includes the localities of Bejoording, Bindoon Military Training Area, Coondle, Culham, Dewars Pool, Dumbarton, Hoddy's Well, Julimar, Moondyne, Morangup, Nunile, Toodyay, Wattening and West Toodyay.

### **1.8 Exercising, Reviewing and Reporting:**

#### Exercising:

Exercising is the simulation of emergency management events, through discussion or actual deployment of personnel, in order: to train personnel; to review/test the planning process or other procedures; to identify needs and/or weaknesses; to demonstrate capabilities; and to enable people to practice working together. The different types of exercises include Discussion, Field, Tabletop and Tactical Exercise without Troops.

Testing and Exercising is important for a number of reasons, including ensuring that the Emergency Management Arrangements are workable, current and effective, as well as ensuring that individuals and organisations remain aware of what is required of them during an emergency response situation.

The Shire of Toodyay Local Emergency Management Committee exercises its arrangements once a year as per State Emergency Management Policy 4.8 and State Emergency Management Plan 4.7.

Hazard Management Agencies are responsible to exercise their response to an incident, but this could be incorporated into a LEMC exercise.

Exercises are reported on annually as part of the Annual and Preparedness Capability Survey which is submitted to the Department of Fire and Emergency Services to form the Preparedness Report for the Minister of Emergency Services.

### Reviewing:

An entire review of the emergency management arrangements should be undertaken

- After an event or incident requiring the activation of an Incident Support Group or after an incident requiring significant recovery co-ordination.
- Every five years and;
- Whenever the local government considers it appropriate.

The Contacts and Resources list should be reviewed and updated as needed but at a minimum quarterly.

### Reporting:

The annual LEMC Report should be submitted to the District Emergency Management Committee (DEMC) in conjunction with the preparedness Capability Survey as directed each year by the SEMC.

## **1.9 Local Roles and Responsibilities**

Local Role	Description of Responsibilities
Local Government	<p>The responsibilities of the Shire of Toodyay are defined in s.36 Functions of local government of the Emergency Management Act 2005 stated below:</p> <p>It is a function of a local government —</p> <ul style="list-style-type: none"> <li>(a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and</li> <li>(b) to manage recovery following an emergency affecting the community in its district; and</li> <li>(c) to perform other functions given to the local government under this Act.</li> </ul>
Local Emergency Coordinator	<p>The responsibilities of the LEC are defined in s37(4) Local Emergency Coordinators of the <i>Emergency Management Act 2005</i> stated below:</p> <ul style="list-style-type: none"> <li>(4) The local emergency coordinator for a local government district has the following functions — <ul style="list-style-type: none"> <li>(a) to provide advice and support to the local emergency management committee for the district in the</li> </ul> </li> </ul>



Local Role	Description of Responsibilities
	<p>development and maintenance of emergency management arrangements for the district;</p> <p>(b) to assist hazard management agencies in the provision of a coordinated response during an emergency in the district;</p> <p>(c) to carry out other emergency management activities in accordance with the directions of the State Emergency Coordinator.</p>
Local Recovery Coordinator	<p>To ensure the development and maintenance of effective recovery management arrangements for the local government. In conjunction with the local recovery committee to implement a post incident recovery action plan and manage the recovery phase of the incident.</p> <p><i>Refer to <a href="#">Contacts &amp; Resources Register</a> for details.</i></p>
Local Government Welfare Liaison Officer	<p>During an evacuation assist Dept. Communities by providing advice information and resources</p> <p>(a) open and establish a welfare centre at the nominated facility until the arrival of DC;</p> <p>(b) establish the registration process of evacuees until the arrival of DC;</p> <p>(c) provide advice, information and resources in support of the facility; and</p> <p>(d) assist with maintenance requirements for the facility.</p> <p><i>Refer to <a href="#">Contacts &amp; Resources Register</a> for details.</i></p>
Local Government Liaison Officer (to ISG/IMT)	<p>During a major emergency the liaison officer attended ISG meetings to represent the local government, provides local government knowledge input and provides details contained in the LEMA.</p>
Local Government – Incident Management	<ul style="list-style-type: none"> <li>• Ensure planning and preparation for emergencies is undertaken</li> <li>• Implement procedures that assist the community and emergency services deal with incidents</li> <li>• Ensure all personnel with emergency planning and</li> </ul>

Local Role	Description of Responsibilities
	<p>preparation, response and recovery responsibilities are properly trained in their role</p> <ul style="list-style-type: none"> <li>• Keep appropriate records of incidents that have occurred to ensure continual improvement of the Shires emergency response capability.</li> <li>• Liaise with the incident controller (provide liaison officer)</li> <li>• Participate in the IMT/ISG and provide local support</li> <li>• Where an identified evacuation centre is a building owned and operated by local government, provide a liaison officer to support the Department of Communities.</li> </ul>

### **1.10 LEMC Roles and Responsibilities**

The Shire of Toodyay has established a Local Emergency Management Committee (LEMC) as per section 38(1) of the *Emergency Management Act 2005* to oversee, plan and test the local emergency management arrangements.

The LEMC is not an operational committee but rather the organisation established by the local government to assist in the development of local emergency management arrangements for its district.

The LEMC includes representatives from agencies, organisations and community groups that are relevant to the identified risks and emergency management arrangements for the community. The LEMC membership must include at least one local government representative and the Local Emergency Coordinator. The term of appointment of LEMC members shall be determined by the local government in consultation with the parent organisation of the members.

The Shire of Toodyay LEMC meets quarterly, generally on the second Wednesday of every February, May, August and October.

LEMC Role	Description of Responsibilities
LEMC Chair	<p>Provide leadership and support to the LEMC to ensure effective meetings and high levels of emergency management planning and preparedness for the local government district is undertaken.</p> <p><b>NB: The Toodyay LEMC elects a Deputy Chair on an 'as needs' basis, in the absence of the elected Chair.</b></p>

LEMC Role	Description of Responsibilities
LEMC Executive Officer	Coordinates the activities of the LEMC by oversight of actions of relevant Shire personnel as delegated by the CEO.

### **1.11 LEMC Membership**

The LEMC was established by the local government to develop, overview, plan and test the Local Emergency Management Arrangements, convening every three months. The committee includes representatives of agencies, organisations and community groups with expertise relevant to the identified community hazards and risks and emergency management arrangements. Members of the Shire's LEMC include representatives from DFES, Shire of Toodyay councillors and staff, WA Police Force, Department of Health, Department of Education and the Department of Communities as well as business and community representatives. The LEMC also facilitates training and exercises for emergency management.

For current LEMC membership names and contacts please refer to Contacts & Resources Register – this is only available to LEMC members and Emergency Management professionals.

### **1.12 Agency Roles and Responsibilities**

In the event of an emergency, the local government will need to liaise with a range of state agencies who will be involved in the operational aspects of the emergency. The following table summarises the key roles:

Agency Roles	Description of Responsibilities
Controlling Agency	<p>A Controlling Agency is an agency nominated to control the response activities to a specified type of emergency.</p> <p>The function of a Controlling Agency is to;</p> <ul style="list-style-type: none"> <li>• Undertake all responsibilities as prescribed in Agency specific legislation for Prevention and Preparedness</li> <li>• Control all aspects of the response to an incident</li> </ul> <p>During Recovery the Controlling Agency will ensure effective transition to recovery</p>
Hazard Management Agency	<p>A HMA is to be a public authority or other person who or which, <b>because of that agency's functions under any written law or specialised knowledge, expertise and resources</b>, is responsible for emergency management, or the prescribed</p>

Agency Roles	Description of Responsibilities
	<p>emergency management aspect, in the area prescribed of the hazard for which it is <b>prescribed</b>"</p> <p>A HMA's function is to:</p> <ul style="list-style-type: none"> <li>• Undertake responsibilities where prescribed for these aspects</li> <li>• Appointment of Hazard Management Officers</li> <li>• Declare/Revoke Emergency Situation</li> <li>• Coordinate the development of the Westplan/State Hazard Plan for that hazard</li> <li>• Ensure effective transition to recovery by Local Government</li> </ul>
Combat Agency	<p>A combat agency as prescribed under Subsection (1) of the Emergency Management Act 2005 is to be a public authority <b>or other person who or which, because of that agency's</b> functions under any written law or specialised knowledge, expertise and resources, is responsible for performing an emergency management activity prescribed by the regulations in relation to that agency.</p>
Support Organisation	<p>A Public authority or other person who or which, because of <b>the agency's functions under any written law or</b> specialised knowledge, expertise and resources is responsible for providing support functions in relation to that agency.</p>

### **1.13 Related Documents and Arrangements**

#### **Local Emergency Management Policies:**

As per section 41(2)(a) of the *Emergency Management Act 2005*, the local emergency management arrangements need to specify "the local government policies for emergency management". The Shire of Toodyay has the following emergency management policies in place:

Policy Name	Policy Objective
Shire of Toodyay Bush Fire Operating Procedures	Council Endorsed administration document for operation of the Shire Bush Fire Service.

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### Existing Plans and Arrangements:

Document	Owner	Location	Date of Plan
Risk Register	Shire of Toodyay	Shire of Toodyay	2017
Bushfire Management Plan	Shire of Toodyay	Shire of Toodyay	2019
Bindoon Military Training Area Fire Management Plan	Department of Defence	Department of Defence Shire of Toodyay	Feb 2016 – June 2020
Local Emergency Management Plan for the Provision of Welfare Support, Northam District	Department of Communities	Department of Communities Shire of Toodyay	2021
Emergency and Critical Incident Management Plan	Toodyay District High School	Toodyay Districts High School	2021-2022
Avon Valley Bushfire Response Plan	Department of Fire and Emergency Services	Department of Fire and Emergency Services	2020/2021

### Local Agreements, Understanding and Commitments

Parties to the agreement	Summary of the agreement
Shires of Toodyay, Shire of Goomalling and DFES	MOU for the position of Community Emergency Services Manager (CESM) shared between the two Shires. The MOU was entered into February 2018 for a period of three (3) years.

The Shire of Toodyay is continuing to work towards provision of mutual aid during emergencies and post incident recovery.

#### **1.14 Community Consultation**

These arrangements have been developed by the Shire of Toodyay in consultation with the Shire of Toodyay Local Emergency Management Committee.

- Community representatives are encouraged to become members of the LEMC

- The LEMC seeks community leaders to assist with consultations and attend exercises where appropriate.
- Through utilisation of the Shire Facebook and website pages
- Monthly stall at the farmers market frequently has local emergency services in attendance to assist with resident's queries.

### **1.15 Community Awareness**

The Shire of Toodyay LEMC makes every effort to increase community awareness of emergency management.

- EM news including raising awareness of risks and preparedness measure provided in local community newsletters and social media platforms. ( i.e. storm season preparedness, bush fire awareness)
- invites to major exercises
- emergency management days
- workshops and information days
- Encourage LEMC members to share learnings with family, friends and colleagues and to disseminate information through their agencies.



# Coordination of Emergencies

## Section Two

#### AUSTRALASIAN INTER-SERVICE INCIDENT MANAGEMENT SYSTEM (AIIMS)

In a multi-agency system, incident management comprises command, control and coordination.

Control maintains the overall direction of emergency response. To effectively control an emergency, incidents should be managed by a single person. (The Incident Controller)

Command is the direction of resources within the agencies whose resources are committed to the emergency.

Coordination is the bringing together of agencies and resources to ensure effective response to and recovery from emergencies.

In order to work together effectively, emergency management agencies need a common framework of roles, responsibilities and processes. In Australia, AIIMS is the nationally recognised system of incident management. AIIMS is founded on five key principles, with eight key functions identified within the structure.

#### **The five key principles of AIIMS:**

1	Unity of Command	Each individual should report to only one Supervisor. There is only one Incident Controller, one set of objectives, one plan for the management of the incident.
2	Span of Control	Refers to the number of groups or individuals that can be successfully supervised by one person. Up to five reporting groups/individuals is considered desirable, occasionally more.
3	Functional Management	Functions are performed and managed by Incident Controller or his/her delegates. Eight key areas of functional management; Incident Controller and heads of the functional sections are collectively the Incident Management Team (IMT).
4	Management by Objectives	The Incident Controller, in consultation with the IMT, determines the desired outcomes of the incident.
5	Flexibility	AIIMS can be applied to any incident or emergency event, so a flexible approach is essential.

**The eight possible functions of AIIMS:**

1	Control	Management of all activities required to resolve the incident.
2	Planning	Development of objectives, strategies and plans for the resolution of the incident.
3	Intelligence	Collecting and analysing information or data, which is distributed as intelligence to support decision making and planning.
4	Public Information	Provisions of warnings, information and advice to the public, liaison with the media and community.
5	Operations	Tasking and application of resources.
6	Investigation	Investigating to determine the cause of and/or the factors contributing to the impact of the incident.
7	Logistics	Acquisition and provision of human and physical resources, facilities, services and materials.
8	Finance	Managing accounts for purchases of supplies, hire of equipment, etc. Insurance and compensation for personnel, property and vehicles. Collection of cost data and provision of cost-effect analyses and providing cost estimates for the incident.

