



**Ordinary Council eMeeting**

# **Minutes**

**28 April 2020**



## 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.

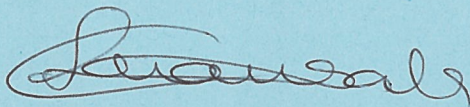
The "Confirmed" Minutes are then signed off by the Presiding Person.

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

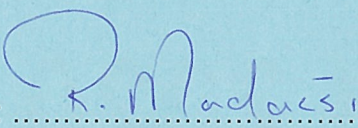
These minutes were approved for distribution on 29 April 2020.



Chileya Luangala  
**ACTING CHIEF EXECUTIVE OFFICER**

## Confirmed Minutes

These minutes were confirmed at a meeting held on 26 May 2020.

Signed:  .....

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



Considering the COVID 19 pandemic and the need to avoid non-essential meetings, all Council Meetings are to be live-streamed (broadcast only) from March 2020 until further notice. Community members will be able to view the Live Stream but not participate in the Council Meeting.

Ordinary Council Meetings are where decisions are made by Council and these dates are unchanged:

January to June	July to December
28/01/2020	28/07/2020
25/02/2020	25/08/2020
24/03/2020	22/09/2020
28/04/2020	27/10/2020
26/05/2020	24/11/2020
23/06/2020	15/12/2020

Agenda Briefings are not decision-making meetings. No decisions will be made, and there is to be no debate on matters contained in the Agenda.

Agenda Briefings provide an opportunity to Councillors to ask questions, clarify any issues and ask for additional information relevant to Agenda Items before Council. Dates for 2020 Agenda Briefings are below:

January to June	July to December
21/01/2020	21/07/2020
18/02/2020	18/08/2020
17/03/2020	15/09/2020
21/04/2020	20/10/2020
19/05/2020	17/11/2020
16/06/2020	8/12/2020

The start time of Ordinary Council Meetings and Agenda Briefings is 4.00pm.

The Shire President presides at Council Meetings in accordance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

### Council Meeting Non-Attendance

The public can watch a Council Meeting from home.

The Live Stream will be run via the Shire's Facebook page (<https://www.facebook.com/ShireofToodyay>).

Community members who wish to watch the Council Meeting stream will need to LIKE and FOLLOW the Shire of Toodyay page and have notification turned on.

### Standing Orders Local Law 2008

Standing Orders provide for orderly conduct of Council and Committee meeting (and debating) procedures.

### Council Meeting Agenda

Standing Order 4.1 (1) states that no business is to be transacted at a Meeting other than what is specified in the Agenda, without the approval of Council.

The Agenda, including attachments, are made available at least 72 hours prior to the meeting and is free to download from the Shire of Toodyay [Agendas, Minutes & Notes Page](#).

### What if I have an Application before Council?

You may make a public submission. All submissions must be in writing, submitted via email to [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

All submissions will be sent to the Councillors and ALL Executive Managers and the CEO.

The Presiding Member will read out loud the submissions received at an eMeeting.

A summary of the submission received will be included in the minutes of the meeting.

If you do not wish for your submission to be published please state that when making your submission.

Any statement or intimation of approval made by a Councillor or Admin Officer during or after the meeting is not intended to be and is not to be taken as notice of approval from Council.

Applicants should only rely on written confirmation of the outcome of the application from the Shire which will include the decision made by Council.

### Public Submissions to Council

The *Shire of Toodyay Standing Order Local Law 2008* prescribes the manner in which submissions are made.

Submissions can be made using the [Public Submission Registration Form](#) on the Shire's website.

Submissions will only be included if they have been received by 12noon on **the day prior** to the holding of an eMeeting.

Any matter which is the subject of a submission to Council is not to be decided by Council until after the submission has been made, in accordance with Standing Orders.

### How to make a Presentation to Council

Email the Shire on [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au) if you wish to make a presentation to Council or bestow a gift, award, or publication to Council at a Council Meeting.

### How to Ask a Question

All questions must be provided in writing, submitted via email to [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

All questions will be sent to the CEO and Executive Managers.

Questions are not to contain defamatory remarks, offensive language nor question the competency of Staff, Council Members or the Shire.

Opening statements should be brief and not contain opinion, statement of fact, or other comment, except so far as may be necessary to explain the question.

Any questions that cannot be responded to at the eMeeting will be taken on notice and the responses will be published in the next eMeeting Agenda.

If the Officers have time to respond to the questions prior to the commencement of the eMeeting the responses will be provided to the Presiding Person prior to the commencement of the eMeeting.

The Presiding Member will read out loud the questions and responses, if given, at an eMeeting.

Minutes will contain a summary of each question and the response given.

### Public Questions to Council

Time is allocated in the Agenda of a Council or Committee Meeting, where the meeting is open to the public for Public Questions.

The *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and *Shire of Toodyay Standing Orders Local Law 2008* prescribe procedures in respect to Public Questions.

Questions can be asked using the [Public Question Registration Form](#) on the Shire's website. Questions will only be included in the minutes of an eMeeting, if they have been received by 12noon on **the day prior** to the holding of an eMeeting. Any questions received after that time will be responded to within 14 days.

### How to make a Petition to Council

The *Shire of Toodyay Standing Orders Local Law 2008* prescribes the way formal petitions are to be accepted by Council from members of the Community (who are electors of the district).

[Information about Petitions](#) is available on the Shire's website.

Petitions are to be addressed to the Shire President and contain the name of the main contact person.

Petitions are to be concise, with enough information to be understood as well as the action sought on the front page of the petition.

A Councillor will present and read out the petition and, if necessary, request that it be referred for an Officer's report.

If a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the CEO may, at his discretion, forward the petition to Council accompanied by an officer report.

### How to arrange a Deputation to Council

A person or group wishing to be received by Council or Committee as a deputation must submit a deputation application to the CEO for approval 5 working days before an eMeeting.

The deputation must include information to be raised in concise terms, but in enough detail to provide a general understanding of the deputation's purpose.

*Shire of Toodyay Standing Orders Local Law 2008* prescribes that the CEO provides a copy of summary of the application to the Presiding Member together with a recommendation and reasons whether the application should be approved.

The Presiding Member may then either grant or refuse the application, with or without conditions; or refer it to the Council or Committee (as the case may be) for a determination.

If the application is refused, a report to the next Council or Committee meeting is to be made including application details and the reason for refusal.

The CEO is to inform the contact person who submitted the Deputation of its refusal and provide a means for the individual and/or group to submit a written response prior to the eMeeting.

Their submission will be provided to ALL Councillors and all questions to the deputation applicant must be via the Presiding Member who will collate the response from the deputation applicant and provide a copy to all Councillors (copied to the CEO for record purposes).

Any matter which is the subject of a deputation to the Council or Committee is not to be decided by the Council or Committee until this process is completed.

### Minutes of Meetings

Minutes are available ten days after Council Meetings, and five days after Committee Meetings. Minutes are 'unconfirmed' until the next meeting where they are 'confirmed' subject to any amendments made by Council or Committee (as the case may be).

### Essential Committees of Council

Council Committees have no delegated authority, and their purpose will vary in accordance with terms set by Council.

[Council Committee Information](#) is contained on the Shire's website.

All committees report on their activities and make recommendations to Council for consideration at Council Meetings.

### Further Queries regarding above information

Call the Executive Services Team on (08) 9574 9305 or via email at [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

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**ATTACHMENTS** *with separate index follows Item 17.*

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# Shire of Toodyay

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## ORDINARY COUNCIL MEETING – 28 APRIL 2020

### MINUTES

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

The CEO declared the meeting open at 4.00pm.

The CEO welcomed Council Members, staff and members of the public receiving the broadcast of this electronic meeting, which is conducted in accordance with the *Local Government (Administration) Regulations 1996*.

The CEO advised that the Shire of Toodyay's meeting procedures have been modified to ensure Council Members and the public can follow the meeting as it progresses.

#### 2. ELECTION OF PRESIDING MEMBER

Date of Report:	23 April 2020
Applicant / Proponent:	Shire of Toodyay
File Reference:	ELT2
Author:	M Rebane – Executive Assistant
Responsible Officer:	C Luangala – Acting CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil
Voting Requirements:	Simple Majority

#### PURPOSE OF THE REPORT

To:

1. fill the office of Shire President;
2. fill the office of Deputy Shire President if that is required.

#### BACKGROUND

Cr Manning has resigned as Presiding Member dated 23 April 2020 (12.15pm).

The position of Shire President must be filled as the first matter of business in accordance with Schedule 2.3 (2)(1)(b) at the first meeting of Council after an extraordinary vacancy occurs in office.

#### CONSULTATION

Nil

## STRATEGIC IMPLICATIONS

There are no adverse strategic implications envisaged from this report.

## POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

## FINANCIAL IMPLICATIONS

There are no adverse financial implications envisaged from this report.

## LEGAL AND STATUTORY IMPLICATIONS

**Schedule 2.3 Division 1, Clause 1 states that an extraordinary vacancy** means a vacancy that occurs under section 2.34(1) which states as follows:

### 2.34. How extraordinary vacancies occur in offices elected by council

- (1) The office of a member of a council as a councillor mayor or president, deputy mayor or deputy president becomes vacant if the member —
  - (a) ceases to be a councillor under section 2.32; or
  - (b) resigns from the office; or
  - (c) does not make the declaration required by section 2.29(2) within 2 months after being elected to the office; or
  - (d) being the deputy mayor or deputy president, is elected by the council as mayor or president of the council.
- (2) A person who holds an office referred to in subsection (1) immediately before an ordinary elections day continues to hold that office after that day (whether or not he or she ceases to be a councillor on that day) until his or her term of office ends under item 11 or 12 of the Table to section 2.28.

### Terms of Office in Section 2.28 are stated as follows:

Item	Kind of office	How elected	Term begins	Term ends
11.	Councillor mayor or president	Elected at any election	When the person is elected	When the mayor or president is next elected at <b>or</b> after the local government's next ordinary elections
12.	Deputy mayor or deputy president	Elected at any election	When the person is elected	At the start of the first meeting of the council after the local government's next ordinary elections

Cr Manning has resigned, pursuant to Section 2.31, thereby giving notice of his resignation from the office of President of the Shire of Toodyay.

Other legislation in terms of this resignation is provided as follows:

### **2.31. Resignation**

- (2) A councillor may —
  - (a) resign from the office of councillor;
  - (b) resign from the office of councillor mayor or president, deputy mayor or deputy president.
- (3) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.
- (4) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

### **2.9. Role of deputy mayor or deputy president**

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

### **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.

**Schedule 3, Division 1, Clause 2, 4, 5, 7, 8 and 9 of the *Local Government Act 1995* states as follows:**

### **2. When council elects mayor or president**

- (1) The office is to be filled as the first matter dealt with —
  - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

### **4. How mayor or president is elected**

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

**5. Votes may be cast a second time**

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

**7. When council elects deputy mayor or deputy president**

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
  - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —



- (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

**8. How deputy mayor or deputy president is elected**

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

**9. Votes may be cast a second time**

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.

- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

**RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

**SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

**ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

**ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

**OFFICER COMMENT / DETAILS**

This item is being considered as the first item of business.

Council votes the Shire President into office. Nominations for the office of the Shire President are to be provided to the CEO in accordance with Schedule 2.3, Division 1, Clause 4 of the Local Government Act 1995 (Refer to the Statutory Environment section in this report).

After the appointment of the Shire President the successful person will preside over the meeting.

The following declarations are to be made, the second of which *only if required*.

**DECLARATION 1**

NAME has been elected as the Shire President

**DECLARATION 2 (if required)**

NAME has been elected as the Deputy Shire President

The CEO thanked the Shire President for his service and ran through the election of the Shire President process.

The CEO advised that two Nominations had been received prior to the meeting from Cr Madacsi and Cr Chitty.

One minute was provided for any further nominations. No further nominations were made. A ballot was taken and voting papers handed out. The vote was 5/4.

Cr Rayner, as JP, received the Declaration of Office completed by Cr Madacsi.

**DECLARATION 1**

Cr Madacsi has been elected as the Shire President.

Cr Madacsi assumed the Chair at 4.13pm.

Nominations were sought for the Office of Deputy Shire President.

Cr Greenway nominated herself for the position.

Cr Ruthven nominated herself for the position.

Voting papers were handed out. The vote was 6/3.

Cr Rayner, as JP, received the Declaration of Office completed by Cr Ruthven at 4.22pm.

**DECLARATION 2**

Cr Ruthven has been elected as the Deputy Shire President.

### **3. RECORDS OF ATTENDANCE**

#### Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr B Bell	
Cr T Chitty	
Cr P Greenway	
Cr P Hart	
Cr B Manning	
Cr S Pearce	
Cr B Rayner	

#### Staff

Mrs C Luangala	Acting CEO
Mrs M Rebane	Executive Assistant

#### Visitors

M Sinclair-Jones	A McCann	M Madacsi
B Pearce	B Schrader	D Andrijich
K Barrack		

#### Attendance via live stream

T Richardson	J Hart	B Foley
A Giles		

#### **3.1 APOLOGIES**

Mr S Patterson	Manager Works and Services
Ms A Bell	Manager Community Development
Mr K Nieuwoudt	Manager Planning & Development

#### **3.2 APPROVED LEAVE OF ABSENCE**

Nil

#### **3.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

### **4. DISCLOSURE OF INTERESTS**

No declarations were made by Council Members.

### **5. PUBLIC QUESTIONS**

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

At the Ordinary Council eMeeting held on 24 March 2020, there were no questions taken on notice.

#### **5.2 PUBLIC QUESTION TIME**

The Presiding Member then read aloud the questions received from members of the public and the Shire's response.



B Foley on behalf of the Toodyay Progress Association

Summary of Question One

At the Special Council Covid19 meeting we presented a submission regarding the proposed 5% reduction for those that paid the Shire Rates in full by the due date. Although Councillor Chitty was able to have her motion passed that it be reduced to 3%, the TPA still believe this to be excessive and does not give those unable to pay the full amount any consideration. We ask Councillor Chitty to rescind her motion and put up the following.

RATEPAYERS WHO PAY THE FULL AMOUNT GO INTO A DRAW FOR THREE PRIZES OF \$ 2,000 AND FOR THOSE WHO PAY 50% BY THE DUE DATE AND THEN THE FURTHER 50% WITHIN 3 MONTHS THEN GO INTO A DRAW FOR 4 PRIZES OF \$ 1,000.

We believe this is fairer to all, will give incentive to all to pay rates within 3 months. You can decide whether this is a cash prize or a credit to next year's rates. This alternative will cost the Shire \$10,000 instead of the amounts that the 3% would have, which could have been \$ 90,000.

*It was Council's decision to offer a 3% discount.*

Summary of Question Two

On the 13th April, the TPA sent to all Councillors an email about our concerns with the Fire Mitigation Work. We have not had any answers but some Councillors acknowledged our email, so we ask.

In the payment schedules of 29/11/2019 a payment was made to FMS, a 10% down-payment. In answer to a question by a member of the public at the March OCM and according to the minutes a payment of 50% was made. Is this 50% figure an error? Or was 50% paid and not recorded in the payment schedule. We are unable to find any payments for December, January, February or March.

*The confirmation of payments made to 31 March 2020 is as follows:*

*Total payments to date are \$435,924.50.*

*A 10% down payment was made to Fire Mitigation Services as a condition of the contract between the Shire of Toodyay and FMS to works to be performed under the Fire Mitigation grant. Additional payments have been made on the 20 March 2020 for \$152,460 (EFT27931) and on the 31 March 2020 for \$163,256.50 (EFT27964)*

*50% of the grant was received from DFES Rural Fire Division on the 15 November 2019 and the balance was received on 25 March 2020. Due to the requirement of the Royalties for Region funding to be expended by 30 June 2020, this did not align with the timing of the grant acquittal. Due to this, the payment that was due to be paid upon acquittal of the grant has been paid in advance.*

An answer in the minutes for March show that this payment was a "condition of the grant", but reading the Shire recommendation too Council at August 2019 meeting, as to why this order be granted to

FMS without going to tender, there was no mention of this condition, so are the minutes correct.

*Yes. The "Condition of the grant" refers to works to be performed by Fire Mitigation Services under the Fire Mitigation grant.*

*Council's resolution 206/08/19 stated as follows:*

*That Council:*

- 1. Endorse the Bushfire Risk Management Plan (BRMP) for the Shire of Toodyay and authorise the CEO to sign the BRMP on behalf of the Shire.*
- 2. Authorise the CEO to utilise the State Government common use agreement, by using the Department of Fire and Emergency Services approved contractors list, to source a suitable contractor to implement the treatments as detailed within the BRMP.*

*This motion was carried by absolute majority. Council's resolution above does not authorise an order to be granted to FMS without going to tender.*

A condition of the grant is that the monies be expended within the financial year that the grant is given and the March minutes state that the work is to be completed by 15th June. All monies not consumed are to be returned.

So according to the payment records there is an outstanding amount of work to the value of \$ 967,119.50. We see in the latest Community News that work is proceeding, but will FMS finish this work by 15<sup>th</sup> June, if not what is the likely amount that will have to be returned.

*Works under the Fire Mitigation grant are scheduled to be completed by 15th June 2020. Refer to the response to Question Two.*

Summary of Question Three

Are the staff costs related to this Fire Mitigation Work, to supervise etc. this contract being paid for from the grant monies? If not we believe they should be, thus relieving a budget pressure, on wages, vehicle expenses etc.

*No, Shire employee costs are not recoverable under this grant.*

Summary of Question Four

We have been advised from previous questions the Low Flow Water Standpipe, will be completed and running by the end of the Financial Year, is this on track to be completed by the due date.

*Due to the cost of the Standpipe controller, there is insufficient budget for the 2019/2020 financial year. The Low Flow Standpipe will be installed by the end of the financial year and a budget request will be made for the controller in the 2020/2021 budget.*

#### Summary of Question Five

The swimming pool/recreation centre is this still on track to be completed by years end or have there been any delays?

*Original date of practical completion was 15th May 2020.*

*Adjusted Date for Practical Completion: 11th August 2020.*

*ADCO has been granted 60 working days extension of time due to delay caused by the additional rock excavations and work stoppages caused by inclement weather.*

#### Summary of Question Six

When is it likely that there will be an announcement on the appointment of a new CEO, and when do you believe that a new CEO will take up that appointment?

*An announcement on the appointment of a new CEO will be announced today following Council's formal appointment by Council resolution.*

## 6. CONFIRMATION OF MINUTES

### 6.1 Ordinary Meeting of Council held on 24 March 2020

#### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 127/04/20**

**MOVED** Cr Pearce

**SECONDED** Cr Manning

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 24 March 2020 be confirmed.