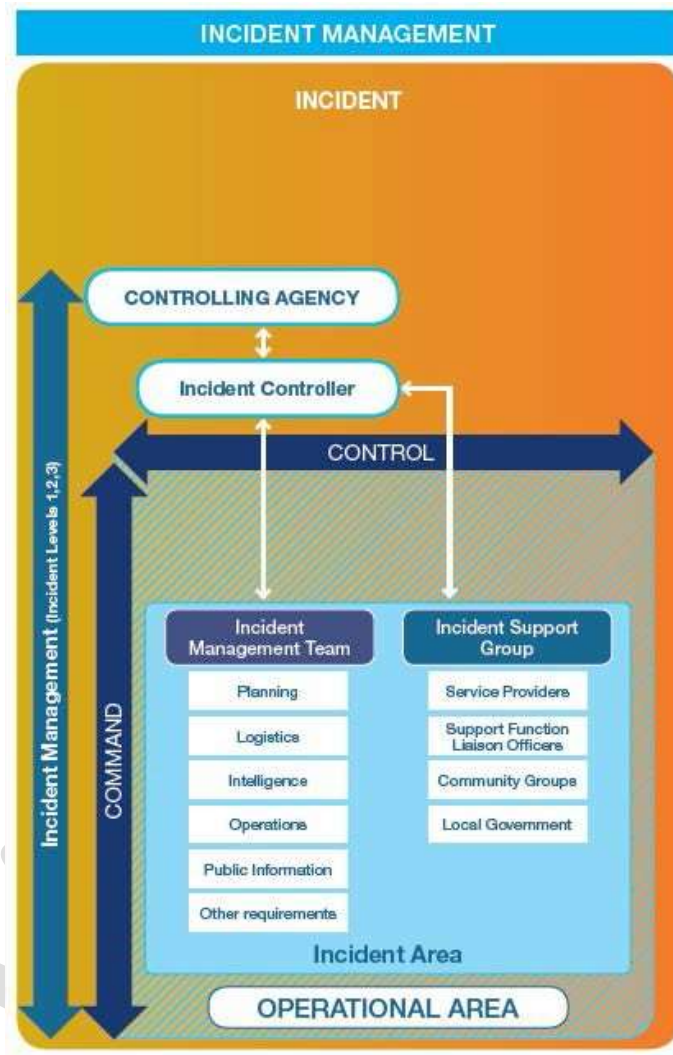


Figure 1: A diagram illustrating Incident Management

## **2.0 Coordination of Emergency Operations.**

It is recognised that the HMAs and combat agencies may require local government resources and assistance in emergency management. The Shire of Toodyay is committed to providing assistance/support if the required resources are available through the Incident Support Group when and if formed.

**The Local government liaison officer/s will attend the IMT and ISG as required to provide the link between operations and the local government.**

## **2.1 Incident Management Team (IMT)**

An IMT is made up of incident management personnel comprising the Incident Controller and the personnel he or she appoints to be responsible for the functions of operations, planning and logistics. An Incident is controlled by a Controlling Agency, which will nominate an Incident Controller who has delegated authority to manage the control of the incident. The team is led by the Incident Controller and is responsible for the overall control of the response to the incident. As an incident scales up and down in size, so does the size of the IMT.

## **2.2 Incident Support Group (ISG)**

The role of an ISG is to provide support to the Incident Management Team (IMT). The ISG is a group of people represented by the different agencies who may have involvement in the incident and who provide support to the Controlling Agency.

## **2.3 Triggers for AN ISG**

An ISG is triggered when the incident is a “Level 2” or higher and when multiple agencies need to be coordinated.

Classification of Incidents:

Level	Description	Local Response Required
Level One	Usually resolved through local or initial response resources	Provide support to resolve the incident at the local level
Level Two	Require deployment of resources beyond initial response, functional sections established due to complexity	Provide support to resolve the incident at a local level, provide a Local Government Liaison Officer to the ISG. Make facilities available to the HMA as evacuation centres.
Level Three	Complexity may require divisions for effective management to be established, usually involves delegation of all functions	Provide support to resolve the incident at a local level, provide Local Government Liaison Officers to the ISG and /or OASG. Make facilities available to the HMA as evacuation centres.

## **2.4 Membership of an ISG**

The recovery coordinator should be a member of the ISG from the outset to ensure consistency of information flow, situational awareness and handover to recovery. The representation on this group may change regularly depending upon the nature of the incident, agencies involved, and the consequences caused by the incident.

Agencies supplying staff/liaison officers for the ISG must ensure that the representative(s) have the authority to commit resources and/or direct tasks.

## **2.5 Frequency of Meetings**

The frequency of meetings will be determined by the Incident Controller and will depend on the nature and complexity of the incident. As a minimum there should be at least one meeting per incident.

## **2.6 Location of Incident Control Centres**

### **Primary Emergency Operations Centre (Response)**

	Toodyay Co-location Centre - 67 Stirling Terrace, Toodyay		
	Contact	Name	Contact
OPERATIONS CENTRE	1st Contact	CESM	Refer to Contacts and Resource Register
	2nd Contact	DFES GM RDC	
	3rd Contact	Shire Ranger	

### **Alternative Emergency Operation Centre's (Response/Recovery)**

	Shire of Toodyay Depot – 335 Railway Road, West Toodyay		
	Contact	Name	Contact
OPERATIONS & RECOVERY	1st Contact	Manager Assets & Services	Refer to Contacts and Resource Register
	2nd Contact	CESM	
	3rd Contact	Shire Ranger	

	Morangup Fire Station and Community Hall – Wallaby Way, Morangup (NB: Community hall not WAERN equipped)		
	Contact	Name	Contact
OPERATIONS	1st Contact	CESM	Refer to Contacts and Resource Register
	2nd Contact	Captain Morangup BFB	
	3rd Contact	Shire Ranger	

	Shire of Toodyay Office - 15 Fiennes Street, Toodyay (NB: Not WAERN equipped)		
	Contact	Name	Contact
RECOVERY	1st Contact	CEO	Refer to Contacts and Resource Register
	2nd Contact	Manager Corporate & Community Services	
	3rd Contact	Shire Ranger	

## **2.7 Locations of ISG Meetings**

Location of ISG meetings will be determined by the Incident Controller but should not be held in the midst of the incident, nor should they be held at the same location as meetings of the incident management team.

The following locations can be used for ISG meetings:

	Shire of Toodyay Office - 15 Fiennes Street, Toodyay		
	Contact	Name	Contact
ISG	1st Contact	CEO	Refer to Contacts and Resource Register
	2nd Contact	Manager Corporate & Community Services	
	3rd Contact	Shire Ranger	



	Toodyay Community Centre - 67 Stirling Terrace, Toodyay		
	Contact	Name	Contact
ISG	1st Contact	CEO	Refer to Contacts and Resource Register
	2nd Contact	Manager Corporate & Community Services	
	3rd Contact	Shire Ranger	

## **2.8 Financial Arrangements**

The Shire of Toodyay is committed to expending such necessary funds within its current budgetary constraints as required to ensure the safety of its residents and visitors. The Chief Executive Officer should be approached immediately if an emergency event requiring resourcing by the Shire of Toodyay occurs to ensure the desired level of support is achieved.

# Risk

## Section Three

### **3.0 Risk Management**

Risk Management is a vital part of the emergency management process.

The Shire of Toodyay LEMC has taken into account that there are a number of special considerations to be given attention when considering risks affecting our community. They are listed below.

#### **3.1 Special Considerations**

- Bush fire season is starting earlier and finishing later. Many volunteers away during summer.
- There is the possibility that summer storms may become more severe and that cyclones will be a new consideration as they move further south with the current warming trend.
- Tourist influx periods and major community events. Major events such as the Avon Descent are required to provide a risk management plan to the Shire.
- An emergency incident may occur during a COVID 19 outbreak or lockdown. All agencies to refer to their own guidelines or the state Government COVID 19 plan. The Dept of Communities have a plan that covers actions to run a Welfare centre safely during a COVID 19 outbreak
- Vulnerable residents will require special considerations. Welfare services that work with these residents are included in the contacts list. Refer to the contacts and resources register.
- There have been no CaLD groups identified in preparation of this document.

#### **3.2 Critical Infrastructure:**

The following assets/infrastructure are located within the Shire of Toodyay have been classified as critical infrastructure: (consider essential services that if affected will have impacts on your community)

##### **Power**

Two lines from Northam service the town

##### **Water – pipelines**

(from Northam on spur line), 2 reservoirs and pumps;

Water – pipeline to West Toodyay;

##### **Sewage treatment;**

Approx. 3.7km Northeast of Toodyay, access Woodendale Road

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### **Communications**

Telephone exchanges;

Communication towers (Mobile, Radio, NBN);

### **Railway**

Main East-West Railway Line;

Miling Railway Line; and

### **Bridges**

Julimar Road Bridge across the Avon River, West Toodyay.

Telegraph Road Bridge across the Avon River, Toodyay

Goomalling-Toodyay Road Bridge across the Avon River, Toodyay

Julimar Road Bridge across railway line, West Toodyay

Dumbarton Road Bridge across the Avon River, Dumbarton

Toodyay Road Bridge (Lloyds Crossing) across railway line, Dumbarton

Railway Bridge across Harper Road, Toodyay

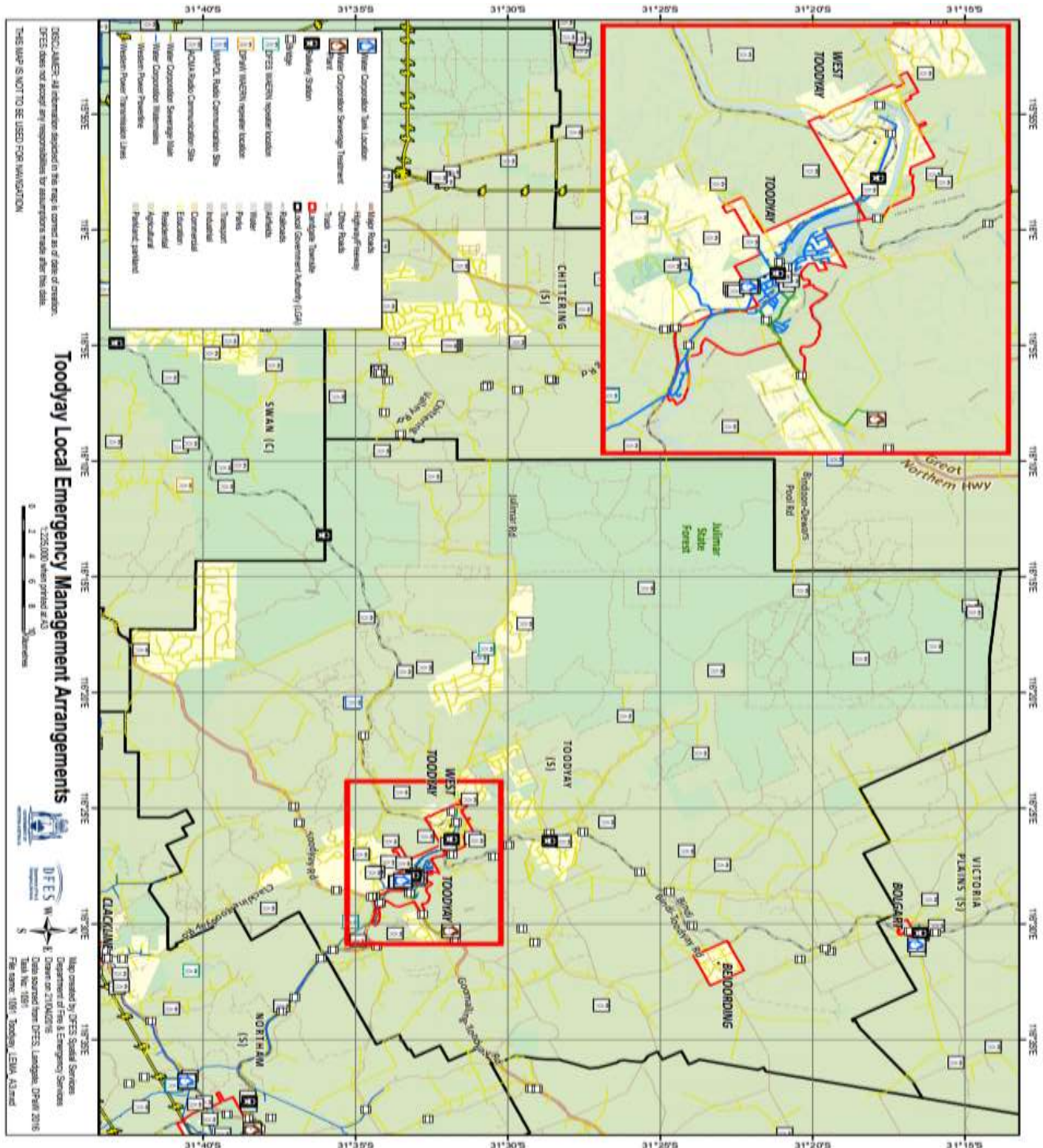
Foot Bridge across the Avon River, Toodyay

Main Railway Bridge crossing the Avon River off Railway Road.

### **Waste Transfer Station**

Railway Road, West Toodyay. General refuse and hazardous waste

## Map of **Key Assets and Infrastructure**



### 3.3 Risk Register:

The Shire of Toodyay LEMC has undertaken extensive risk assessment work to better understand our local capability and capacity.

- Scenarios of the top 6 hazards were presented and 190 risk statements were assessed across the 6 hazards of Flood, storm, Earthquake, Human Epidemic, Animal Biosecurity and Bushfire.
- 103 of the risk statements have been recommended for treatment consideration.
- Likelihood of a risk occurring was rare in the majority of risks assessed. However the consequence of the risks, should they occur, predominantly fell in the Moderate – Catastrophic range. Storm was the only assessed hazard which defied this trend with the majority of its risks falling the insignificant and minor consequence categories.
- Earthquake had the lowest likelihood, but the greatest consequence.
- Human Epidemic risk were the most likely to be realised (owing to the largest Annual Exceedance Probability.)

For further detail, the full risk register and the “Local Risk Assessment Summary Document” are available from the Shire of Toodyay.

### 3.4 Emergencies likely to occur / Hazards Register

The following hazards were identified as the most likely to occur in the Shire. Below is a register of the identified hazards.

Hazard	HMA	Controlling Agency	Local Combat Role	Local Support Role	State Hazard Plan (Westplan)	Local plans (Supplementary to agency SOPs)
Fire	FES Commissioner	DFES/LG	VFRS/BFB (Gazetted Fire District Dependant)	LG	Fire 2020	Avon Valley Response Plan
Storm	FES Commissioner	DFES	Regional SES	LG, SJA, Police	Storm 2016	
Flood	FES Commissioner	DFES	Regional SES	LG, SJA, Police	Flood 2016	
Crash (Road,	Commissioner	WA Police	VFRS	LG,	Crash	



Hazard	HMA	Controlling Agency	Local Combat Role	Local Support Role	State Hazard Plan (Westplan)	Local plans (Supplementary to agency SOPs)
Train & Plane)	for Police	Force		SJA,	Emergency 2020	
Pandemic	State Health Coordinator	Dept of Health	Dept of Health	Police, LG, SJA,	Human Biosecurity 2020	
Land search	Commissioner for Police	WA Police Force	Police and regional SES	LG, SJA	Search and Rescue Emergency 2020	

# Evacuation

## Section Four

## **Evacuation**

There is a possibility that during an emergency, circumstances may arise where there may be the need to totally or partially evacuate the population of an area due to risk.

The Shire of Toodyay and its LEMC is dedicated to ensuring pre-emergency evacuation planning is carried out so that, if an emergency was to occur, the risks associated with evacuation can be mitigated.

The overall responsibility for a community evacuation rests with the Controlling Agency. The decision to evacuate rests with the Incident Controller who is appointed by the Hazard Management Agency or Controlling Agency.

When an evacuation is being considered, the Hazard Management Agency or Controlling Agency is to consult with the Shire of Toodyay and the Department of Communities.

### **4.0 Types of Evacuations**

**Self-evacuation** is the self-initiated, spontaneous movement of individuals, families or community groups when threatened by an emergency. The Controlling Agency should provide sufficient, timely and relevant information to the community to assist in them making an informed decision to self-evacuate.

A **controlled evacuation** is the managed movement of people from a threatened area to a place of safety. The decision to undertake a controlled evacuation will be made by the Controlling Agency or an Authorised Officer who will determine whether the evacuation will be recommended (voluntary) or directed (compulsory).

A **recommended evacuation** is a type of controlled evacuation where the Hazard Management Agency or Controlling Agency provides advice to community members that they evacuate, when the Incident Controller believes that is the best option. A recommended evacuation is made when there is a possible threat to lives/property, but it is not believed to be imminent or significant.

A **directed evacuation** is a type of controlled evacuation where the Hazard Management Agency or Controlling Agency issues a direction for people and animals to evacuate/be evacuated, with which they are obliged to comply. This is most likely to occur when injury or loss of life is imminent.

#### 4.1 The Five stages of Evacuation



Things to Consider: Legislative powers, risk management, resource requirements. Reasons to/not to evacuate must be recorded.

**Stage Two: Warning** – Telling people of the need to go

Part of the LEMC's planning process is to identify available communication methods for public information.

**Stage Three: Withdrawal** – Getting people out

Self-evacuation, recommended evacuation or directed evacuation?

Controlling Agency should, as far as is practicable, ensure the security of the area that has been evacuated and of the remaining persons and property – assistance with this may be sought from WAPOL, local government and security and/or traffic management contractors.

**Stage Four: Shelter** – Where people can go and providing support

Where a Controlling Agency establishes one or more evacuation centres, they must take reasonable steps to ensure that evacuees are properly received and supported via welfare agencies and/or the local government. Department of Communities will coordinate the provision of welfare support for evacuated persons.

**Stage Five: Return** – Allowing people back and supporting their return

In most circumstances the return of the affected community is the responsibility of the Controlling Agency that determined the need for an evacuation in the first place. In instances where the impacts of a hazard have had lasting effects, the incident may have been handed over to a Recovery Coordinator and/or Recovery Committee at the State or Local level.

A relevant person will need to ensure that an appropriate assessment has been carried out to confirm that the area is safe and possible to return to. The return may be executed in stages as the operational plan should consider issues such as community safety, restoration of essential services and provision of welfare support services.

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#### **4.2 Evacuation (WELFARE) Centres**

Please refer to section Five “Welfare” for a full list of evacuation centres.

#### **4.3 Evacuation to other Local Government Areas**

Partnering agreements with surrounding Shires have yet to be developed.

#### **4.4 Special Needs Groups**

The Shire of Toodyay is continuing to work towards engagement of special need group representatives. Arrangements for have yet to be developed.

#### **4.5 Evacuation of Animals**

Assistance animals are welcomed at all welfare centres. The Shire and LEMC has yet to develop an Animal Welfare Plan to assist the community with the care and management of domestic and native animals during an emergency.

#### **4.6 Vulnerable Groups**

The Toodyay District High School and Early Learning Centres (Day Car) have been identified as Vulnerable Groups within the community. Please refer to the Contacts and Resources Register for listings and contacts.

# Welfare

## Section Five

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## **5.0 Local Emergency Management Plan for the Provision of Welfare Support**

The Department of Communities has the role of managing welfare. The Shire of Toodyay falls under the Northam district of the Department of Communities. They have developed a Local Emergency Management Plan for the Provision of Welfare Support, which aims to prescribe the arrangements for the provision of welfare support services during emergencies. The plan is available from the Shire of Toodyay and/or the Department of Communities. The plan contains private contact details of key personnel and is not for public distribution.

### **5.1 Local Welfare Coordinator**

The Local Welfare Coordinator for the Shire of Toodyay is the Department of Communities Team Leader Northam Office.

**Refer to Contacts & Resources Register for details.**

### **5.2 Local Welfare Liaison Officer**

The Local Welfare Liaison Officer is appointed by the local government to coordinate welfare response during emergencies and to liaise with the Local Welfare Coordinator. This role will provide assistance to the Local Welfare Coordinator, including the management of emergency evacuation centres such as building opening, closing, security and maintenance.

**Refer to Contacts & Resources Register for details.**

### **5.3 Register find Reunite**

Where a large-scale emergency occurs and people are evacuated or become displaced, one of the areas Department of Communities has responsibility for is recording who has been displaced and placing the information onto a National Register. This allows friends and relatives to locate each other. The Department of Communities has an arrangement in place with the Red Cross to assist with the registration process.

### **5.4 Animal Welfare**

Animal owners are responsible for the welfare of their pets and livestock at all times, including disaster situations. However, the Shire acknowledges that disasters are complex events that can often limit the ability of people to fulfil these obligations. Furthermore, their inability to provide care for their animals can lead to significant distress in already



trying situations.

The Shire and LEMC has yet to develop an Animal Welfare Plan to assist the community with the care and management of domestic and native animals during an emergency.

It is important to note that due to safety reasons general companion pets will not be allowed inside an evacuation centre, however animals will be welcomed to the precinct around the welfare centre and every effort will be made to ensure their welfare.

### **5.5 Welfare Centre**

The Local Government may choose to manage a Welfare Centre however the Department of Communities has a team available for this purpose. It is the responsibility of the Hazard Management Agency, in consultation with the Local Emergency Coordinator, to request assistance with the Department of Communities. In the event the Department of Communities assume control of one or more evacuation centres, the Shire of Toodyay will have representation at the centre to provide support to the Department.

### **EVACUATION/WELFARE CENTRES**

Building Name	Site Address	Capacity Seated	Capacity Sleeping	Facilities	Contact Details
Toodyay Memorial Hall	117 Stirling Terrace, Toodyay	200	60	Kitchen Backup Power Toilets Primary Emergency Activation Kit	Recovery Coordinator  Deputy Recovery Coordinator  CEO
Showground Pavilion	Cnr Telegraph Rd and Toodyay Street	100	30	Kitchen Toilets Showers Stock/Animal Yards Secondary Emergency Activation Kit	
Morangup Community Hall	25 Wallaby Way Morangup	100	30	Kitchen Toilets	

Functional areas of Welfare Coordination include.

- Emergency Accommodation
- Emergency Catering
- Emergency clothing and personal requisites
- Personal support services
- Registration and reunification
- Financial assistance
- Opening and Coordination of Welfare Evacuation Centres

The Department of Communities (Communities) has legislated responsibility under WA Emergency Management Arrangements for the coordination and provision of services to evacuated community members during and after an emergency/disaster.

In many cases this will require the opening of a Welfare Evacuation Centre (Evacuation Centre) to provide evacuees with a safe place to relocate to, until they are able to return home or find alternative safe places.

There is a provision under WA Emergency Management Arrangements for the Local Government in the area affected by the emergency/disaster to take the lead role in the coordination and operation of the Evacuation Centre, until such time as Communities are able to arrive at the centre and assume responsibility for coordination and service provision.

The Controlling Agency, together with the Local Government and Department of Communities will determine when and where the opening of an evacuation centre may be required. If not present, the Dept of Communities should be contacted immediately and advised of the decision to stand up the evacuation centre.

Local government staff or LEMC members may be asked to open a Welfare Centre and manage it until Department of Communities staff arrive. A Guide and Checklist has been provided by the Department of Communities to assist with process.

The LG staff will provide a handover to Communities staff on their arrival at the Evacuation Centre. Communities may require assistance with coordinating of tasks, such as provision of food etc.

# Recovery Plan

## Section Six

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## **6.0 Introduction**

### **Recovery**

The Shire of Toodyay Local Recovery Plan has been prepared by the Shire of Toodyay Local Emergency Management Committee to reflect the capacity of the Shire and to address the Shire's legislative responsibility under Section 36(b) and Section 41(4) of the Emergency Management Act 2005 and the Emergency Management Regulations 2006.

This recovery plan forms part of the Shire of Toodyay's Local Emergency Management Arrangements (LEMA).

### **Authority**

The local recovery plan has been prepared in accordance with the requirements of the Emergency Management Act 2005 [s.41 (4)] and Part 6 of the State EM Plan.

### **Objectives:**

The objectives of this plan are to:

- Describe the roles, responsibilities, available resources and procedures for the management of recovery from emergencies for the Shire of Toodyay
- Establish a basis for the coordination of recovery activities at the local level;
- To promote effective liaison between all Hazard Management Agencies (HMA), emergency services and supporting agencies, which may become involved in recovery management;
- Provide a framework for recovery operations for the Shire of Toodyay

### **Scope:**

The scope of this recovery plan is limited to the boundaries of the Shire of Toodyay. It details general recovery arrangements for the community and does not in any way detail how individual organisations will conduct recovery activities within their core business areas.

## **6.1 Roles and Responsibilities**

### **Local Recovery Coordinator**

The Local Recovery Coordinator (LRC) is responsible for the development and implementation of the recovery management arrangements for the local government.

The Shire of Toodyay has appointed officers and key personnel to lead the community recovery process in accordance with the requirements of the Emergency Management Act, Section 41(4). The Shire of Toodyay may appoint more than one person to the position of LRC by appointing and training more than one person to undertake the role of the LRC, coverage is assured in the event the primary appointee is unavailable when an emergency occurs.

Refer to Contacts & Resources Register for appointed persons details.

#### **Role**

The Local Recovery Coordinator is responsible for the development and implementation of recovery management arrangements for the local government, in conjunction with the Local Recovery Coordinating Group.

#### **Functions**

- Ensure the Local recovery Plan is established;
- Liaise with the Controlling Agency, including attending the Incident Support Group and Operations Area Support Group meetings;
- Assess the community recovery requirements for each event, in conjunction with the HMA, Local Emergency Coordinator (LEC) and other responsible agencies;
- Provide advice to the Shire President and Chief Executive Officer (CEO) on the requirement to convene the Local Recovery Coordination Group (LRCG) and provide advice to the LRCG if convened;
- Ensure the functions of the Executive Officer are undertaken for the LRCG;
- Assess for the LRCG requirements for the restoration of services and facilities with the assistance of the responsible agencies where appropriate;
- Determine the resources required for the recovery process in consultation with the LRCG;
- Coordinate local level recovery activities for a particular event, in accordance with plans and strategies determined by the LRCG;

- Monitor the progress of recovery and provide periodic reports to the LRCG and the State Recovery Coordinating Group (SRCG) if established;
- Liaise with the SRC on issues where State level support is required or where there are problems encountered with services from government agencies locally;
- Facilitate the acquisition and appropriate application of the resources necessary to ensure an effective recovery program;
- Ensure the recovery activities are consistent with the principles of community engagement;
- Arrange for the conduct of an operational debriefing of all participating agencies and organisations as soon as possible after cessation of the recovery arrangements;
- Arrange for an evaluation of the effectiveness of the recovery activities in relation to the recovery plan, within 12 months of the emergency.

The above can be read in conjunction with the Aide Memoire – Local Recovery Coordinator local level recovery arrangements provided by the State Emergency Management Committee. – [APPENDIX 6B: AIDE MEMOIRE LOCAL RECOVERY COORDINATOR](#)

### **Local Recovery Coordination Group (LRCG)**

The LRCG is responsible for the overall coordination of community recovery following an emergency event. The LRCG may, depending upon the scale and type of event, form subcommittees with specific responsibilities each reporting to the LRCG. The makeup of the LRCG or any respective subcommittees will be determined by the scale of the event. The LRCG and subcommittees will change over time.

#### **Role**

The role of the Local Recovery Coordinating Group (LRCG) is to coordinate and support local management of the recovery process within the community.

#### **Functions**

- Establishing subcommittees as required;
- Assessing requirements based on the impact assessment, for recovery activities relating to the social, built, economic and natural wellbeing of the community with the assistance of the responsible agencies where appropriate;

- Developing an operational plan for the coordination of the recovery process for the event that:
  - takes account of the local government long term planning goals;
  - includes an assessment of the recovery needs and determines which recovery functions are still required;
  - develops a timetable and identifies responsibilities for completing the major activities;
  - considers the needs of youth, the aged, the disabled and culturally and linguistically diverse (CALD) people;
  - allows full community participation and access; and
  - allows for the monitoring of the progress of recovery.
- Overseeing the delivery of projects that support social, built, economic and natural environments of recovery to ensure they are community owned and targeted to best support the recovery of affected communities;
- Facilitating the provision of services, public information, information exchange and resource acquisition;
- Providing advice to the State and Local Government/s to ensure recovery programs and services meet the needs of the community;
- Negotiating the most effective use of available resources including the support of State and Commonwealth agencies;
- Monitoring the progress of recovery, and receiving periodic reports from recovery agencies;
- Ensuring a coordinated multi-agency approach to community recovery by:
  - Providing central point of communication and coordination for the actions of a wide range of recovery-related services and projects being progressed outside the direct control of the committee;
  - Making appropriate recommendations, based on lessons learned to the LEMC to improve the community's recovery preparedness.

[Management Handbook 2 "Community Recovery"](#) contains details on the principles, and methodologies for effective recovery management which may assist the local recovery coordination group.