**MOTION CARRIED 9/0**

### 6.2 Special Meeting of Council held on 7 April 2020 (adjourned) and 14 April 2020 (Resumed) (Determine a Preferred Candidate for CEO Position)

#### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 128/04/20**

**MOVED** Cr Rayner

**SECONDED** Cr Pearce

That the Unconfirmed Minutes of the Special Meeting of Council held on 7 April 2020 (adjourned) and 14 April 2020 (Resumed) – (Determine a Preferred Candidate for CEO position) be confirmed.

**MOTION CARRIED 8/1**

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

**6.3 Special Meeting of Council held on 14 April 2020 (Covid-19)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 129/04/20**

**MOVED** Cr Rayner

**SECONDED** Cr Chitty

That the Unconfirmed Minutes of the Special Meeting of Council held on 14 April 2020 (COVID-19 Acknowledgment) be confirmed.

**MOTION CARRIED 9/0**

**6.4 Special Meeting of Council held on 14 April 2020 (Receipt of Legal Advice)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 130/04/20**

**MOVED** Cr Ruthven

**SECONDED** Cr Pearce

That the Unconfirmed Minutes of the Special Meeting of Council held on 14 April 2020 (Receipt of Legal Advice) be confirmed.

**MOTION CARRIED 9/0**

**6.5 Special Meeting of Council held on 21 April 2020 (Adjourned) and 23 April 2020 (resumed) (CEO Contract)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 131/04/20**

**MOVED** Cr Madacsi

**SECONDED** Cr Manning

That the Unconfirmed Minutes of the Special Meeting of Council held on 21 April 2020 (adjourned) and 23 April 2020 (Resumed) in relation to the CEO Contract be confirmed.

**MOTION CARRIED 9/0**

**6.6 Special Meeting of Council held on 23 April 2020 (Proposed CEO Contract – Preferred Candidate)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 132/04/20**

**MOVED** Cr Ruthven

**SECONDED** Cr Hart

That the Unconfirmed Minutes of the Special Meeting of Council held on 23 April 2020 (Proposed CEO Contract - Preferred Candidate) be confirmed.

**MOTION CARRIED 8/1**

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



## 6.7 Agenda Briefing held on 21 April 2020

**OFFICER'S RECOMMENDATION/**

That the Notes of the Agenda Briefing held on 21 April 2020 be received.

Cr Pearce moved a motion as follows:

**That the Notes of the Agenda Briefing held on 21 April 2020 be received subject to the attendance of Cr Hart and Cr Pearce being recorded as “attended via electronic means.”**

Cr Rayner seconded the motion.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 133/04/20**

**MOVED** Cr Pearce

**SECONDED** Cr Rayner

That the Notes of the Agenda Briefing held on 21 April 2020 be received subject to the attendance of Cr Hart and Cr Pearce being recorded as “attended via electronic means.

**MOTION CARRIED 9/0**

## 6.8 Confidential Items

### 6.8.1 Special Meeting of Council held on 7 April 2020 (adjourned) and 14 April 2020 (Resumed)

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 134/04/20**

**MOVED** Cr Rayner

**SECONDED** Cr Pearce

That the Unconfirmed Confidential Minuted Item titled Item 6.1 Determine a Preferred Candidate for CEO position from the Special Meeting held on 7 April 2020 (adjourned) and 14 April 2020 (Resumed) be confirmed.

**MOTION CARRIED 8/1**

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

**6.8.2 Special Meeting of Council held on 14 April 2020**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 135/04/20**

**MOVED** Cr Pearce

**SECONDED** Cr Rayner

That the Unconfirmed Confidential Minuted Item titled 6.1 Receipt of Legal Advice from the Special Meeting of Council held on 14 April 2020 be confirmed.

**MOTION CARRIED 9/0**

**6.8.3 Special Meeting of Council held on 21 April 2020  
(Adjourned) and 23 April 2020 (resumed)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 136/04/20**

**MOVED** Cr Madacsi

**SECONDED** Cr Manning

That the Unconfirmed Confidential Minuted Item titled Item 6.1 CEO Contract from the Special Meeting held on 21 April 2020 (adjourned) and 23 April 2020 (Resumed) be confirmed.

**MOTION CARRIED 9/0**

**6.8.4 Special Meeting of Council held on 23 April 2020**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 137/04/20**

**MOVED** Cr Ruthven

**SECONDED** Cr Pearce

That the Unconfirmed Confidential Minuted Item titled Item 6.1 Proposed CEO Contract - Preferred Candidate from the Special Meeting held on 23 April 2020 be confirmed subject to an amendment being made to Resolution NO. 123/04/20 where Cr Pearce's name was not recorded on this motion.

**MOTION CARRIED 9/0**

## 7. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

### 7.1 PETITIONS

Nil

### 7.2 DEPUTATIONS

Nil

### 7.3 PRESENTATIONS

The Toodyay Chamber of Commerce and Industry (a Volunteer organisation) represented by Bob Schrader (Member), Debra Andrijich (President) and Kirsten Barrack (Treasurer) from Bendigo Bank provided Council with a presentation at 4.48pm in respect to the Toodyay Dollar programme referred to in Agenda Item No. 11.2.

Question One

How many businesses in Toodyay are members of the COC?

*There are approximately fifty Members at this point in time.*

Question Two

How much does it cost to join if some other businesses (small ones) wish to join?

*We reduced our fee a few years ago. Small businesses that have a less than 3 full time employee equivalent are \$65 per year however given we are halfway through this year the pro-rata rate would apply. This means it would be \$32.50 for the balance of this year.*

Question Three

When does your membership start from?

*At the start of the calendar year.*

Question Four

What do you mean by relevant businesses?

*Bendigo Bank is classified as not being a relevant business so people cannot cash the dollars at the bank. The Shire is a relevant business.*

Question Five

When a business brings the Toodyay dollars to the bank to bank them then they are adjusted through the bank who then advises the Shire?

*If a person goes to a business with a \$50 Toodyay Dollar, but they only spend \$35 a \$15 credit note is provided. The business then attaches the voucher to a redemption form which is handed to the volunteer in the bank (Kirsten) who will process the redemption and the whole \$50 will be directly deposited into that businesses' bank account.*

Question Six

How does the bank get the money?

*They set up a separate bank account so that it can be separately accounted for. Reports are tabled every month at Chamber of Commerce Meetings. For the Shire we would have a completely separate bank account with a logo of the Shire on them and a specific serial number. They would be held totally separately and accounted for separately from the other Toodyay Dollar Program. Reports are generated every month. If needed they can be generated more frequently. We would produce a comprehensive report for the Shire.*

Question Seven

If people do not redeem a voucher the Shire is in front?

*I would anticipate that everyone will redeem their voucher. Sometimes takes a little while which is why a limit of twelve months would be more effective as part of the stimulus package.*

Question Eight

Is the PDF list of relevant businesses on the TCCI website current?

*The page was correct up until last month. There have been additional members that are relevant businesses within the group, but they have not been added as yet.*

**7.4 SUBMISSIONS**

Nil.

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

Nil.

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

**9.1 PRESIDENT'S REPORT**

I would first like to extend Council's appreciation to Cr. Bill Manning for his wise and very capable stewardship as Shire President during a period of considerable challenge. Thank you for guiding us through this transition period. You have left a valuable legacy. We wish you and Jan well and trust the new adventure is just as stimulating but with a little less angst.

A great deal has occurred since the election and I appreciate Council's willingness to work together to embrace the challenges and undertake the changes we have made.

There is no doubt our community has been through a long period of unrest with each preceding Council doing their best to respond to those pressures.

As painful as the unrest has been, we need to view these times as the catalyst for change, because our community was clearly communicating that they required more from us.

And we have listened and responded. Council is now emerging into a far better position than we were six months ago, but there is still more to do.

We need to continue to address the Shire's current and long-term security, our internal practises. We need to be more astute, effective and responsive. And we need to understand our community's limitations, listen and build a secure future for all.

Change is difficult, confronting and intimidating but as John F Kennedy said of change - *"Change is the law of life. And those who look only to the past and present are certain to miss the future"*.

## **10. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**

### **10.1 COMMUNITY DEVELOPMENT**

Nil

### **10.2 PLANNING AND DEVELOPMENT**

Nil

### **10.3 WORKS AND TECHNICAL SERVICES**

Nil

## 10.4 CORPORATE SERVICES

### 10.4.1 List of Payments – March 2020

Date of Report:	9 April 2020
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	FIN6
Author:	C Murcott – Accounts/Payroll Officer
Responsible Officer:	N Rodger – Finance Manager
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Separate attachment:	1. List of Payments.
Voting Requirements:	Simple majority

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

To present the cheques and electronic payments raised during the month of March 2020.

#### **BACKGROUND**

Creditor invoices are processed as they are received and on the 15<sup>th</sup> and final day of every month, cheques and electronic fund transfers are raised for payments.

#### **CONSULTATION IMPLICATIONS**

There are no adverse consultation implications envisaged from this report.

#### **STRATEGIC IMPLICATIONS**

There are no adverse strategic implications envisaged from this report.

#### **POLICY IMPLICATIONS**

Council has delegated authority to the Chief Executive Officer to make payments from the Municipal and Trust Accounts.

#### **FINANCIAL IMPLICATIONS**

There are no adverse financial implications envisaged from this report.

#### **LEGAL AND STATUTORY IMPLICATIONS**

Section 5.42 of the *Local Government Act 1995* allows the local government to delegate its powers to the Chief Executive Officer.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that where the Chief Executive Officer has delegated authority to make payments from the municipal and trust accounts, a list of such payments is to be presented to Council at the next meeting.

**RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

**ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

**SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

**OFFICER COMMENT / DETAILS**

Electronic Funds Transfers (EFT) are for payments transferred directly to creditor bank accounts.

Bank Payment Vouchers (BPV) are for direct debits against the bank account such as bank fees and charges etc.

Internal Payment Vouchers (IPV) are vouchers raised internally for payroll related expenditures which are paid through Council's on-line (internet) banking system.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 138/04/20**

**MOVED** Cr Rayner

**SECONDED** Cr Pearce

That Council note as being paid payments listed and presented for the month of March 2020 as follows:

1. Trust Fund Cheques \$0.00;
2. Electronic Fund Transfers (EFT) payments numbered EFT 27836 to EFT 28013 and Municipal Fund Cheques numbered 12733 to 12742 amounting to \$3,401,385.23;
3. Direct Debits numbered IPV663 to IPV664 and BPV4326 to BPV4362 amounting to \$233,605.55; and
4. Super Direct Debits totalling \$62574.13 and Loan Direct Debits totalling \$4,113.84 as being paid

**MOTION CARRIED 9/0**



**10.4.2 Monthly Financial Statements – March 2020**

Date of Report:	16 April 2020
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	FIN24
Author:	N Rodger – Finance Manager
Responsible Officer:	C Luangala – Acting CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Separate Attachments:	<ol style="list-style-type: none"> <li>1. Monthly Financial Statements including Outstanding Rates Debtors and Outstanding Sundry Debtors for month ending 31 March 2020;</li> <li>2. Bank Reconciliations for month ending 31 March 2020.</li> </ol>
Voting Requirements:	Simple majority

**PURPOSE OF THE REPORT**

To accept the Monthly Financial Statements, Outstanding Rates and Outstanding Sundry Debtors Information and the Bank Reconciliations for the period ending 31 March 2020.

**BACKGROUND**

Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* states:

*A statement of financial activity and the accompanying documents referred to in sub regulation (2) is to be –*

- a) Presented at an ordinary meeting of the council within two months after the end of the month to which the statement relates; and*
- b) Recorded in the minutes of the meeting at which it is presented.*

These reports are prepared after all the end of month payments and receipts have been processed.

**CONSULTATION IMPLICATIONS**

There are no adverse consultation implications envisaged from this report.

**STRATEGIC IMPLICATIONS**

There are no adverse strategic implications envisaged from this report.

**POLICY IMPLICATIONS**

There are no adverse policy implications envisaged from this report.

## **FINANCIAL IMPLICATIONS**

There are no adverse financial implications envisaged from this report.

## **LEGAL AND STATUTORY IMPLICATIONS**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires a statement of Financial Activity to be prepared each month which is to contain the following details:

- a) Annual budget estimates;
- b) Budget estimates to the end of the month;
- c) Actual amount of expenditure and revenue;
- d) Material variances between comparable amounts in b) and c) and above; and
- e) The net current assets at the end of the month to which the statements relate i.e.: surplus/deficit position.

The Statement is to be accompanied by:

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

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* sets out the form and content of the financial reports.

## **RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

## **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

## **SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

## **OFFICER COMMENT / DETAILS**

Attached are the monthly Financial Statements, outstanding Rates and outstanding Sundry Debtors Information and the Bank Reconciliations for the period ending 31 March 2020.

## **OFFICER'S RECOMMENDATION**

That Council accept the monthly Financial Statements, Outstanding Rates and Outstanding Sundry Debtors Information and the Bank Reconciliations for the period ending 31 March 2020.

Cr Hart moved the Officer's Recommendation.

Cr Rayner seconded the motion.

Clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 139/04/20**

**MOVED** Cr Hart

**SECONDED** Cr Rayner

That Council accept the monthly Financial Statements, Outstanding Rates and Outstanding Sundry Debtors Information and the Bank Reconciliations for the period ending 31 March 2020.

**MOTION CARRIED 9/0**

## 10.5 EXECUTIVE SERVICES

### 10.5.1 Policy F.22 Covid-19 Financial Hardship.

Date of Report:	16 April 2020
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	C Luangala – Acting CEO
Previously Before Council:	At the Special Meeting held on 14 April 2020
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Policy F.22 Covid-19 Financial Hardship.
Voting Requirements:	Absolute Majority

#### DISCLAIMER

This item being brought to Council is deemed by both the CEO (or Acting CEO) and the Shire Present to be both important and time sensitive.

#### PURPOSE OF THE REPORT

To consider adopting Policy F.22 Covid-19 Financial Hardship.

#### BACKGROUND

At a Special Council Meeting held on 14 April 2020 Council resolved (Resolution No. 115/04/20) *“That Policy No. F.22 be considered at the April 2020 Council Meeting.”*

#### CONSULTATION

Nil

#### STRATEGIC IMPLICATIONS

A key factor of our Community Strategic Plan is our Vision that states that *“we are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.”*

One of the aims of achieving this is through good governance, and the way the shire leads and operates. The strategic outcome of this is that Council will engage with the community and provide good governance on behalf of the community.

Council’s objectives are to provide accountable and transparent leadership for the community.

#### POLICY IMPLICATIONS

Policy F.5 – Debt Collection Policy will be affected by the proposed recommendations. Policy 18 Long-Term Financial Planning is also affected and will require a review.

## **FINANCIAL IMPLICATIONS**

The Shire of Toodyay adopted its Community Strategic Plan (Toodyay 2028) in October 2018 (Resolution No. 261/10/18). The Community Strategic Plan forecast that the rate setting would be designed over a ten-year period to achieve an equilibrium state from the 2020/2021 Annual Budget onwards. The Community Strategic Plan forecast that rates would provide 57% of the revenue moving forward. In the Community Strategic Plan, it was mentioned that the Long-Term Financial Plan contemplated an annual rate increase of 2.5% across the life of the plan. This represented the Local Government Cost Index projected at 2.2% per annum plus 0.3%. There are no adverse financial implications envisaged from this report.

## **LEGAL AND STATUTORY IMPLICATIONS**

Section 6.12(1)(c) of the *Local Government Act 1995* allows a local government to write off any amount of money which is owed to the local government.

## **RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

## **SOCIAL IMPLICATIONS**

As a local government Council should consider its role in relieving pressure on families and businesses. Responsible budget setting and demonstrating leadership by communicating to the community, through whatever means possible, that Council aligns itself and supports government instructions and initiatives.

There have been a few other local governments that have resolved to help the community and local businesses out financially through reduction in rates and administration charges.

## **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

## **ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

## **OFFICER COMMENT / DETAILS**

The Shire of Toodyay has a role to play in respect to being innovative in the way that the Shire provides its services to the community and also the way in which the dissemination of information provided to our local government is then sent out to the community. The purpose of the attached Hardship Policy is to show the Council's commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic.

By adopting the policy, the Shire of Toodyay is recognising that these challenges will result in financial hardship for our ratepayers.

## **OFFICER'S RECOMMENDATION**

That Council adopt Policy No. F.22 COVID-19 Financial Hardship for new debts, as attached.

Cr Ruthven moved the Officer's Recommendation.

Cr Rayner seconded the motion.

Clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 140/04/20**

**MOVED** Cr Ruthven

**SECONDED** Cr Rayner

That Council adopt Policy No. F.22 COVID-19 Financial Hardship for new debts,  
as attached.

**MOTION CARRIED BY ABSOLUTE MAJORITY 9/0**

**10.5.2 COVID-19 Working Group**

Date of Report:	16 April 2020
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	HLT27
Author:	M Rebane – Executive Assistant
Responsible Officer:	C Luangala – Acting CEO
Previously Before Council:	At a Special Meeting held on 14 April 2020.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil.
Voting Requirements:	Absolute Majority for appointing members to a working group (if it were a committee of Council) otherwise Simple Majority.

**DISCLAIMER**

This item being brought to Council is deemed by both the CEO (or Acting CEO) and the Shire Present to be both important and time sensitive.

**PURPOSE OF THE REPORT**

To consider setting up a working group.

**BACKGROUND**

At a workshop that Councillors attended on 7 April 2020 with the Acting CEO for the purpose of discussing the long-term financial plan they asked for an item to come to Council in relation to setting up a Covid-19 Working Group.

**CONSULTATION**

The CESM was consulted before this report went to the Special Meeting held on 14 April 2020. The CESM was also present at that meeting.

If the local government is provided with a direction from a Hazard Management Agency (HMA) (i.e. the Department of Health) to activate our Local Recovery Group or to form an Incident Support Group that group's scope will be set by the HMA and will be based on what the incident needs. This work does generally pull a lot of members from the LEMC into the ISG.

At the time of writing this report, a Special LEMC Meeting has been arranged for Friday 17 April 2020. The CESM will provide an update to Council in respect to what comes out of this meeting.

**STRATEGIC IMPLICATIONS**

A key factor of our Community Strategic Plan is our Vision that states that *“we are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.”*



One of the aims of achieving this is through good governance, and the way the shire leads and operates. The strategic outcome of this is that Council will engage with the community and provide good governance on behalf of the community. Council's objectives are to provide accountable and transparent leadership for the community.

The State Government WAGPP states that the role of the Western Australian Local Governments is to:

- provide community leadership and support the maintenance of civil society;
- maintain emergency management plans and capabilities under the State's emergency management framework;
- maintain business continuity plans to deliver essential services;
- represent the interests of local communities and businesses in broader planning processes;
- in partnership with State and Territory Governments, inform the public of planning, preparations, response and recovery activities;
- work with State and Territory Governments to tailor public information to the needs of the community, particularly to support vulnerable groups; and
- provide support with other local resources as requested by the SHEC or local State, Metropolitan or Regional Human Epidemic Control Centres.