## **6.2 Controlling Agency Hazard Management Agency**

The Controlling Agency/ HMA with the responsibility for the response to an emergency will initiate recovery activity during the response to that emergency. To facilitate recovery, the Controlling Agency/ HMA will:

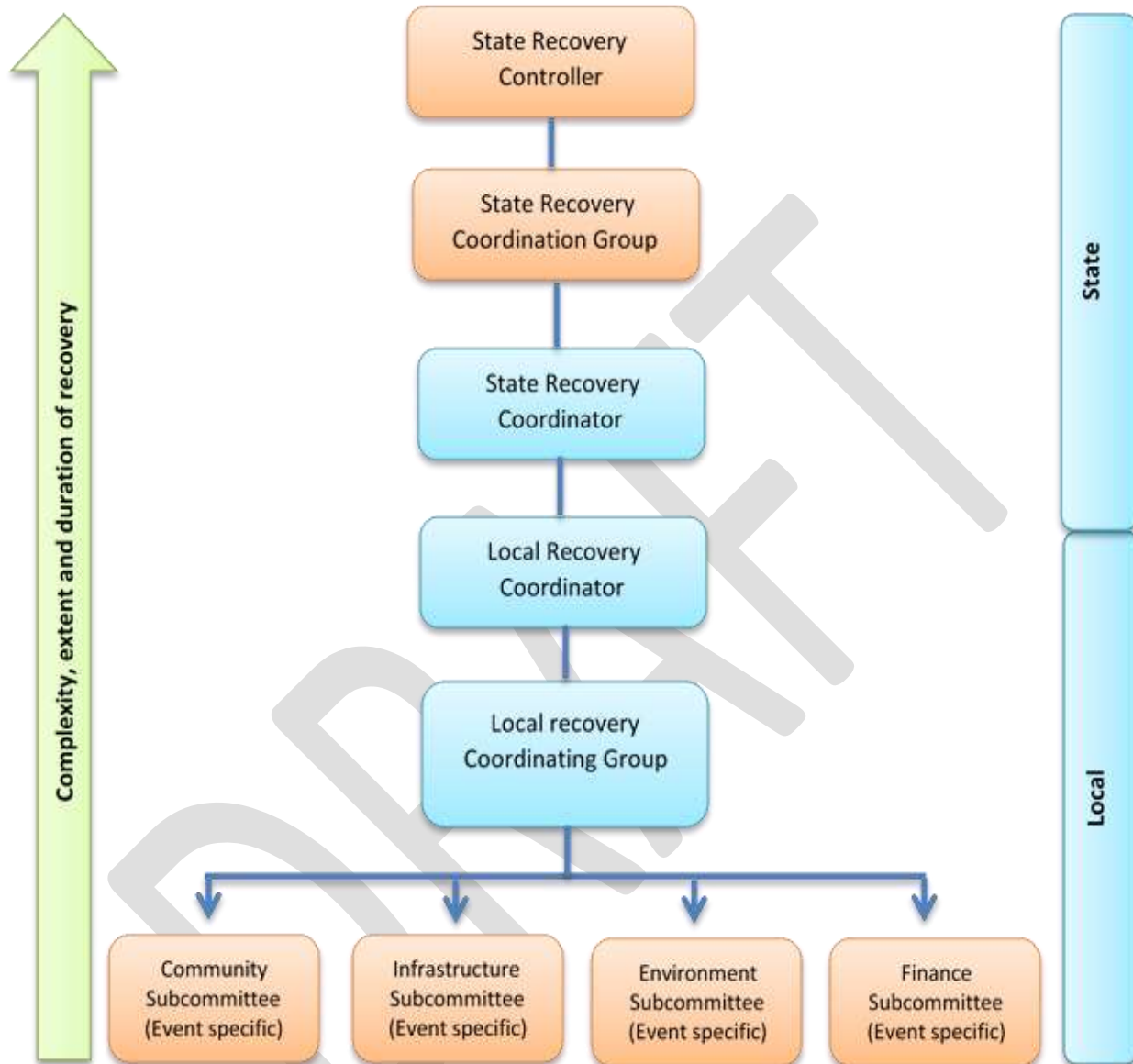
- Liaise with the Local Recovery Coordinator where the emergency is occurring and include them in the incident management arrangements including the Incident Support Group and the Operations Area Support Group;
- Undertake and initial impact assessment for the emergency and provide that assessment to the Local Recovery Coordinator and the State Recovery Coordinator;
- Coordinate completion of the Impact Statement, prior to cessation of the response, in accordance with the approved procedure, and in consultation with the Incident Support Group, all affected local governments and the State Recovery Coordinator;
- Provide risk management advice to the affected community (in consultation with the HMA).

## **6.3 State Recovery Coordinator**

In conjunction with the local government/s, the State Recovery Coordinator is to consider the level of state involvement required, based on a number of factors pertaining to the impact of the emergency.

For a list of criteria to be considered as triggers for escalation, refer to Appendix G of the State EM Plan. The capacity of the local government to manage the recovery, the number of local governments affected, and the complexity and length of the recovery are likely to be critical factors.

#### **6.4 Recovery Structure State and Local**



## **6.5 Commencement of Recovery**

### **Local Recovery Coordinator:**

The immediate involvement of the Local Recovery Coordinator (LRC) in any Incident Support Group (ISG) will ensure that recovery starts while response activities are still in progress, and key decisions taken during the response phase are able to be influenced with a view to recovery. The LRC may also attend the Incident Management Team (IMT) as an observer for further situational awareness.

The LRC shall:

- Align response and recovery priorities
- Connect with key agencies
- Understand key impacts and tasks. Have input into the development of the Impact statement that will be used when the incident is transferred from response to recovery.
- Identify recovery requirements and priorities as early as possible.
- Establish a Local Recovery Committee, and any sub committees as required.

### **The Controlling Agency:**

The Controlling Agency with responsibility for the response to an emergency will initiate recovery activity during the response to that emergency. To facilitate recovery, it will;

- Liaise with the local recovery coordinator and include them in the incident management arrangements including the Incident Support Group or Operational Area Support Group.
- Undertake an initial impact assessment for the emergency and provide that assessment to the local recovery coordinator and the State recovery coordinator
- Coordinate completion of the Impact Statement, prior to cessation of the response, in accordance with the approved procedure (State EM Recovery Procedure 4) and in consultation with the ISG, the affected local government/s and the state recovery coordinator.
- Provide risk management advice to the affected community.
- Complete an Impact Statement document.

**Local Recovery Coordination Group:**

Where required, the LRC shall form a Local Recovery Coordination Group which shall consist of, as a guide, the following:

***Core Recovery Group:***

(Function – recovery planning, activation of plan, support Local recovery coordinator to manage the recovery process. The core group is usually made up of local government elected members and administration staff)

Title
Chair LRCG
Local Recovery Coordinator
Deputy Recovery Coordinator
Chief Executive Officer
Manager Corporate & Community Services
Manager Assets and Services
Manager Planning and Development
Communications Officer
Finance Officer
Administration Officer (Support)

***Co-opted members:***

(Function – these members would be co-opted as required to provide agency specific or expert advice and resources to assist the recovery process.)

Hazard Management Agency or controlling Agency	Dept of Fire and Emergency Services Dept of Biodiversity Conservation and Attractions
Essential services	WA Police St John Ambulance Water Corporation Western Power Telstra National Broadband Network
Dept of Health	
Dept of Education	
Dept of Transport	
Dept of Food and Agriculture	

### **Subcommittees:**

(Function – sub committees may be formed to assist the recovery process by considering specific priority areas)

Core priority areas that may require the formation of a subcommittee include;

- Economic / Finance Subcommittee
- Infrastructure Subcommittee
- Personal / Community Subcommittee
- Environmental Subcommittee

Please refer to [APPENDIX 6A: SUB COMMITTEES – OBJECTIVES](#) for objectives and Terms of Reference for these four subcommittees should they need to be activated quickly.

## **6.6 Priorities for Recovery:**

Disasters can deeply impact lives and livelihoods. Working with communities recovering from disasters is complex and challenging. These principles are a way to guide our efforts, approach, planning and decision-making.

Planning for recovery is integral to emergency preparation and mitigation actions may often be initiated as part of recovery.

Disaster recovery includes built, environment and economic elements, all contributing to individual and social wellbeing.

**The Shire of Toodyay aligns its priorities for recovery to the National Principles for Disaster Recovery.**

While all the principles are equally critical to ensure effective recovery, understanding the local and broader context and recognising complexity is foundational.

Principles	Detail
Understand the CONTEXT	Successful recovery is based on an understanding of the community context, with each community having its own history, values and dynamics.
Recognise COMPLEXITY	Successful recovery is responsive to the complex and dynamic nature of both emergencies and the community.

Principles	Detail
Use COMMUNITY-LED approaches	Successful recovery is community-centred, responsive and flexible, engaging with community and supporting them to move forward.
COORDINATE all activities	Successful recovery requires a planned, coordinated and adaptive approach, between community and partner agencies, based on continuing assessment of impacts and need.
COMMUNICATE effectively	Successful recovery is built on effective communication between the affected community and other partners.
Recognise and Build CAPACITY	Successful recovery recognises supports and builds on individual, community and organisational capacity and resilience.

The complete National Principles for Disaster recovery can be found at <https://knoweldge.aider.org.au/resources/national-principles-disster-recvoery>

## **6.6 Assessment and Operational Recovery Planning:**

It is essential that an assessment of the recovery and restoration requirements be conducted as soon as possible after the impact of the event. This assessment will be based on the Impact Statement data provided by the Controlling Agency.

Depending upon the extent of the restoration and reconstruction required, the Local Recovery Coordinator and Local Recovery Coordinating Group should develop a specific Operational Recovery Management Plan setting out the recovery process to be implemented. For an Operational Recovery Plan template refer to [Appendix 6 B: Operational Recovery Plan template](#)

## **6.7 Resources**

### **Recovery Resources:**

The Local Recovery Coordinator for the Shire of Shire of Toodyay is responsible for determining the resources required for recovery activities in consultation with the Controlling Agency/Hazard Management Agency and Support Organisations.

The Shire of Toodyay resources are identified in the Contacts and



Resources Register. The Local Recovery Coordinator (LRC) is responsible for coordinating the effective provision of activities, resources and services for the Shire of Toodyay should an emergency occur.

Section 2.6 identifies suitable Local Recovery Coordination Centres in the Local Government area.

### **6.8 Financial Arrangements:**

The primary responsibility for safeguarding and restoring public and private assets affected by an emergency rests with the asset owner, who needs to understand the level of risk and have appropriate mitigation strategies in place.

Through the Disaster Recovery Funding Arrangements – WA (DFRA-WA), the State Government provides a range of relief measures to assist communities in recovering from an eligible natural event. The Shire of Toodyay will make claims for recovery activities where they are deemed eligible under DFRA.

More information regarding DRFA is available from the State Emergency Management Committee web page - link - <https://www.dfes.wa.gov.au/recovery/Pages/default.aspx>

DFES, as the State Administrator, may activate DRFA-WA for an eligible event if the estimated cost to the State of eligible measures is anticipated to exceed the Small Disaster Criterion (currently set at \$240,000).

### **6.9 Financial Preparation:**

The Shire of Toodyay will take the following actions to ensure they are prepared financially to undertake recovery activities should the need arise. These actions include:

- Understanding and treating risks to the community through an appropriate risk management process;
- Ensuring assets are recorded, maintained and adequately insured where possible;
- Establishing a cash reserve for the purpose where it is considered appropriate for the level of risk;
- Understanding the use of section 6.8(1) (b) or (c) of the Local Government Act 1995. Under this section, expenditure not included in the annual budget can be authorised in advance by an absolute majority decision of the Council, or by the mayor or president in an emergency and then reported to the next ordinary meeting of the Council;

- Understanding the use of section 6.11(2) of the Local Government Act 1995 to utilise a cash reserve established for another purpose, subject to one month's public notice being given of the use for another purpose. Local Government Financial Management Regulations 1996 – regulation 18(a) provides an exemption for giving local public notice to change the use of money in a reserve where the mayor or president has authorised expenditure in an emergency. This would still require a formal decision of the Council before money can be accessed.
- Understanding the use of section 6.20(2) of the Local Government Act 1995 to borrow funds, subject to one month's local public notice of the proposal and exercising of the power to borrow by an absolute majority decision of the Council;
- Ensuring an understanding of the types of assistance that may be available under the Disaster Recovery Funding Arrangements- WA (DRFA-WA), and what may be required of local government in order to gain access to this potential assistance.
- Understanding the need to manage cash flow requirements by making use of the option of submitting progressive claims for reimbursement from DRFA, or Main Roads WA.

#### **Managing Donations:**

Organisations wishing to establish public appeals for cash donations should use the Lord Mayors Distress Relief Fund managed by the City of Perth, as detailed in the State EM Recovery Procedure1– Management of Public Fundraising and donations. NOTE: Appeals for donations of physical items such as food and furniture should be discouraged unless specifically requested by the Local Recovery Coordination Group. In all instances cash donations should be encouraged with prospective donors directed to the Lord Mayor's Distress Relief Fund.