### **POLICY IMPLICATIONS**

There are no adverse policy implications envisaged from this report.

### **FINANCIAL IMPLICATIONS**

Should Council resolve to establish a working group it may have financial implications, depending on the outcome envisaged by Council.

### **LEGAL AND STATUTORY IMPLICATIONS**

Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees. Section 5.9 of the *Local Government Act 1995* provides for membership to those committees.

The *Local Government Act 1995* is silent on the formation of Working Groups and the working groups that Council has had several years ago have been set up as Committees even though they have been known as a working group.

Western Australia's emergency management framework is overseen by the State Emergency Management Committee, which approves the State Emergency Management Policy and State Emergency Management Plan, and a number of State Hazard and State Support Plans on behalf of the Government.

The State Emergency Management Committee has agreed arrangements that allow agencies to better share resources at times of significant need for the State. These arrangements provide streamlined interoperability procedures sharing skilled resources as required for emergency management operations in Western Australia.

Comprehensive governance structures are in place across national and state levels of government to manage emergencies, including human epidemics /

pandemics. The structures are outlined in the Australian Government Crisis Management Framework and CD Plan and reflected in the WAGPP.

### **RISK IMPLICATIONS (including DAIP)**

The key roles and responsibilities for all levels of government prior, during and after a pandemic are detailed in the National CD Plan, and Western Australia's State Hazard Plan – Human Biosecurity.

### **SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

### **ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

### **OFFICER COMMENT / DETAILS**

The Shire of Toodyay has been playing its role with respect to being innovative in the way that the Shire provides its services to the community and also the way in which the dissemination of information to the community; provided to our local government by the State Government and the Commonwealth Government and the Department of Health on a daily basis.

WALGA, the local government representative also issues daily emails to the office of the CEO in terms of how local governments should be communicating the initiatives and strategies imposed by the State Government. A lot of information provided to the office of the CEO is to do with governance.

At a Special Meeting held on 14 April 2020 Council resolved to consider this matter at the April 2020 Ordinary Council Meeting.

Further information was provided following the Agenda Briefing held on 21 April 2020 and is contained within those Agenda Briefing Notes.

The intention of a Working Group being proposed was purely for brainstorming and having a think tank which could workshop ideas. If the ideas were something within Council's realm of authority a report could be put to Council for a decision to be made in respect to an idea. If the idea involved something bigger than that idea could be put to the LEMC (through the CEO & CESM). The LEMC membership is as follows:

<b>LEMC Membership Composition</b>	
<b>Primary Presiding Member of LEMC</b>	Councillor Pearce
<b>Deputy Presiding Member of LEMC</b>	Community Emergency Services Manager (CESM)
<b>Council Representation -Primary</b>	Councillor Bell and Councillor Pearce
<b>Council Representation - Deputy</b>	Councillor Chitty and Councillor Rayner
<b>Shire Recovery Representatives</b>	<ul style="list-style-type: none"> <li>• Local Recovery Coordinator</li> <li>• Deputy Recovery Coordinator</li> <li>• CEO - Shire of Toodyay</li> <li>• Chief Bush Fire Control Officer</li> <li>• Deputy Bush Fire Control Officers (DBFCO)</li> </ul>

<b>LEMC Membership Composition</b>	
	<ul style="list-style-type: none"> <li>• Bushfire Risk Management Planning Coordinator</li> <li>• Toodyay Volunteer Fire &amp; Rescue Representative</li> <li>• Rangers – Shire of Toodyay</li> </ul>
<b>DFES Representatives</b>	<ul style="list-style-type: none"> <li>• DFES District Manager</li> <li>• Community Emergency Management Coordinator</li> </ul>
<b>Other Agency Representatives</b>	<ul style="list-style-type: none"> <li>• Department of Communities</li> <li>• Police Officer in Charge – Toodyay</li> <li>• Silver Chain Service Coordinator</li> <li>• St John Ambulance Rep &amp; Paramedic</li> <li>• Principal, Toodyay District High School</li> <li>• Main Roads Representative</li> <li>• Red Cross &amp; Health/Medical Representatives</li> </ul>

This matter is being presented to Council at Council's request that it be put to Council for a decision.

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

That Council:

1. Establish a Working Group called COVID Working Group that will not have any delegated authority for the purpose of brainstorming ideas and developing strategies with the intention of bringing those ideas as a plan to Council for formal endorsement, subject to provision of local government resources.
2. Appoint members to the Working Group as follows:
  - (a) Cr Hart;
  - (b) Cr Greenway;
  - (c) Cr Madacsi; and the
  - (d) Chief Executive Officer.

Cr Manning moved the Officer's Recommendation as follows:

**That Council:**

1. **Establish a Working Group called COVID Working Group that will not have any delegated authority for the purpose of brainstorming ideas and developing strategies with the intention of bringing those ideas as a plan to Council for formal endorsement, subject to provision of local government resources.**
2. **Appoint members to the Working Group as follows:**
  - (a) Cr Hart;**
  - (b) Cr Greenway;**
  - (c) Cr Madacsi; and the**
  - (d) Chief Executive Officer.**

Cr Madacsi seconded the motion.

Clarification was sought.

Debate commenced.

Cr Rayner proposed his name be added to Point 2.

Cr Greenway moved an amendment to the motion as follows:

**That at Point 2 the words “Appoint Members to” replaced with “Members of” and that Cr Rayner’s name is added to the list.**

Cr Rayner seconded the amendment.

The amendment was put.

**AMENDMENT/COUNCIL RESOLUTION NO. 141/04/20**

**MOVED** Cr Greenway

**SECONDED** Cr Rayner

That at Point 2 the words “Appoint Members to” replaced with “Members of” and that Cr Rayner’s name is added to the list.

**AMENDMENT CARRIED 9/0**

Debate re-commenced on the substantive motion.

The motion was put.

**OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION NO. 142/04/20**

**MOVED** Cr Manning

**SECONDED** Cr Madacsi

That Council:

1. Establish a Working Group called COVID Working Group that will not have any delegated authority for the purpose of brainstorming ideas and developing strategies with the intention of bringing those ideas as a plan to Council for formal endorsement, subject to provision of local government resources.
2. Members of the Working Group as follows:
  - (a) Cr Hart;
  - (b) Cr Rayner;
  - (c) Cr Greenway;
  - (d) Cr Madacsi; and the
  - (e) Chief Executive Officer.

**MOTION CARRIED 7/2**

*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 Ruthven, Rayner, Chitty, Greenway, Hart, Pearce and Manning voted for the motion. Councillors Madacsi and Bell voted against the motion.*

## 10.6 COMMITTEE REPORTS

Nil

## 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 11.1 Councillor Chitty – Notice of Motion – Suspension of Payments

Date of Report:	30 March 2020
Applicant / Proponent/s:	Councillor Chitty
File Reference:	OAM4846/M5.2
Author:	C Luangala – Acting Chief Executive Officer
Responsible Officer:	C Luangala – Acting Chief Executive Officer
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil
Voting Requirements:	Absolute Majority

### PURPOSE OF THE REPORT

To consider a notice of motion provided by Councillor Chitty.

### BACKGROUND

On 27 March 2020 Councillor Chitty provided the Acting Chief Executive Officer notification of a notice of motion for the 28 April 2020 Ordinary Meeting of Council as follows:

#### ***That Council:***

- 1. Agree to the immediate suspension of all Members and Shire Presidents Attendance fees until September 2020.***
- 2. Agree to the immediate suspension of the Shire President and Deputy Presidents allowance until September 2020.***

Clause 4.4(4)(c) of the Shire of Toodyay Standing Orders Local Law states that the Chief Executive Officer “*may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law*”. This report is provided in accordance with such.

### CONSULTATION IMPLICATIONS

Nil

### STRATEGIC IMPLICATIONS

There are no adverse strategic implications envisaged from this report.

### POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

## FINANCIAL IMPLICATIONS

Savings will be as follows:

<b>Attendance Fees</b>	<b>Monthly/ Cr</b>	<b>#Councillors</b>	<b>Amount</b>
Councillors	\$ 1,022.94	8	\$ 8,183.50
Shire President	\$ 1,267.10	1	\$ 1,267.10
<b>Monthly Savings</b>	<b>\$ 2,290.04</b>	<b>9</b>	<b>\$ 9,450.60</b>
<b>President's Allowance</b>	\$ 1,847.85	1	\$ 1,847.85
Deputy President's Allowance	\$ 461.92	1	\$ 461.92
<b>Monthly Savings</b>	<b>\$ 2,309.77</b>		<b>\$ 2,309.77</b>
Total Monthly Savings			\$ 11,760.37
<b>Total 6 Month Savings</b>			<b>\$ 70,562.20</b>

## LEGAL AND STATUTORY IMPLICATIONS

The Shire of Toodyay Standing Orders Local Law prescribes the manner in which motions of notice are to be given. The provision of notice by Councillor Chitty is in accordance with said requirements.

Clause 4.4(6) of the Shire of Toodyay Standing Orders Local Law states,

*'A motion of which notice has been given is to lapse unless:*

- (a) *the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or*
- (b) *the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

## RISK IMPLICATIONS (including DAIP)

There are no adverse risk implications envisaged from this report.

## SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

## ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

## ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

## OFFICER COMMENT / DETAILS

Council adopted Policy M.3 Members Sitting Fees and Reimbursable Expenses at the February 2020 Council Meeting.