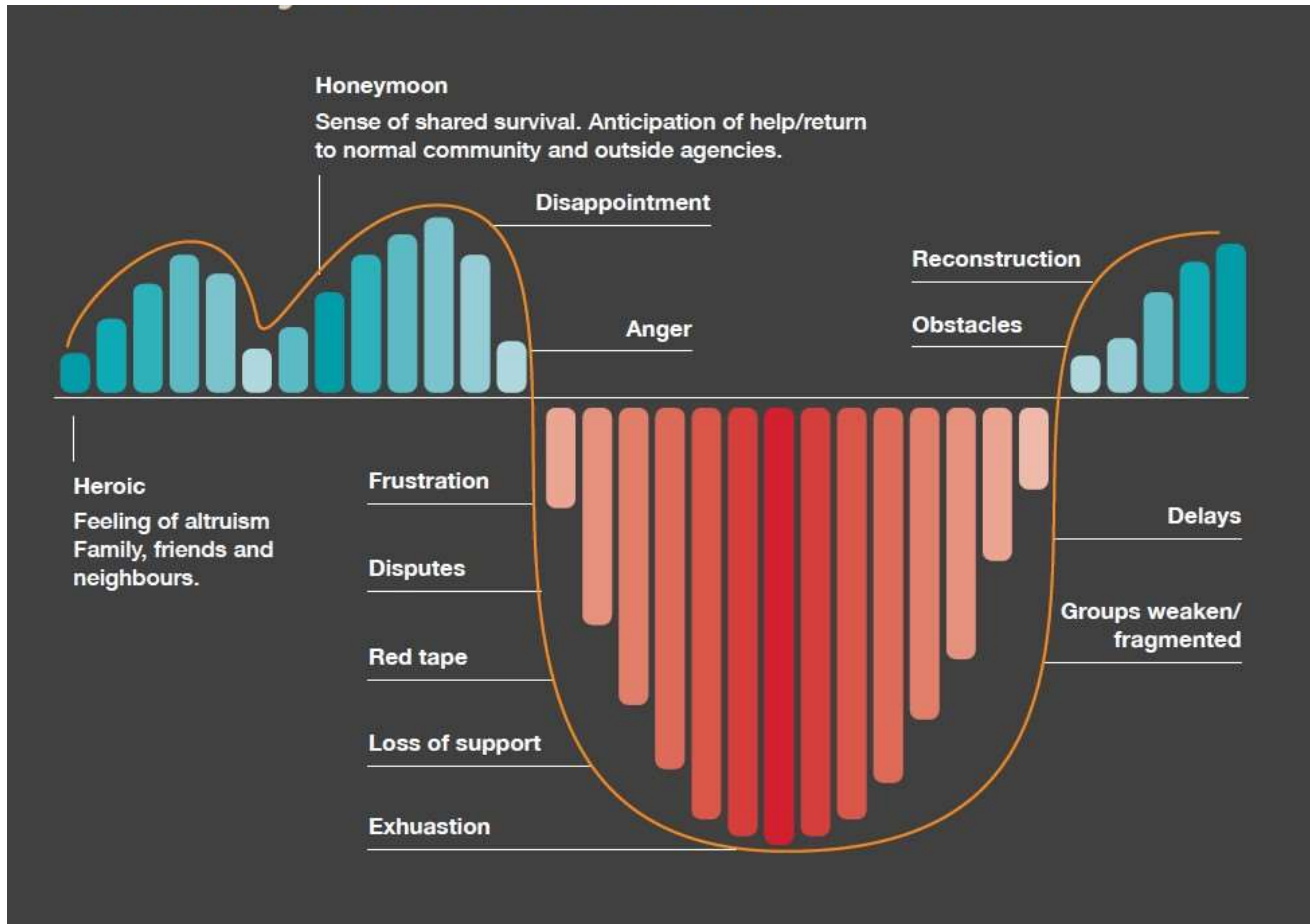
### **6.10 Community Reactions**

It is important to understand the common reactions that individuals and the affected community as a whole, move through, when they are touched by an emergency.

Understanding the psychosocial impacts of emergencies can provide insight to assist people get back on their feet and to re-establish their post-emergency life.

The below diagram illustrates the four-stage cycle of emotions that people are likely to experience after being impacted by an emergency.

This process is indicative only. It should not be read as a sequential process, but as a guide to help anticipate predictable challenges in the recovery stage



It is important that all recovery communications are mindful of the cycle detailed above. By understanding this, recovery communications can be carefully tailored for the community as they move through each phase.

## **6.11 Actions and Strategies**

To assist the Local Recovery Coordinator and the Local Recovery Coordinating Group a list of recovery activities that may be undertaken together with suggested strategies has been provided. The list is not exhaustive but meant as a prompt to initiate discussion and planning.

### **Activities:**

- One Stop Shop
- Short Term Accommodation
- Counselling
- Establish and managing emergency financial relief schemes
- Surveying and assessing the damage to public and private property
- Repairing and/or replacing public utilities, services and assets
- Assisting with the repair or replacement of private property
- Initiating programs to stimulate community morale and economic growth
- Managing environmental rehabilitation programs
- Coordinating recovery and research agencies
- Revision of Land Use/ Planning schemes

### **Strategies:**

#### ***Community Involvement Strategies***

- Maximise the use of local resources, groups and individuals
- Promote prior community awareness and education
- Involve people in their own and their community recovery
- Maintain continuous liaison between emergency teams, volunteer groups and community organisations
- Create opportunities for local decision making
- Ensure self-determination in restoration planning
- Maintain a co-operative relationship between volunteers and imported specialists
- Use local suppliers
- Empower the community as quickly as possible

### ***Recovery Information Strategies***

Provide regular updates on –

- current state & extent of the disaster,
- actual and proposed official response
- desired community response
- advice to isolated families
- Ensure everybody has an understanding of the situation and the opportunity for personal counselling
- Provide for advocacy by agencies and organisations
- Information may be made available to the public using a combination of the methods such as;
- One Stop Shop
- Door Knocks
- Outreach Programs
- Information Sheets and or/ Community Newsletters

### ***Recovery Assistance Strategies***

- Provide for special needs of aged, ethnic, children etc
- Make food, shelter, clothing, health and emergency finance available immediately.
- Deliver services in a simple & caring manner with minimal disruption to existing processes
- Ensure welfare centre cater for privacy and individual care
- Ensure emergency workers receive ongoing support, debriefing, relief and rest
- Maximise financial aid and minimise material aid

### ***Accountability Strategies***

- Ensure the affected community is involved in the allocation and distribution of material and financial resources
- Assist the community in ensuring there is accountability in the use of resources

### ***Strategies for Grants, Loans and Gifts***

- Ensure there is community involvement in determining criteria
- Communicate entitlement criteria for financial support & grants immediately
- Alterations to criteria must be communicated clearly to the community
- Consider non-English speaking groups in designing information for grants
- Maintain confidentiality

### ***Strategies to Maintain Family Cohesion***

- Keep families together during evacuation and resettlement
- Ensure all policies and processes support the family's ability to recover

## **APPENDIX 6A: Sub Committees– Objectives**

Committee	Objectives
Community (or Social) Subcommittee Objectives	<ul style="list-style-type: none"> <li>• To provide advice and guidance to assist in the restoration and strengthening of community well-being post the event</li> <li>• To facilitate understanding on the needs of the impacted community in relation to community wellbeing</li> <li>• To assess and recommend priority areas, projects, and events to assist with the recovery process in the immediate and short-term regarding the restoration and strengthening of community wellbeing</li> <li>• To assess and recommend medium-term and long-term priority areas to the local government for consideration to assist in the restoration and strengthening of community wellbeing</li> <li>• To ensure the affected community is informed and involved in the recovery processes so actions and programs match their needs.</li> </ul>
Environment (or Natural) Subcommittee Objectives	<ul style="list-style-type: none"> <li>• To provide advice and guidance to assist in the restoration of the natural environment post the event</li> <li>• To facilitate understanding of the needs of the impacted community in relation to environmental restoration</li> <li>• To assess and recommend priority areas, projects and community education to assist with the recovery process in the immediate and short-term regarding the restoration of the environment including weed management and impacts on wildlife</li> <li>• To assess and recommend medium-term and long-term priority areas to the local government for consideration to assist in the restoration of the natural environment in the medium to long term.</li> </ul>
Infrastructure (or Built) Subcommittee Objectives	<ul style="list-style-type: none"> <li>• Assist in assessing requirements for the restoration of services and facilities in conjunction with the responsible agencies where appropriate</li> <li>• To provide advice and assist in the coordination of the restoration of infrastructure assets and essential services damaged or destroyed during the emergency</li> <li>• To assess and recommend priority infrastructure projects to assist with the recovery process in the immediate and short, medium and long term.</li> </ul>



Committee	Objectives
Finance (or Economic) Subcommittee	<p><b>To make recommendations to the Lord Mayor's Distress Relief Fund (LMDRF)</b> on the orderly and equitable disbursement of donations and offers of assistance to individuals having suffered personal loss and hardship as a result of the event.</p> <ul style="list-style-type: none"> <li>• The development of eligibility criteria and procedures by which payments from the LMDRF will be made to affected individuals which: <ul style="list-style-type: none"> <li>○ ensure the principles of equity, fairness, simplicity and transparency apply</li> <li>○ ensure the procedures developed are straightforward and not onerous to individuals seeking assistance</li> <li>○ recognise the extent of loss suffered by individuals</li> </ul> </li> <li>• complement other forms of relief and assistance provided by government and the private sector; recognise immediate-, short-, medium- and longer-term needs of affected individuals</li> <li>• ensure the privacy of individuals is protected at all times.</li> <li>• Facilitate the disbursement of financial donations from the corporate sector to affected individuals, where practical.</li> </ul>

## **APPENDIX 6B: Aide Memoire Local Recovery Coordinator**

### Local Recovery Coordinator Aide Memoire

Local governments are to nominate a suitably skilled Local Recovery Coordinator in their Local Emergency Management Arrangements. More than one person should be appointed and trained in case the primary Local Recovery Coordinator is unavailable during an event.

#### ROLE

The Local Recovery Coordinator is responsible for the development and implementation of recovery arrangements for the local government, in conjunction with the [Local Recovery Coordination Group](#) (LRCG).

#### FUNCTIONS

##### Pre-Event

- Prepare, maintain and test the [Local Recovery Plan](#) in conjunction with the local government for endorsement by the Council of the local government;
- Ensure community engagement in recovery arrangements and increase community involvement in recovery preparedness, awareness and resilience;
- Identify vulnerable people within the community such as youth, the aged, people with disabilities, Aboriginal people, culturally and linguistically diverse people;
- Consider potential membership of the LRCG prior to an event occurring;

##### During Event

- Consult with the Controlling Agency regarding attending appropriate response meetings such as: Incident Management Team, Incident Support Group and Operational Area Support Group meetings;
- Consider membership of the LRCG, during an emergency, that is event specific, based on the four recovery environments: social, built, economic and natural, or as required;
- Ensure the Controlling Agency with responsibility for the response to an emergency, starts recovery activities during that emergency;
- Consult with the Controlling Agency on completing the [Impact Statement](#) prior to transfer of responsibility for recovery to the affected local government(s);

##### Post-Event

- Provide advice to the Mayor/Shire President and Chief Executive Officer (CEO) on the need to convene the LRCG and provide advice to the LRCG, if established;
- Ensure the local government provides LRCG with Executive Officer and administrative support, such as meeting agenda, minutes, financial and administrative recordkeeping;

#### **LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS**

- Determine the required resources for effective recovery in consultation with the LRCG;
- Coordinate local level recovery activities for the event, according to the plans, strategies and policies determined by the LRCG;
- Monitor the progress of recovery and provide periodic reports to the LRCG and State Recovery Coordination Group, if established;
- Liaise with the State Recovery Coordinator on issues where State level support is required or where there are concerns with services from government agencies locally;
- Arrange for the conduct of an operational debriefing of all participating agencies and organisations as soon as possible after the arrangements have ended;
- Arrange an evaluation of the effectiveness of recovery activities, within 12 months of the emergency, to ensure lessons are captured and available for future managers; and
- Provide recovery evaluations to the State Recovery Coordinator and the State Emergency Management Committee (SEMC).

## MEMBERSHIP

The Local Recovery Coordinator is to consider potential membership of the LRCG prior to an event occurring. During an emergency, consider membership of the LRCG that is event specific. The following agencies and organisations may have a role on the LRCG.

### Core Members

- Local Recovery Coordinator;
- key local government staff and elected members;
- Community Recovery Coordinator and/or Community Liaison Officer;
- Controlling Agency;
- District Emergency Management Advisor; and
- local government networks, community members and community groups/associations /committees, e.g. environmental groups, farming groups, faith groups, sporting clubs, Aboriginal groups, schools, chambers of commerce and industry, etc.

### Potential Members – Event Specific

- Australian Red Cross;
- Chamber of Commerce and Industry WA / Small Business Development Corporation;
- Department of Biodiversity, Conservation and Attractions;
- Department of Communities;
- Department of Education (or Local School Representative);

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## LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

- Department of Fire and Emergency Services (DFES);
- Department of Health (or Local Health Services Provider/Officer);
- Department of Local Government, Sport and Cultural Industries;
- Department of Planning, Lands and Heritage;
- Department of Primary Industries and Regional Development;
- Essential Services Network Operators Reference Group representative;
- Essential Services such as:
  - Telstra Corporation;
  - National Broadband Network;
  - Water Corporation; and
  - Western Power/Horizon Power.
- Insurance Council Australia;
- Main Roads Western Australia;
- Public Information Reference Group representative;
- Volunteering WA;
- Western Australia Police Force; and
- Western Australian Local Government Association.

### Support Services to LRCG

The following agencies and organisations may provide support and advice to the LRCG on a range of topics such as the: [Impact Statement](#); State Recovery Cadre; [Disaster Recovery Funding Arrangements Western Australia](#); environmental protection, clean up and waste management; Public Donations criteria for financial assistance; etc.:

- State Recovery (DFES);
- Department of Water and Environmental Regulation; and
- [Lord Mayor's Distress Relief Fund](#) (City of Perth).

## LOCAL RECOVERY COORDINATOR ACTION CHECKLIST

(Please note this listing is a guide only and is not exhaustive)

(Timeframes are approximate only)

Task Description	
Prior to Emergency	
Promote community awareness and engagement in recovery planning including involvement in development of <a href="#">Local Recovery Plan</a> .	
Prepare, maintain and test <a href="#">Local Recovery Plan</a> in conjunction with local government for endorsement by the Council.	
Ensure the completed <a href="#">Local Recovery Plan</a> clarifies any recovery and operational agreements made between local governments (i.e. Memorandums of Understanding, loan staff, equipment sharing); roles and responsibilities; and records of all recovery expenditure.	
Identify special needs people such as youth, the aged, people with disabilities, Aboriginal people, culturally and linguistically diverse people, and isolated and transient people.	
Consider potential membership of the <a href="#">Local Recovery Coordination Group</a> (LRCG) prior to an event occurring based on the social, built, economic and natural environments, or as required.	
Within 48 hours	
Contact and alert key local contacts.	
Liaise with Controlling Agency and participate (or nominate a suitable local government representative i.e. Local Recovery Coordinator, executive staff or CEO) in the incident management arrangements, including the Incident Support Group and Operations Area Support Group where appropriate.	
Where more than one local government is affected, a coordinated approach should be facilitated by the Local Recovery Coordinators and supported by the State Recovery Coordinator, as required.	
Ensure an understanding of known or emerging impacts from the <a href="#">Impact Statement</a> provided by the Controlling Agency.	
Consult the Department of Primary Industries and Regional Development on special arrangements to manage the welfare of wildlife, livestock and companion animals.	
Ensure Controlling Agency starts recovery activities during the response to that emergency.	
Provide advice to the Mayor/Shire President and CEO on the requirement to convene the LRCG and provide advice to the LRCG if convened.	
During an event, consider membership of the LRCG that is event specific, based on the social, built, economic and natural environments, or as required.	