This Notice of Motion has been put forward, considering the COVID-19 pandemic.

Cr Chitty is concerned about the financial implications the pandemic will place upon the budget.

Other reasons were as follows:

- Council's reduced workload due to only dealing with important and time sensitive issues which follows the official advice from the Minister of LG.
- The President's reduced workload not being required to attend events and meetings on behalf of the Shire during this crisis.

Cr Chitty advised that there were more reasons but believed that they would be best delivered during a debate at the Ordinary Council Meeting.

Further information was provided following the Agenda Briefing held on 21 April 2020 and is contained within those Agenda Briefing Notes.

#### **COUNCILLOR CHITTY'S NOTICE OF MOTION**

That Council:

1. Agree to the immediate suspension of all Members and Shire Presidents Attendance fees until September 2020.
2. Agree to the immediate suspension of the Shire President and Deputy Presidents allowance until September 2020.

Cr Chitty moved and read out loud at 5.23pm her Notice of Motion.

Cr Rayner seconded the motion.

Clarification was sought.

Debate commenced.

The motion was put.

#### **COUNCILLOR CHITTY'S NOTICE OF MOTION/COUNCIL RESOLUTION NO. 143/04/20**

**MOVED** Cr Chitty

**SECONDED** Cr Rayner

That Council:

1. Agree to the immediate suspension of all Members and Shire Presidents Attendance fees until September 2020.
2. Agree to the immediate suspension of the Shire President and Deputy Presidents allowance until September 2020.

**MOTION LOST 4/5**

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



**11.2 Councillor Bell – Notice of Motion – Toodyay Dollars**

Date of Report:	15 April 2020
Applicant / Proponent/s:	Councillor Bell
File Reference:	M5.2
Author:	C Luangala – Acting CEO
Responsible Officer:	C Luangala – Acting CEO
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil
Voting Requirements:	Absolute Majority

**PURPOSE OF THE REPORT**

To consider a notice of motion provided by Councillor Bell.

**BACKGROUND**

On 10 April 2020 Councillor Bell provided the Acting Chief Executive Officer notification of a notice of motion for the 28 April 2020 Ordinary Meeting of Council as follows:

*That, as part of its 2020/21 budget deliberations, Council consider issuing each household in the Shire of Toodyay with a minimum of 100 Toodyay Dollars.*

Clause 4.4(4)(c) of the Shire of Toodyay Standing Orders Local Law states that the Chief Executive Officer “*may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law*”. This report is provided in accordance with such.

**CONSULTATION IMPLICATIONS**

There has been no notable consultation in relation to this item.

**STRATEGIC IMPLICATIONS**

The *Shire’s Strategic Community Plan* includes the following objectives:

- *Consistently improve our governance practices.*
- *Ensure rigorous organisational systems.*

**FINANCIAL IMPLICATIONS**

There are no notable financial implications envisaged from this report.

**LEGAL AND STATUTORY IMPLICATIONS**

The Shire of Toodyay Standing Orders Local Law prescribes the manner in which motions of notice are to be given. The provision of notice by Councillor Bell is in accordance with said requirements.

Clause 4.4(6) of the Shire of Toodyay Standing Orders Local Law states,

*'A motion of which notice has been given is to lapse unless:*

- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or*
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

### **RISK IMPLICATIONS (including DAIP)**

There are no adverse social implications envisaged from this report.

### **SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

### **ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

### **OFFICER COMMENT / DETAILS**

This notice of motion requests the consideration of providing Toodyay Dollars to all households in the Shire of Toodyay.

The information relating to dwellings is not retained within the Shire of Toodyay database and information has been sourced from the Bureau of Statistics to obtain the estimated number of households within the Shire. The figure obtained is 2,372.

The total cost to provide Toodyay Dollars to households based on the information from the Bureau of Statistics is \$237,200.

There is currently no process by which this payment can be means tested and therefore would be applicable to all households.

Advice has been sought from the Shire's Auditors, Moore Stephens who have advised that this is essentially a donation made by the Shire. From an audit perspective, a complete list of all households and the dollar amount would be required and then submitted to Council for approval.

It is noted that this will not affect the ratepayers of the Shire as the notice of motion refers to households within the Shire.

### **COUNCILLOR BELL'S NOTICE OF MOTION**

That, as part of its 2020/21 budget deliberations, Council consider issuing each household in the Shire of Toodyay with a minimum of \$100 Toodyay Dollars.

Cr Bell moved and read aloud his Notice of Motion at 5.41pm.

Cr Greenway seconded the motion.

Clarification was sought.

Debate commenced.

Further clarification was sought.

Debate continued.

The motion was put.

**COUNCILLOR BELL'S NOTICE OF MOTION/COUNCIL RESOLUTION NO.  
144/04/20**

**MOVED** Cr Bell

**SECONDED** Cr Greenway

That, as part of its 2020/21 budget deliberations, Council consider issuing each household in the Shire of Toodyay with a minimum of \$100 Toodyay Dollars.

**MOTION LOST 3/6**

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

**11.3 Councillor Bell – Notice of Motion – National Code of Conduct for Commercial Leasing**

Date of Report:	15 April 2020
Applicant / Proponent/s:	Councillor Bell
File Reference:	M5.2
Author:	C Luangala – Acting CEO
Responsible Officer:	C Luangala – Acting CEO
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. National Cabinet Mandatory Code of Conduct SME commercial leasing principles during COVID-19.
Voting Requirements:	Simple Majority

**PURPOSE OF THE REPORT**

To consider a notice of motion provided by Councillor Bell.

**BACKGROUND**

On 10 April 2020 Councillor Bell provided the Acting Chief Executive Officer notification of a notice of motion for the 28 April 2020 Ordinary Meeting of Council as follows:

*That the Shire of Toodyay immediately adopt the National Code of Conduct for Commercial Leasing, which includes the requirement for the Shire of Toodyay, as a landlord, to offer its tenants proportionate reductions in rent payable in the form of waivers and deferrals of up to 100% of the amount ordinarily payable based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.*

Clause 4.4(4)(c) of the Shire of Toodyay Standing Orders Local Law states that the Chief Executive Officer “*may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law*”. This report is provided in accordance with such.

**CONSULTATION IMPLICATIONS**

There has been no notable consultation in relation to this item.

**STRATEGIC IMPLICATIONS**

The *Shire's Strategic Community Plan* includes the following objectives:

- *Consistently improve our governance practices.*
- *Ensure rigorous organisational systems.*

## **FINANCIAL IMPLICATIONS**

Annual Lease income is approximately \$116,000.

## **LEGAL AND STATUTORY IMPLICATIONS**

The Shire of Toodyay Standing Orders Local Law prescribes the manner in which motions of notice are to be given. The provision of notice by Councillor Bell is in accordance with said requirements.

Clause 4.4(6) of the Shire of Toodyay Standing Orders Local Law states,

*'A motion of which notice has been given is to lapse unless:*

- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or*
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

## **RISK IMPLICATIONS (including DAIP)**

There are no adverse social implications envisaged from this report.

## **SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

## **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

## **ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

## **OFFICER COMMENT / DETAILS**

Council should consider all opportunities to support community businesses that have suffered financial stress or hardship as a result of the COVID-19 pandemic and State and Federal Government measures that have been put in place to manage the pandemic.

It is worth noting that the "Code of Conduct" eligibility is tied to the Commonwealth Government's Job Keeper programme and \$50 million annual turnover threshold will be used to assess eligibility. The majority of our lessees may not qualify for the Commonwealth Government's Job Keeper programme, as such would be ineligible for the *National Code of Conduct for Commercial Leasing* should it be adopted by the Shire of Toodyay.

In order to support local businesses, the better option would be to develop a Shire of Toodyay Code of Conduct for Commercial Leasing that is based on the National Code of Conduct for Commercial Leasing principles.

The Toodyay Code of Conduct would not be tied to the Commonwealth Government's Job Keeper programme.

This would be to enable small businesses (Shire lessees) access financial hardship support even though they are ineligible for the Commonwealth Government's Job Keeper programme and as such ineligible for the *National Code of Conduct for Commercial Leasing*.

**COUNCILLOR BELL'S NOTICE OF MOTION**

That the Shire of Toodyay immediately adopt the National Code of Conduct for Commercial Leasing, which includes the requirement for the Shire of Toodyay, as a landlord, to offer its tenants proportionate reductions in rent payable in the form of waivers and deferrals of up to 100% of the amount ordinarily payable based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.

Cr Bell moved and read out loud his Notice of Motion at 6.06pm.

Cr Greenway seconded the motion.

Clarification was sought.

Debate commenced.

Further clarification was sought.

The motion was put.

**COUNCILLOR BELL'S NOTICE OF MOTION/COUNCIL RESOLUTION NO. 145/04/20**

**MOVED** Cr Bell

**SECONDED** Cr Greenway

That the Shire of Toodyay immediately adopt the National Code of Conduct for Commercial Leasing, which includes the requirement for the Shire of Toodyay, as a landlord, to offer its tenants proportionate reductions in rent payable in the form of waivers and deferrals of up to 100% of the amount ordinarily payable based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.

**MOTION CARRIED 7/2**

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

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

Nil

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

Nil.

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

**14.1 MEMBERS**

Cr R Madacsi advised of new business of an urgent nature, regarding Appointment of new CEO that she wished to introduce by decision of the meeting.

Cr Bell moved a motion as follows:

**That Council considers Item 14.1.1 Appointment of new CEO as new business of an urgent nature.**

Cr Rayner seconded the motion.

Clarification was sought.