Task Description	
Consider support required such as resources to maintain records, including a record/log of events, actions and decisions.	
Ensure the local government provides LRCG with an Executive Officer and administrative support, such as meeting agenda, minutes, financial and administrative recordkeeping (contact DFES State Recovery for advice or for possible State Recovery Cadre support).	
Facilitate community meetings/briefings to provide relevant recovery information include, as applicable, Controlling Agency, State government agencies and other recovery agencies.	
Brief media on the recovery program throughout the recovery process, ensuring accurate and consistent <b>messaging (use the local government's media arrangements, or seek advice or support from DFES State Recovery)</b> .	
Develop and implement an event specific Communication Plan, including public information, appointment of a <b>spokesperson and the local government's internal communication processes</b> .	
Within 1 week	
Consider fatigue management for self and recovery staff throughout all recovery (contact DFES State Recovery for advice or for possible State Recovery Cadre support).	
Consult with Controlling Agency on completing the <a href="#">Impact Statement</a> before the transfer of responsibility for management of recovery to the local government.	
In conjunction with the Controlling Agency and other responsible agencies, assess <b>the community's</b> recovery requirements. Coordinate activities to rebuild, restore and rehabilitate the social, built, economic, natural and psychosocial wellbeing of the community.	
Liaise and meet with specific emergency management agencies involved with recovery operations to determine priority actions.	
Assess for the LRCG, the requirements for the restoration of services and facilities with assistance of the responsible agencies, where appropriate.	
Contact the <a href="#">Disaster Recovery Funding Arrangements Western Australia</a> (DRFAWA) Officers to determine if the event is eligible under the DRFAWA, and if so ensure an understanding of what assistance measures are available and the process requirements for assistance.	
Understand eligible criteria and payment procedures of the <a href="#">Lord Mayor's Distress Relief Fund</a> , if activated. Payments are coordinated through the local government to affected individuals.	
Report on likely costs and establish a system for recording all expenditure during recovery (includes logging expenditure, keeping receipts and providing timesheets for paid labour).	
Determine the acquisition and appropriate use of resources necessary for effective recovery.	
Consider establishing a call centre with prepared responses for frequently asked questions.	

#### LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

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Task Description	
Determine level of State involvement in conjunction with the local government and the State Recovery Coordinator.	
Liaise with the State Recovery Coordinator on issues where State level support is required or where there are concerns with services from government agencies locally.	
Ensure recovery activities are consistent with the <a href="#">National Principles for Disaster Recovery</a> .	
Within 1 to 12 months (or longer-term recovery)	
Monitor the progress of recovery and provide periodic reports throughout the recovery effort to the LRCG and State Recovery Coordination Group, if established.	
Ensure recovery projects that support the social, built, economic and natural recovery environments are community-led and targeted to best support affected communities.	
Arrange for an operational debriefing of all participating agencies and organisations as soon as possible after the arrangements have ended.	
Arrange for an evaluation of the effectiveness of recovery within 12 months of the emergency to make sure lessons are captured and available for future managers.	
Provide recovery evaluations to the State Recovery Coordinator to refer to the SEMC for review. Evaluations can involve community and stakeholder surveys, interviews, workshops, and assessment of key project outcomes.	
Social and personal support services are likely to be required in the longer term and the need for a considerable period of psychosocial support (often several years) should be planned for.	



## **APPENDIX 6C: Aide Memoire Local Recovery Coordination Group**

### **Local Recovery Coordination Group Aide Memoire**

Local government may establish a Local Recovery Coordination Group (LRCG) as the strategic decision-making body for recovery during an emergency within its district.

#### **ROLE**

The LRCG is to coordinate and support local management of the recovery processes by assessing the consequences of the event and coordinating recovery activities to rebuild, restore and rehabilitate the social, built, economic and natural environments within the community during an emergency event.

#### **FUNCTIONS**

- Assess the [Impact Statement](#) for recovery requirements based on the social, built, economic and natural wellbeing of the community with assistance of the Controlling Agency where appropriate;
- Monitor known or emerging impacts using existing incident reports e.g. [Impact Statement](#), Incident Support Group/Operational Area Support Group/Rapid damage assessment reports, HAZMAT reports, etc.
- Report on likely costs and impacts of recovery activities and establish a system for recording all recovery expenditure;
- Confirm whether the event has been declared an eligible natural disaster under the [Disaster Recovery Funding Arrangements Western Australia](#) (DRFAWA) and, if so, what assistance measures are available;
- Understand the State and Commonwealth relief programs such as, DRFAWA, Centrelink and the [Lord Mayor's Distress Relief Fund](#) if activated;
- Establish subcommittees that consider the four recovery environments social, built, economic and natural, or as required;
- Prepare a Communications Plan where appropriate;
- Depending on the extent of damage, develop an event specific [Operational Recovery Plan](#) which allows full community participation and access, as well as:
  - taking account of the local government's long-term planning and goals; and
  - assessing which recovery functions are still required, timeframes and responsibilities for completing them.
- Consider the needs of youth, the aged, people with disabilities, Aboriginal people, isolated groups or individuals and culturally and linguistically diverse people;

- Oversee projects that support the social, built, economic and natural environments of recovery to ensure that they are community-led and targeted;
- Provide advice to the State and local government to ensure that recovery programs and services meet the needs of the community;
- Negotiate most effective use of State and Commonwealth agencies' resources;
- Monitor the progress of recovery and request periodic reports from recovery agencies;
- Provide recovery public information, information exchange and resource acquisition;
- Coordinate offers of assistance, including volunteers, services and donated money;
- Coordinate a multi-agency approach to community recovery by providing a central point of communication and coordination for recovery services and projects;
- Make appropriate recommendations, based on lessons learnt, to the Local Emergency Management Committee to improve the community's recovery preparedness;
- Ensure the local government's existing [Local Recovery Plan](#) is reviewed and amended after an event in which the [Local Recovery Plan](#) was implemented.

## MEMBERSHIP

### Core Members

- Local Recovery Coordinator;
- key local government staff and elected members;
- Community Recovery Coordinator and/or Community Liaison Officer;
- Controlling Agency;
- District Emergency Management Advisor; and
- local government networks, community members and community groups/associations /committees, e.g. environmental groups, farming groups, faith groups, sporting clubs, Aboriginal groups, schools, chambers of commerce and industry, etc.

### Potential Members – Event Specific

Appropriate membership for the LRCG must be determined for the specific emergency event. The following agencies and organisations may have a role on the LRCG:

- Australian Red Cross;
- Chamber of Commerce and Industry WA / Small Business Development Corporation;
- Department of Biodiversity, Conservation and Attractions;

- Department of Communities;
- Department of Education (or Local School Representative);
- Department of Fire and Emergency Services (DFES);
- Department of Health (or Local Health Services Provider/Officer);
- Department of Local Government, Sport and Cultural Industries;
- Department of Planning, Lands and Heritage;
- Department of Primary Industries and Regional Development;
- Essential Services Network Operators Reference Group representative;
- Essential Services such as:
  - Alinta Gas;
  - Telstra Corporation;
  - Water Corporation; and
  - Western Power/Horizon Power.
- Insurance Council Australia;
- Main Roads Western Australia;
- Public Information Reference Group representative;
- Volunteering WA;
- Western Australia Police Force; and
- Western Australian Local Government Association.

### **Support Services to LRCG**

The following agencies and organisations may provide support and advice to the LRCG on a range of topics such as the: [Impact Statement](#), State Recovery Cadre, [Disaster Recovery Funding Arrangements Western Australia](#), environmental protection, clean up and waste management, Public Donations criteria for financial assistance etc.

- State Recovery (DFES);
- Department of Water and Environmental Regulation; and
- [Lord Mayor's Distress Relief Fund](#) (City of Perth).

## LOCAL RECOVERY COORDINATION GROUP ACTION CHECKLIST

(Please note this listing is a guide only and is not exhaustive)

(Timeframes are approximate only)

Task Description	
Within 1 week	
Ensure an understanding of known or emerging impacts from the <a href="#">Impact Statement</a> provided by the Controlling Agency.	
Determine priority recovery actions from <a href="#">Impact Statement</a> and consult with specific agencies involved with recovery operations.	
District Emergency Management Advisor(s) to be included on Local Recovery Coordination Group to provide recovery advice and support to the Group throughout recovery, as required.	
Assess recovery requirements and coordinate activities to rebuild and restore the social, built, economic, natural and psychosocial wellbeing of the affected community.	
Determine need to establish subcommittees based on the four recovery environments: social, built, economic and natural, as required. Determine functions and membership as needed.	
Report likely costs and establish a system for recording all expenditure during recovery (includes logging expenditure, keeping receipts and providing timesheets for paid labour).	
Determine the acquisition and appropriate use of resources necessary for effective recovery.	
Consider recovery information and arrangements for special needs groups and individuals such as youth, the aged, people with disabilities, Aboriginal people, culturally and linguistically diverse people; and isolated and transient people.	
Brief media on the recovery program throughout recovery process, ensuring accurate and consistent <b>messaging (use the local government's media arrangements</b> , or seek advice and support from DFES State Recovery).	
Develop and implement an event specific Communication Plan, including public information, <b>appointment of a spokesperson and the local government's internal communication processes.</b>	
Ensure recovery activities are consistent with the <a href="#">National Principles for Disaster Recovery</a> .	
Within 1 month	
Consider fatigue management for self and recovery staff throughout all recovery (contact DFES State Recovery for advice or for possible State Recovery Cadre support).	
Confirm if the event has been proclaimed an eligible natural disaster event under the <a href="#">Disaster Recovery Funding Arrangements Western Australia</a> and if so ensure an understanding of what assistance measures are available and the process requirements for assistance.	
Consider establishing a call centre with prepared responses for frequently asked questions.	

Task Description	
Develop an <a href="#">Operational Recovery Plan</a> which determines the recovery objectives and requirements, governance arrangements, resources and priorities.	
<b>Establish a 'one-stop shop' recovery centre to provide the affected community with access to recovery services, information and assistance.</b>	
Coordinate all offers of assistance from non-government organisations, volunteers, material aid, appeals and donated money to avoid duplication of effort.	
Understand eligible criteria and payment procedures of the <a href="#">Lord Mayor's Distress Relief Fund</a> , if activated. Payments are coordinated through the local government to affected individuals.	
Activate outreach program to meet immediate needs and determine ongoing needs. Consider the need for specialist counselling, material aid, accommodation and financial assistance (liaise with the Department of Communities).	
Manage restoration of essential infrastructure.	
Liaise with the State Recovery Coordinator on issues where State level support is required or where there are concerns with services from government agencies locally.	
Monitor the progress of recovery and receive periodic reports from recovery agencies.	
Within 12 months (or longer-term recovery)	
Social and personal support services are likely to be required in the longer term and the need for a considerable period of psychosocial support (often several years) should be planned for.	
Ensure recovery projects that support the social, built, economic and natural recovery environments are community-led and targeted to best support affected communities.	
Implement transitioning to mainstream services.	

## **APPENDIX 6D: Operational Recovery Plan Template**

### Shire of Toodyay Operational Recovery Plan

Emergency Type and location: .....

Date emergency occurred: .....

#### Section 1 – Introduction

Incident description .....

Purpose of this plan .....

Authority .....

#### Section 2 – Assessment of recovery requirements

Details of loss and damage: (Refer Comprehensive Impact Assessment)

Residential: .....

Commercial: .....

Industrial: .....

Transport: .....

Essential Services: (include State and local government infrastructure)

Estimates of damage costs: .....

Temporary accommodation requirements: (includes evacuation centres) .....

.....

Additional personnel requirements: .....

Human services: (personal and psychological support requirements: .....

.....

Other health issues: .....

### Section 3 – Organisational Aspects

Details of the composition, structure and reporting lines of the groups/committees and subcommittees set up to manage the recovery process:

Details of inter-agency relationships and responsibilities:

Details of roles, key tasks, and responsibilities of various groups/committees and those appointed to various positions including Recovery Coordinator:

### Section 4 – Operational Aspects

Resources available: .....

Resources required: .....

Redevelopment plans: .....  
(includes mitigation .....  
proposals) .....

Reconstruction restoration program and priorities: *(Includes estimated timeframes, the programs, and strategies of government agencies to restore essential services, plans for mitigation against future impacts. Include local government program for community services restoration.)*

Financial arrangements: *(Assistance programs (DFRA-WA), insurance, public appeals, and donations)*

.....  
.....

Public information dissemination *(Key messages, methods of distribution)*

.....  
.....

### Section 5 – Administrative arrangements

Administration of recovery funding: *(Include other financial issues)*

.....  
.....  
.....



Public appeals policy and administration *(includes policies and strategies for office and living accommodation, furniture, and equipment details for additional temporary personnel)*

.....  
.....

#### Section 6 – Conclusion

*(Summarises goals, priorities, and timetable of the plan).*

.....  
.....  
.....  
.....

Endorsed by

\_\_\_\_\_  
Chairperson  
Local Recovery Coordinating Group

\_\_\_\_\_  
Date

### **6.13 Recovery Report**

STATE RECOVERY COORDINATING COMMITTEE RECOVERY REPORT  
(Emergency Situation)

Agency / Organisation:.....Report No: .....

To: Chairman, SRCC/State Recovery Coordinator

**Situation update should include:**

- Full damage report (once only)

.....  
.....  
.....

- Estimated amount in \$

.....  
.....  
.....

- Work in progress including estimated completion dates

.....  
.....  
.....

- Details of difficulties or problems being experienced.

.....  
.....  
.....

**Proposed Activities should include:**

- Plans and strategies for resumption of normal services (where appropriate)

.....

.....

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- Plans for mitigation works

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.....

- Dates of commencement and completion of reconstruction works

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.....

.....

- Possible disruption of activities of other agencies.

.....

.....

.....

**Special Assistance:**

Requirements should include:

- support from other agencies

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.....

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- SRCC intervention with priorities.

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Financial Issues may include:

- Support from SRCC for additional funding from Treasury.

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Recommendations:

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.....  
.....

Signature

Date

Title: .....

# Communications Plan

## Section Seven

## **7.0 Introduction**

Communicating with an affected community is a vital part of all stages of emergency management. When threatened or impacted by an emergency, community members have an urgent need for information and direction. The provision of this information is the responsibility of the Hazard Management Agency.

When communicating with an affected community, special considerations should be given to children and youth; elderly people; people with disabilities; medically reliant persons; Aboriginal people; people who are isolated or transient; and people with Culturally and Linguistically Diverse backgrounds. A list of Groups/ Business to coordinate the contact with Vulnerable People, please refer to the [VULNERABLE PEOPLE CONTACT GROUPS](#) within the Contacts and Resources section.

It is likely that individual agencies will want to issue media releases for their areas of responsibility (e.g. Water Corporate on water issues, Western Power on power issues, etc.) however the release times, issues identified and content shall be coordinated through the ISG to avoid conflict messages being given to the public.

All Council (Local Government) media contact must be directed to the Shire President or Chief Executive Officer.

## **7.1 Communication Policy**

Management of communication in a crisis is critical. This section has been created to guide the Shire of Toodyay in approaching crisis communication in a way that is structured, well- coordinated and effective.

During a crisis, this response will be led by the Local Response Coordinator (LRC) with assistance from Key members of the Local Recovery Coordination Committee (LRCC). In the management of media relations, the Local Recovery Coordination (LRCC) must seek direction from the Hazard Management Agency and the Shire of Toodyay CEO and/or Shire President.

## **7.2 Communication Principals**

In an emergency, communication with stakeholders must adhere to the following principals

- Timeliness - regularly updating stakeholders on the situation
- Cooperation - being responsive and considerate to enquiries, deadlines and the other needs of stakeholders
- Sensitivity - prioritising stakeholders, guarding sensitive information as needed
- Transparency - remaining honest and open about the situation and progress
- Simplicity - ensuring communication is easily understood and consistent
- Accuracy - sharing only confirmed facts, never making assumptions or giving false information
- Accountability - accepting responsibility if appropriate and reasonable.

## **7.3 Stakeholder Communication**

If an emergency arises, a strategy will be developed that is specific to the situation and will direct the communication response. The communication strategy will be prepared by the Local Recovery Coordination (LRCC) in collaboration with the President and CEO of the Shire of Toodyay.

Both internal and external communications will be directed by the strategy, which will ensure alignment with the Local Recovery Coordination (LRCC) response objectives and with the Shire of Toodyay Communications Policy.

A well-managed and coordinated response will ensure the following occurs:

- Communication is facilitated only by those authorised to do so
- Information released is confirmed and accurate
- Communication is regular, consistent and takes into account sensitivities.



#### **7.4 Communicating in the Prevention Stage:**

Prevention is defined as “the mitigation or prevention of the probability of the occurrence of, and the potential adverse effect of, an emergency”.

The Shire of Toodyay employs several practices in order to aid the prevention of emergencies and these are communicated to the public.

- Information shared with community at the monthly markets.
- Information included in the community newsletter
- Information available on social media and the Shire website.
- The Shire is mindful of older residents and ensures that communications do not solely rely on social media and the internet. Messages will also be disseminated via newsletters, pamphlets and messages on local radio

#### **7.5 Communicating in the Preparedness Stage:**

Preparedness is defined as “the preparation for response to an emergency”.

Through increasing community preparedness, Emergency Management Agencies can educate stakeholders, networks and communities on potential emergency risks, impacts, and personal responsibility, therefore promoting community resilience. By doing so an EMA can;

- Raise awareness in high-risk areas about the importance of planning and preparing (i.e. for cyclones, floods and bushfires);
- Raise personal awareness of risks and the need for adequate insurance;
- Increase adoption of preparedness measures and appropriate response behaviours in high-risk areas;
- Increase understanding of how to prevent, prepare for, respond to and recover from the hazards particular communities will face.

#### **7.6 Public Warning Systems**

During times of an emergency one of the most critical components of managing an incident is getting information out to the public in a timely and efficient manner. Such information should include the following information:

- Where to go
- The safest route to take
- What to take ( Medications etc)

### **State Systems**

During a major emergency you can also find information on;

- Emergency WA website: <https://www.emergency.wa.gov.au/>
- Emergency broadcast on the ABC radio. (Car radios can be used during power outage)
- TV and radio news bulletins, print and online newspapers
- A staffed communication information line may be set up
- A TV crawler displaying messages at the bottom of the screen may be used.
- Standard Emergency Warning Signal (SEWS):
- SEWS is a distinctive siren sound to alert the community to the broadcast of an urgent safety message relating to a major emergency or disaster. It is intended to be used as an alert signal to be played on public media such as radio, television, public address systems and mobile sirens.

In Western Australia, the broadcast of SEWS is authorised by the Department of Fire and Emergency Services, or the Regional Director of the Bureau of Meteorology for flood and weather events.

### **DFES Public Info line**

Website [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au) and [www.emergency.wa.gov.au](http://www.emergency.wa.gov.au)

Telephone 13 3337 (13DFES) (For emergency information only) – OR 1300 657 209 (recorded information line).

### **State Alert System**

1300 253 787

### **State Alert**

State Alert is a web-based system designed for Emergency Services to deliver community warnings regarding emergencies through:

- Recorded voice – Landline and mobile, and/or

- Text – mobile telephone, email and RRS feed.

State Alert is also available for use by external HMAs for situations where lives may be in danger. All requests for State Alert messaging will be evaluated to ensure the need is commensurate with both the definition of Emergency and that the proposed release of State Alert is classed as a 'Life threatening' incident.

### *Local Systems*

Having multiple methods can be very useful and ensure a large population of the community are reached, even when the power is out.

- Notice Boards at predetermined locations.
- Variable message boards
- Temporary notice boards may be erected in easy-to-access locations during emergencies.
- Information would also be publicly displayed at any evacuation centres that were opened as a result of the emergency.
- Community Newsletter
- Shire of Toodyay Facebook page
- Shire of Toodyay Website [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)
- Shire Harvest Ban SMS List
- School SMS list
- Existing distribution email distribution lists including the LEMC.
- Doorknocking and loud hailer if necessary.

## **7.6 Communicating in the Response Stage:**

Communities affected by an emergency have a vital and urgent need for information. The purpose of emergency public information is to provide the public with consistent, adequate and timely information and instructions.

The Controlling Agency or Hazard Management Agency will make the decision to evacuate a community, or part of it, should it be under threat from an emergency. They will decide how best to communicate the evacuation suggestion, or order, to community members.

### **7.7 Communicating in the Recovery Stage:**

Recovery communications refers to the practice of sending, gathering, managing and evaluating information in the recovery stage following an emergency.

When communicating with the public in the Recovery stage, it is important to understand the common reactions that individuals, and the community as a whole, are likely to experience as a result of the emergency.

Ensure all messaging adheres to the Giuliani method of communication information which includes:

- What we know;
- What we don't know;
- What we are doing; and
- What we want you to do

#### **Status Update**

The status update is the first information assessment about what is happening, which provides crucial information about the emergency and recovery efforts. These are maintained on a daily basis in summary form, which are used to inform key talking points for use by the Shire of Toodyay.

#### **Talking Points**

The talking points are developed from information contained within the status updates.

The talking points provide key messages to be used by the spokesperson and all members of the Shire who are in contact with affected community and general public. Talking points can be used for all communication methods such as the newsletter, community meetings etc.

#### **Social Media Applications**

Social media can be used effectively as an engagement tool with the community in the event of an emergency and recovery. The Shire is committed to regular use; monitoring and reliable updating.

### Media Release

Media releases can provide a vital way of providing instant information that can be picked up by the local newspaper or radio station. The designated local government spokesperson must be used in the media release. Consider co-branded media releases that relate to a specific stakeholder in the early stages of the response to recovery phase.

### Community Meetings

Community meetings Community meetings are essential in response and recovery as it is important to address the community in a face-to-face setting early on, to earn the trust and respect of the affected community and engage in meaningful dialogue. Community meetings may involve many state government agencies such as the Hazard Management Agency, along with local government and community organisation representatives. It is important that the Master of Ceremony and spokesperson are delegated by the local government.

### Notice Boards

A central notice board at a key location in the community can be used to provide information in recovery. This may be a location already being used or one that is decided that is best placed for the emergency and recovery effort.

- The information must be general, local and provide people with call to actions such as contact numbers and places to go for additional information.
- The notice board may also be used to gain feedback directly from the community, if required.

### Media Conference

A media conference can be utilised if there is public and media interest after the emergency and can be used to get specific messages across the media, general public and the community.

- A media conference should be managed by the Media Liaison function located within the Recovery Communications team.
- The announcement will need to be prepared, the spokesperson chosen and briefed, and the time of the conference chosen to suit relevant media deadline

### Community Newsletter

A community newsletter that is printed or emailed is a simple and easy method of communication in recovery.

### Newspaper Article

A newspaper article may be picked up by the newspaper from the media release that has been issued, the local government may be given a regular space each week to address the issues in recovery for the community or be able to place paid advertising within the newspaper.

### Recovery Communications Plan

A recovery communications plan details the local governments' strategy on communication and consultation with the affected community in recovery.

A copy of a basic communications plan template can be found at Appendix 7A

### Managing the Media

During a crisis information used in the communication response must be controlled. The approvals/sign off procedure must be adhered to so that all facts are accurate and that their release is authorised. The Local Response Coordinator (LRC) is responsible for enforcing this procedure, which is as follows:

- Facts will be verified internally through update briefings within the Local Recovery Coordination Committee (LRCC). Information is never to be assumed
- The Local Recovery Coordination Committee (LRCC) will draft documents for release to external stakeholders
- The Local Response Coordinator (LRC) must confirm all incident-related facts
- Local Recovery Coordination Committee (LRCC) Chair will coordinate final sign-off from the CEO prior to document release.

Having one authorised spokesperson during a crisis ensures that communication with the media and audiences is consistent, transparent and controlled. Designated spokespeople may include:

- Shire CEO
- Shire President

- Incident relevant elected representative

They must have the updated facts and be both available and prepared to manage media relations. It is crucial that all employees are aware of the procedure for handling enquiries and know how to appropriately direct calls and visitors.

#### General Enquiries

Frontline employees from outside the Local Recovery Coordination Committee (LRCC) must be prepared to receive enquiries from a range of stakeholders. The Shire of Toodyay's Communication advisor will ensure that they are provided with a script based on the key messages and a copy of the prepared Q&As and must brief them on the communication policies. Other than approved spokespeople, no employee is authorised to make comment to any stakeholder beyond the scope of the script and these documents.

- No employee or spokesperson is to give "off the record" or "in confidence" information
- All media releases and holding statements must go through the approvals process prior to release, with final sign off from the CEO or Local Recovery Coordination Committee (LRCC) Chair.



## APPENDIX 7A Recovery Communications Plan Template

### Shire of Toodyay Recovery Communication Plan

Recovery Vision for the affected Community.

#### Vision

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#### Mission

Mission of the recovery communications plan.

Why?	
Who?	
What?	
When?	
Where?	
How?	

#### BACKGROUND

Brief detailed description of the emergency events.

#### COMMUNICATION OBJECTIVES

Clear, measurable and achievable objectives. No more than five.

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#### Key Target Audience

Who are the key community members that are being targeted and how is this being done? Who is responsible for the communication method and bywhen?

Target Audience	
Descriptions	
Actions	
Who	
By When	

#### Key Messages

What are the current key messages and how are they being distributed, to whom?

Message	
Method	
Who	

#### Actions

What communications are being undertaken to which stakeholder group and how is this being done?

Who has responsibility and how often will they be distributed and/or updated?

Stakeholder Group	
Communication	
Method	
Who	
Frequency	

### Monitor and Evaluate

How is each communication method being monitored and evaluated for effectiveness? How often will they be monitored and evaluated?

Method	
Monitor and Evaluate	
Frequency	

### Communications Budget

How much money has been allocated to be spend on each communication method? Keeping up to date records of how much is being spent against the budget is essential.

Method	
Amount Allocated	
Amount Spend/Date	

### Communications Plan Review

Who is responsible for monitoring the complete recovery communications plan, what date was it reviewed and what were the major changes that were made?

By Whom	
Date	
Major Changes	

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## 5. INFORMATION ADDITIONAL TO THE AGENDA

### 5.1 Review of Audit & Risk Committee Status Report

*Refer to the Status Report in the attachments to the minutes.*

## 6. BUSINESS LEFT OVER FROM PREVIOUS MEETING (if adjourned)

Nil.

## 7. OFFICER REPORTS

### 7.1 Review of Risk Management Systems and Processes

Date of Report:	10 June 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	M Werder – Acting Manager Corporate and Community Services
Responsible Officer:	S Haslehurst– Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments	Nil.

## PURPOSE OF THE REPORT

The 'Regulation 17 Review - Review the appropriateness and effectiveness of the Risk Management system', etc will be undertaken in 2021/2022. This report recommends a process to consider the current key risks facing the Shire and to develop strategies to address these risks, prior to the official review.

## BACKGROUND

The minutes of the Audit and Risk Committee meeting held 8 April 2021 contained:

### 8 OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE

#### CEO – Risk Management

*Risk Dashboards refer to common risks found across local governments and what controls are in place.*

*It is intended to hold a workshop with staff and then the Audit and Risk Committee after which updates will be provided to the Audit and Risk Committee on a six-monthly basis. This was overtaken by a document that came out of the Reg. 17 review. There is not an up-to-date Risk Register in this organisation.*

*Intentions are to revisit the dashboard and look at what the risks are, where we are at managing the risks and ensuring that we make note of areas for improvement. Opportunity for continuous improvement.*

Action: CEO will provide information to the Committee once progressed.”