*The Live Stream ended at 6.20pm at the request of the Acting CEO.*

The motion was put.

**MOTION/COUNCIL RESOLUTION NO. 146/04/20**

**MOVED** Cr Bell

**SECONDED** Cr Rayner

That Council considers Item 14.1.1 Appointment of new CEO as new business of an urgent nature.

**MOTION CARRIED 9/0**

**Standing Order 4.5(3) and (4) New Business of an Urgent Nature state as follows:**

- (1) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting:**
  - (a) the Presiding Member is to ask the CEO to give; and**
  - (b) the CEO, or the CEO's nominee, is to give,**
  - (c) a verbal report to the meeting.**
- (2) The minutes of the meeting are to include:**
  - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and**
  - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.**

*A written Officer's Report was tabled at 6.22pm.*



*The Shire President adjourned the meeting at 6.22pm.*

*The Shire President resumed the meeting at 6.31pm.*

**MOTION/COUNCIL RESOLUTION NO. 147/04/20**

**MOVED** Cr Greenway

**SECONDED** Cr Rayner

1. That, in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public at 6.33pm 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 —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person; and
  - (c) a contract that may be entered into 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.
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 at 10.14am until the Council, by resolution, decides otherwise.

**MOTION CARRIED 9/0**

*The public gallery departed Council Chambers at 6.34pm.*

*The Council Chamber doors were closed.*

*The Shire President confirmed with the Acting CEO that the livestream session had been stopped.*

### 14.1.1 Appointment of CEO

Date of Report:	28 April 2020
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	HR317, and TEN79
Author:	M Rebane – Executive Assistant
Responsible Officer:	C Luangala – Acting CEO
Previously Before Council:	Special Meeting Resolutions: 119/04/20 & 126/04/20
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
<i>Confidential Attachment:</i>	1. Employment Contract – New CEO.
Voting Requirements:	Absolute Majority

#### PURPOSE OF THE REPORT

To appoint a new Chief Executive Officer.

#### BACKGROUND

At a Special Meeting held on 7 April 2020 (Adjourned) and 14 April 2020 (resumed) Council resolved (Council Res. No. 119/04/20) as follows:

*That Council authorise the Shire President to negotiate the contract with the preferred candidate based upon the agreed terms.*

At a Special Meeting held on 23 April 2020, Council resolved (Council Res. No. 126/04/20) as follows:

*That Council authorise the Shire President to make an amended offer to the preferred candidate in accordance with the terms set out in the draft contract subject to the following:*

- *That in Section 5.4 (4) of the Contract the words “fuel (except on annual leave)” be amended to read “fuel (except on leave)”*

#### CONSULTATION

Tender Specifications were amended and endorsed by Council (Resolution No. 322/12/19) on 17 Dec 2019 outlined the Scope of Works for a Recruitment Consultant to coordinate the process.

Council issued an Award of Contract for the Recruitment Services for a new CEO to a Recruitment Consultant. Council met with the Consultant on 4 February 2020.

#### STRATEGIC IMPLICATIONS

There are no adverse strategic implications envisaged from this report.

#### POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

## **FINANCIAL IMPLICATIONS**

There are no adverse financial implications envisaged from this report.

## **LEGAL AND STATUTORY IMPLICATIONS**

Division 4 of the *Local Government Act 1995* states as follows:

### **5.36. Local government employees**

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.

\* Absolute majority required.

### **5.39. Contracts for CEO and senior employees**

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
  - (1a) Despite subsection (1)
    - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
    - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
  - (2) A contract under this section
    - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
    - (b) in every other case, cannot be for a term exceeding 5 years.
  - (3) A contract under this section is of no effect unless
    - (a) the expiry date is specified in the contract; and
    - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
    - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
  - (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

**18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))**

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

**18F. Remuneration and benefits of CEO to be as advertised**

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

**RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

**SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

**ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

**ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

**OFFICER COMMENT / DETAILS**

Since the Special Council Meeting held on 23 April 2020, the Deputy Shire President advised that the negotiation with the preferred candidate had finalised and the following recommendation is made.

**OFFICER'S RECOMMENDATION**

That:

1. The Shire of Toodyay Council employs Suzanne Lorraine Haslehurst as

- the Chief Executive Officer (CEO) of the Shire of Toodyay;
2. The Council believes that Suzanne Lorraine Haslehurst is suitably qualified for the position of CEO of the Shire of Toodyay.
  3. The Council is satisfied with the provisions of the employment contract, as attached.
  4. Council authorises the affixing of the common seal of the Shire of Toodyay to the Employment Contract, as attached.

Cr Pearce moved the Officer's Recommendation as follows:

**That:**

1. **The Shire of Toodyay Council employs Suzanne Lorraine Haslehurst as the Chief Executive Officer (CEO) of the Shire of Toodyay;**
2. **The Council believes that Suzanne Lorraine Haslehurst is suitably qualified for the position of CEO of the Shire of Toodyay.**
3. **The Council is satisfied with the provisions of the employment contract, as attached.**
4. **Council authorises the affixing of the common seal of the Shire of Toodyay to the Employment Contract, as attached.**

Cr Ruthven seconded the motion.

Clarification was sought.

Cr Rayner moved an amendment to the motion as follows:

**That the words "subject to the addition of wording in the Contract at Schedule 2 as follows:**

- **That at the Commencement Date at Item 6 the words "or earlier if agreed by the parties" be inserted after the date "3 August 2020"**
- **That at the Expiry Date at Item 8, the date be replaced with the words "four years from the Commencement Date"**

Clarification was sought.

Cr Manning seconded the amendment.

Debate commenced in relation to the amendment to the motion.

The amendment was put.

**AMENDMENT/COUNCIL RESOLUTION NO. 148/04/20**

**MOVED** Cr Rayner

**SECONDED** Cr Manning

That the words "subject to the addition of wording in the Contract at Schedule 2 as follows:

- That at the Commencement Date at Item 6 the words "or earlier if agreed by the parties" be inserted after the date "3 August 2020"

- That at the Expiry Date at Item 8 the date be replaced with the words “four years from the Commencement Date”

**AMENDMENT CARRIED 8/1**

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

Clarification was sought in relation to the substantive motion.

*The Shire President adjourned the Council Meeting at 6.45pm.*

*The Shire President resumed the Council Meeting at 6.52pm.*

Cr Manning moved a motion as follows:

**That the decision of Council (Council Resolution No. 148/04/20) resolved by simple majority in relation to an amendment made to a substantive motion be rescinded in accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996* and Standing Orders 15.1).**

Cr Madacsi seconded the motion.

Cr Rayner supported the motion.

The rescindment motion was put.

**MOTION/COUNCIL RESOLUTION NO. 149/04/20**

**MOVED** Cr Manning

**SECONDED** Cr Madacsi

**SECONDED** Cr Rayner

That the decision of Council (Council Resolution No. 148/04/20) resolved by simple majority in relation to an amendment made to a substantive motion be rescinded in accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996* and Standing Orders 15.1).

**MOTION CARRIED 9/0**

Debate continued in relation to the substantive motion.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 150/04/20**

**MOVED** Cr Pearce

**SECONDED** Cr Ruthven

That:

1. The Shire of Toodyay Council employs Suzanne Lorraine Haslehurst as the Chief Executive Officer (CEO) of the Shire of Toodyay;
2. The Council believes that Suzanne Lorraine Haslehurst is suitably qualified for the position of CEO of the Shire of Toodyay.
3. The Council is satisfied with the provisions of the employment contract, as attached.

4. Council authorises the affixing of the common seal of the Shire of Toodyay to the Employment Contract, as attached.

**MOTION CARRIED BY ABSOLUTE MAJORITY 5/4**

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

#### **14.2 EMPLOYEES**

Nil

## 15. CONFIDENTIAL BUSINESS

### 15.1 Review of Services

#### OFFICER'S RECOMMENDATION

That Council accept the recommendation to terminate the Senior Employee position of Manager Community Development in line with the Review of Services.

The Shire President provided time for Councillors to read the report at 7.00pm. Clarification was sought.

Cr Hart moved the Officer's Recommendation as follows:

**That Council accept the recommendation to terminate the Senior Employee position of Manager Community Development in line with the Review of Services.**

Cr Pearce seconded the motion.

Further clarification was sought.

Debate commenced.

Cr Manning moved an amendment to the motion as follows:

**That the word "terminate" be replaced with the words "make redundant"**

Cr Pearce seconded the amendment.

Debate on the amendment commenced.

Further clarification was sought.

The amendment was put.

#### AMENDMENT/COUNCIL RESOLUTION NO. 151/04/20

**MOVED** Cr Manning

**SECONDED** Cr Pearce

That the word "terminate" be replaced with the words "make redundant"

**AMENDMENT CARRIED 8/1**

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

Clarification was sought in relation to the substantive motion which read as follows:

**That Council accept the recommendation to make redundant the Senior Employee position of Manager Community Development in line with the Review of Services.**

Debate continued.

Further clarification was sought.



The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 152/04/20**

**MOVED** Cr Hart

**SECONDED** Cr Pearce

That Council accept the recommendation to make redundant the Senior Employee position of Manager Community Development in line with the Review of Services.

**MOTION CARRIED 6/3**

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

## 15.2 CEO Position

### OFFICER'S RECOMMENDATION

That Council:

1. Terminate the employment of the CEO, Mr Stan Scott, on 12 May 2020, conditional to the terms contained in the severance agreement to be signed by both parties; and
2. Authorise the Acting CEO to arrange through McLeod's the preparation of severance agreement on behalf of the Shire of Toodyay based on the terms contained within this report.