## COMMENTS AND DETAILS

The following process is proposed to review current risks, their potential impacts and mitigation strategies to be implemented.

Item	Activity	Timeline
1	Presentation by LGIS to Audit & Risk Committee regarding organisational risk management	August 2021 meeting
2	Workshop involving officers across the organisation to understand and identify area specific risks and develop mitigation strategies with reference to informing reports/plans.	August 2021
3	Review Risk Management policy for presentation to Audit and Risk Committee	October 2021 meeting
4	Development of Risk Management Dashboard and reporting template for presentation to Audit and Risk Committee	December 2021 meeting

In preparation for the above, a preliminary list of considerations is presented for discussion.

### Response to the Governance Review

The ‘Report of the Inquiry into the Shire of Toodyay’ made 25 findings and 5 recommendations. One of these is that a governance review is undertaken by an independent party. This is currently underway, and the findings will inform the proposed risk review.

### Compliance with Purchasing Policy including Tendering Guidelines.

Policy F.3 – Purchasing Policy was considered at the Audit and Risk Committee meeting on 8 April 2021 and adopted at the 27 April 2021 OCM. The risk to be addressed is to ensure compliance with the policy. A strategy to enable strict compliance can be to provide an internal training program.

### 10-year Assurance Cycles Plan

The DRAFT 10-year Assurance Cycles Plan was recommended at the Audit and Risk Committee meeting held on 8 April 2021 and adopted at the 27 April 2021 OCM. The risk to be addressed is to ensure that the proposed projects are prepared for and met on time. Most areas are to be considered regularly as a continual improvement process.

### LGIS Risk Strategies

The LGIS has produced a document that provides guidance on risk management and mitigation and this document will be referred to in developing the strategies to manage the LGIS identified risks.

### Cyber Security

This is a constant threat and the Shire needs to confer with the IT provider to ensure that backups are regular and that other security strategies are in place. The Shire undertook a review of cyber security following the last Audit Reg 17 review and implemented a number of strategies. Progress against the review will be used to identify and mitigate outstanding risks in this area.

### Record-keeping

A focus audit by the Office of the Auditor-General identified several areas for improvement relating to the Shire's record-keeping. The Audit report will be used as an informing document for the risk review.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Local Government Insurance Services (LGIS)

### **Strategic:**

A key factor in the Strategic Community Plan, Toodyay 2028 is Governance: The way the Shire leads and operates.

The strategic outcome is: *A Council that engages with the community and provides good governance on behalf of the community.*

### **Policy related:**

*A.18 Risk Management.*

### **Financial:**

Identified risk mitigation strategies may require a budget allocation. These will be prioritised and presented to Council for consideration.

### **Legal and Statutory:**

Regulation 17 of the *Local Government (Audit) Regulations 1996* directs the Chief Executive Officer (CEO) to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management; internal control



and legislative compliance at least once every 3 financial years and to report the results of the review to the Audit Committee.

**Risk related:**

Effective risk management systems and processes enable an organisation to achieve an appropriate balance between realising opportunities for gain while minimising adverse impacts.

**Workforce related:**

The review process will require input from officers across the Shire's operations. It is acknowledged that competing workload priorities could impact timelines for the review.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION/ARC RES. NO. 11/06/21**

**MOVED** Cr Hart

**SECONDED** Cr Madacsi

The Audit Committee recommends the following to Council:

That Council notes the proposed process as outlined in this report for a review of the Shire's risk management systems and processes.

**MOTION CARRIED 6/0**

**8. OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE**

Nil.

**9. NEXT MEETING**

The next Audit & Risk Committee Meeting is scheduled to be held on 12 August 2021, commencing at 2.00pm.

**10. CLOSURE OF MEETING**

The Chairperson declared the meeting closed at 2.50pm.

## 6. BUSINESS LEFT OVER FROM PREVIOUS MEETING (if adjourned)

Nil.

## 7. OFFICER REPORTS

### 7.1 Risk Management Planning – Risk Tolerance

Date of Report:	6 August 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG273
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Risk Tables – current 2. Risk Tables - new

### PURPOSE OF THE REPORT

To consider and review the Shire's current risk tolerance and acceptance levels and make a recommendation to Council.

### BACKGROUND

Risk management involves effectively managing business systems and processes to achieve an appropriate balance between realising opportunities for gain while minimising adverse impacts. It is an integral part of good management practice and an essential element of sound corporate governance.

Risk management processes should not encourage the Shire of Toodyay to be 'risk averse'. Managing risk means balancing risk and reward. Risk management provides the confidence to pursue opportunities with the knowledge that risks are being adequately managed and accepted in a balanced way.

Key components of a governance approach to managing risk include:

1. Organisational mandate, direction, and documented risk management framework.
2. Engagement and awareness of roles and responsibilities.
3. Regular monitoring and reporting.
4. Assurance and continual improvement programs.

Sound risk management practices provide enhanced governance, compliance and assurance while improving safety, cost effectiveness and budget control across the organisation. Risk identification and treatment also assist in meeting customer expectations and reducing the potential for litigation and claims.

The foundations of Risk Management include:

- Capturing the organisation's risk appetite / tolerance.
- Reviewing the Shire's risk management policy.
- Documenting a risk management framework and procedures.
- Developing reports on risks, internal controls and legislative compliance.
- Providing training and awareness of risk management roles and responsibilities.
- The development and implementation of an assurance plan integrated with an internal / external audit program.

This report seeks the Committee's consideration of the Shire of Toodyay's currently adopted risk tables and requests a recommendation to Council regarding proposed changes. This addresses the first element of the risk management process outlined above.

## **COMMENTS AND DETAILS**

The Shire of Toodyay policy A.18 *Risk Management* was adopted by Council in 2014. The policy is based on the model risk management policy contained in the Department of Local Government's document *Risk Management Resources* released in March 2013. While the principles of risk management remain current, the Shire's operating environment and key people have changed since adoption of the policy, and it is considered prudent to undertake a review. This report seeks review of the Shire's appetite and tolerance for risk which will inform an upcoming review of organisational risks and the Shire's Risk Management policy.

Policy A.18 contains risk tables based on the DLG's 2013 resource (attachment 1). Attachment 2 contains the tables provided by Local Government Insurance Services (LGIS) Risk Management business unit. Officers are proposing that the LGIS tables are adopted as they better reflect the contemporary operating environment of the Shire including;

- The inclusion of property and service interruption as risk areas;
- A more conservative approach to financial risk analysis;
- A more detailed risk matrix that provides a numbered risk rating;
- More detailed risk criteria;
- Rating for existing risk controls.

Should the risk tables at Attachment 2 be adopted by Council, training will be provided to relevant officers regarding the application of the measures, acceptance criteria and

possible controls. The tables will also be used to inform the risk implications included in reports to Council.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Local Government Insurance Services

Department of Local Government, Sport and Cultural Industries – *Operational Guideline No 9*

Department of Local Government – *Risk Management Resources – March 2013*

### **Strategic:**

*Governance: The way the Shire leads and operates*

*Objective 2: Consistently improve our governance practices.*

*Objective 3: Ensure rigorous organisational systems.*

### **Policy related:**

*A.18 Risk Management* will be reviewed as part of the on-going improvement process for the management of organisational risk.

### **Financial:**

Financial implications relating to this report are limited to the costs of officer time to provide training to relevant staff.

### **Legal and Statutory**

*Local Government (Audit) Regulations 1996 – Regulation 17*

### **Risk related:**

The adoption of relevant and detailed risk tables is a tool to mitigate potential poor management of organizational risk.

### **Workforce related:**

There will some officer time required to provide training to relevant staff.

## **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

The Committee recommends that Council:

1. Adopts the risk tables at Attachment 2 to this report as the Shire of Toodyay's level of risk appetite and tolerance.
2. Requests the Chief Executive Officer amend policy A.18 Risk Management to reflect the updated tables.

The CEO talked to the report and spoke about the difference between the new risk matrix and the current risk matrix.

Clarification was sought.

**OFFICER'S RECOMMENDATION/ARC RES. NO. 13/08/21**

**MOVED** Cr Hart

The Committee recommends that Council:

1. Adopts the risk tables at Attachment 2 to this report as the Shire of Toodyay's level of risk appetite and tolerance subject to the following amendments being made to the Shire of Toodyay Measures of Consequence Table:
  - Minor: \$10,001-\$20,000
  - Moderate: \$20,001-\$150,000
  - Major: \$150,001-\$500,000
  - Catastrophic: More than \$500,000
2. Requests the Chief Executive Officer amend policy A.18 Risk Management to reflect the updated tables.

**CARRIED UNANIMOUSLY 6/0**

**8. OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE**

• **Cr Hart - Cybersecurity**

Sent email to Cr Ruthven, Madacsi and the CEO that stated:

*Cyber security is a source of risk for the Shire. In your opinion, should the Shire approach PPS and see what it does to mitigate the Shire's cyber security risk? Also, what are your thoughts on the Shire (councillors and staff) awareness of and management of cyber risk?*

The CEO responded as follows:

*PPS protects the Shire's information systems in a number of ways: There is a state-of-the-art firewall that looks for and blocks known hacking techniques. Every workstation that connects to the network is protected by centrally managed antivirus software. Users are required to change their passwords periodically.*

*Staff have been trained on:*

- *How to identify a phishing email*
- *Best security practices*
- *Importance of password secrecy*
- *How to spot social engineering hacking techniques*

## RISK MANAGEMENT GUIDELINES

### Shire Appetite and Risk Tolerance Table

This table is to be used when assessing the potential impact of an activity, issue or strategy. A further risk assessment that may include specialist consultation or research should be conducted in a more formal manner for any element of the above that is perceived to be Major – Extreme.

DESCRIPTION	FINANCIAL	HEALTH	REPUTATION	OPERATION	ENVIRONMENT	COMPLIANCE	PROJECT
<b>Insignificant</b>	<Less than \$20,000	No injuries or illness	Unsubstantiated, low impact, low profile or "no news" item	Little impact	Little impact	Minor breach of policy, or process requiring approval or variance	Small variation to cost , timelines, scope or quality of objectives and required outcomes
<b>Minor</b>	\$20,000 – 100,000	First Aid treatment	Substantiated, low impact, low news item	Inconvenient delays	Minor damage or contamination	Breach of policy, process or legislative requirement requiring attention of minimal damage control	5-10% increase in time or cost or variation to scope or objective requiring managers approval
<b>Major</b>	\$100,000- \$500,000	Medical treatment	Substantiated, public embarrassment, moderate impact, moderate news profile	Significant delays to major deliverables	Environmental damage requiring restitution or internal cleanup	Breach requiring internal investigation, treatment or moderate damage control	10 -20 % increase in time or cost or variation to scope or objective requiring Senior Management approval
<b>Critical</b>	\$500,000 - \$1,000,000	Extensive injuries or disabilities	Substantiated, organisational embarrassment, high impact news profile, third party actions	Non-achievement of major deliverables	Minor Breach of legislation/significant contamination or damage requiring third party assistance	Breach resulting in external investigation or third party actions resulting in tangible loss and some damage to reputation	20 — 50 % increase in time or cost or significant variation to scope or objective requiring restructure of project and Senior Management or Council approval

## RISK MANAGEMENT GUIDELINES

DESCRIPTION	FINANCIAL	HEALTH	REPUTATION	OPERATION	ENVIRONMENT	COMPLIANCE	PROJECT
<b>Extreme</b>	More than \$1,000,000	Death or permanent disabilities	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Non-achievement of major deliverables	Major breach of legislation or extensive contamination and environmental damage requiring third party intervention	Breach resulting in external investigation or third party actions resulting in significant tangible loss and damage to reputation	>50% increase in cost or timeline, or inability to meet project objectives requiring the project to be abandoned or redeveloped.



## RISK MANAGEMENT GUIDELINES

### **Likelihood**

The following likelihood table assists you to prioritise risk management activities and should be used in conjunction with this risk tolerance table.

RISK LEVEL	DESCRIPTION	PRESUMPTIONS	FREQUENCY
A	Almost Certain	Expected to occur in most circumstances	More than once per year
B	Likely	Will probably occur in most circumstances	At least once per year
C	Possible	Should occur at some time	At least once in three years.
D	Unlikely	Could occur at some time	At least once in ten years
E	Rare	May occur, only in exceptional circumstances	Less than once in fifteen years.

## RISK MANAGEMENT GUIDELINES

### Analysis Matrix

This table takes the findings from the Likelihood and Consequences tables and allows you to calculate a potential risk rating. Once treatments are in place, the same process takes place taking into account those treatments being in place. This gives you the residual risk that goes into a risk register, and assists in determining priorities and informs decision making.

Consequence Likelihood		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Almost Certain	A	H	H	E	E	E
Likely	B	M	H	H	E	E
Possible	C	L	M	H	E	E
Unlikely	D	L	L	M	H	E
Rare	E	L	L	M	H	H

### Responsibility Legend

<b>E</b>	<b>Extreme Risk –</b>	<b>Audit and Risk Committee (ARC) Attention</b>
<b>H -</b>	<b>High risk –</b>	<b>Senior management attention ARC awareness</b>
<b>M -</b>	<b>Moderate Risk –</b>	<b>Management responsibility must be specified</b>
<b>L -</b>	<b>Low Risk -</b>	<b>Manage by routine procedures at operational level</b>

Shire of Toodyay Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	First aid injuries	Less than \$10,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries	\$10,001 - \$20,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Lost time injury <30 Days	\$20,001 - \$150,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury >30 Days	\$150,001 - \$500,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$500,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Shire of Toodyay Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

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

Shire of Toodyay Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Senior Managers / CEO
EXTREME (20-25)	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Shire of Toodyay Existing Controls Ratings		
Rating	Foreseeable	Description
Effective	There is little scope for improvement.	Processes (Controls) operating as intended and / or aligned to Policies & Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested.
Adequate	There is some scope for improvement.	Whilst some inadequacies have been identified; Processes (Controls) are in place, are being addressed / complied with and are subject to periodic review and testing.
Inadequate	A need for corrective and / or improvement actions exist.	Processes (Controls) not operating as intended, do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time.