Cr Chitty moved the Officer's Recommendation as follows:

**That Council:**

1. **Terminate the employment of the CEO, Mr Stan Scott, on 12 May 2020, conditional to the terms contained in the severance agreement to be signed by both parties; and**
2. **Authorise the Acting CEO to arrange through McLeod's the preparation of severance agreement on behalf of the Shire of Toodyay based on the terms contained within this report.**

Cr Ruthven seconded the motion.

Clarification was sought.

Cr Manning moved amendments to the motion as follows:

**That:**

1. **at Point 1 the words "by mutual agreement" be inserted prior to the words "on 12 May 2020" and the words "conditional to" be replaced with the word "on" and the words "in the severance agreement to be signed by both parties" be replaced with the words "within this report";**
2. **at Point 2 the word "a" be inserted prior to the word "severance" and the words "based on the terms contained within this report" be replaced by the words "which includes the terms contained within this report"; and**
3. **a new Point 3 be inserted to read as follows:**
  3. **Authorise the Shire President to sign the severance agreement.**

Cr Chitty seconded the amendments to the motion.

Debate on the amendments commenced.

The amendment motion was put.

**AMENDMENT MOTION/COUNCIL RESOLUTION NO. 153/04/20**

**MOVED** Cr Manning

**SECONDED** Cr Chitty

That:

1. at Point 1 the words “by mutual agreement” be inserted prior to the words “on 12 May 2020” and the words “conditional to” be replaced with the word “on” and the words “in the severance agreement to be signed by both parties” be replaced with the words “within this report”;
2. at Point 2 the word “a” be inserted prior to the word “severance” and the words “based on the terms contained within this report” be replaced by the words “which includes the terms contained within this report”; and
3. a new Point 3 be inserted to read as follows:
  3. Authorise the Shire President to sign the severance agreement.

**AMENDMENT MOTION CARRIED 9/0**

Clarification was sought.

The substantive motion was put.

**OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION NO. 154/04/20**

**MOVED** Cr Chitty

**SECONDED** Cr Ruthven

That Council:

1. Terminate the employment of the CEO, Mr Stan Scott, by mutual agreement on 12 May 2020, on the terms contained within this report; and
2. Authorise the Acting CEO to arrange through McLeod’s the preparation of a severance agreement on behalf of the Shire of Toodyay which includes the terms contained within this report.
3. Authorise the Shire President to sign the severance agreement.

**MOTION CARRIED 9/0**

**MOTION/COUNCIL RESOLUTION NO. 155/04/20**

**MOVED** Cr Pearce

That Council move from behind closed doors and Standing Order 7.9 be resumed at 7.44pm.

**MOTION CARRIED 9/0**

The Council Chambers were re-opened at 7.44pm. No members of the public returned to the Chambers and the live stream was unable to be restarted at 7.45pm due to a technical error.

**16. NEXT MEETINGS**

Special Local Emergency Management Committee	1 May 2020
Bush Fire Advisory Committee	5 May 2020
Local Emergency Management Committee	13 May 2020
Agenda Briefing	19 May 2020
Council Meeting	26 May 2020

**17. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 7.47pm.

# Attachments to Minutes

Ordinary Council Meeting

Tuesday 28 April 2020

## Attachments that formed part of the Meeting Agenda (separately indexed)

### AGENDA BRIEFING

**Agenda Briefing Notes** 1

**COMMUNITY DEVELOPMENT** N/A

**PLANNING AND DEVELOPMENT** N/A

**WORKS AND TECHNICAL SERVICES** N/A

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1. List of Payments – March 2020 21

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1. Monthly Financial Statements including Outstanding Rates Debtors and Outstanding Sundry Debtors for month ending 31 March 2020; 29

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**9.5.1 Policy F.22 Covid-19 Financial Hardship** 55

1. Policy F.22 Covid-19 Financial Hardship. 55

**9.5.2 COVID-19 Working Group** N/A

No attachments

**COMMITTEE REPORTS** N/A

### MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**10.1 Councillor Chitty – Suspension of Payments** N/A

No attachments

**10.2 Councillor Bell –Toodyay Dollars** N/A

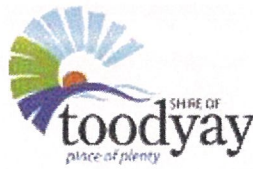
No attachments

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1. National Cabinet Mandatory Code of Conduct SME commercial leasing principles during COVID-19. 59







# Agenda Briefing Notes

21 April 2020

## Unconfirmed Notes

These notes were approved for distribution on 23 April 2020.

*Chileya Luangala*

**ACTING CHIEF EXECUTIVE OFFICER**

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

At the next Ordinary Council Meeting, the Notes are 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 28 April 2020.

Signed: .....  .....

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

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SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 21 APRIL 2020

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The **ATTACHMENTS** to these notes were the attachments to the  
Ordinary Council Meeting dated 28 April 2020

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# Shire of Toodyay

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AGENDA BRIEFING – 21 APRIL 2020

## NOTES

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

Cr Manning, Shire President, declared the meeting open at 4.10pm.

### 2. RECORDS OF ATTENDANCE/APOLOGIES

Cr B Manning	Shire President
Cr R Madacsi	Deputy Shire President
Cr T Chitty	
Cr P Greenway	
Cr P Hart	
Cr S Pearce	
Cr B Rayner	
Cr B Ruthven	

#### Staff

Mr K Nieuwoudt	Manager Planning & Development
Mrs M Rebane	Executive Assistant

#### Visitors

Nil

#### 2.1 APOLOGIES

Cr Bell

Mrs C Luangala      Acting CEO

#### 2.2 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

#### 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

At the Ordinary Meeting of Council held on 24 March 2020 no questions were taken on notice.

#### 4.2 PUBLIC QUESTION TIME

Nil

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 21 APRIL 2020

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**5. CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council held on 24 March 2020**

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 24 March 2020 be confirmed.

**5.2 Special Meeting of Council held on 7 April 2020 (adjourned) and 14 April 2020 (Resumed) (Determine a Preferred Candidate for CEO Position)**

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Special Meeting of Council held on 7 April 2020 (adjourned) and 14 April 2020 (Resumed) – (Determine a Preferred Candidate for CEO position) be confirmed.

**5.3 Special Meeting of Council held on 14 April 2020 (Covid-19)**

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Special Meeting of Council held on 14 April 2020 (COVID-19 Acknowledgment) be confirmed.

**5.4 Special Meeting of Council held on 14 April 2020 (Receipt of Legal Advice)**

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Special Meeting of Council held on 14 April 2020 (Receipt of Legal Advice) be confirmed.

**5.5 Agenda Briefing held on 21 April 2020**

OFFICER'S RECOMMENDATION

That the Notes of the Agenda Briefing held on 21 April 2020 be received.

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 21 APRIL 2020

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**5.6 Confidential Items**

**5.7.1 Special Meeting of Council held on 7 April 2020 (adjourned) and 14 April 2020 (Resumed)**

OFFICER'S RECOMMENDATION

That the Unconfirmed Confidential Minuted Item titled Item 6.1 Determine a Preferred Candidate for CEO position from the Special Meeting held on 7 April 2020 (adjourned) and 14 April 2020 (Resumed) be confirmed.

**5.7.2 Special Meeting of Council held on 14 April 2020**

OFFICER'S RECOMMENDATION

That the Unconfirmed Confidential Minuted Item titled 6.1 Receipt of Legal Advice from the Special Meeting of Council held on 14 April 2020 be confirmed.

**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 may make an announcement in accordance with the Shire of Toodyay Standing Orders Local Law 2008 (Section 4.3).*

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

**9.1 COMMUNITY DEVELOPMENT**

**9.2 PLANNING AND DEVELOPMENT**

**9.3 WORKS AND TECHNICAL SERVICES**

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 21 APRIL 2020

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## 9.4 CORPORATE SERVICES

### 9.4.1 List of Payments – March 2020

Nil

### 9.4.2 Monthly Financial Statements – March 2020

Questions raised as follows:

- It appears that we have received the second part of the DFES Grant. Is that correct? Was it supposed to come now or after the acquittal?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting:

Yes. The second part of the grant has been received. The Royalties for Region Funding is required to be expended by 30 June 2020. As the acquittals would not be received until close to this date, the payment has been made early.

- BPV 4332 (Morangup Library Internet) is \$340/month paid to Westnet. Looking at the Westnet website, they offer an unlimited connection for \$90/month. What benefit does the Shire get from paying the difference of \$250/month?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting:

We will seek further clarification from our Westnet Account Manager and provide that via email to all Councillors.

## 9.5 EXECUTIVE SERVICES

### 9.5.1 Policy F.22 Covid-19 Financial Hardship.

Questions and Points raised as follows:

- The draft policy sometimes uses the phrase "rates or service charges" and uses "rates, fees or service charges" elsewhere. Is this intentional?

*No. The policy will be amended to the "rates, fees or service charges."*

- At Item 2 First paragraph, second sentence, shouldn't it read that "when their rates notices are received?"

*Yes. The policy will be amended to include the word "notices" after the words "when their rates"*

- At Part 7 that is titled Review. Where it says "we will establish a mechanism for review." Shouldn't it be established and included as part of the policy?

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 21 APRIL 2020

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*The Manager Planning and Development took the question on notice.*

**Information provided post meeting:**

A review mechanism would only be required where an application for relief under the Hardship Policy was rejected. This point can be deleted as financial relief should be accessible by all “rates, fees or service charges” debtors.

- When would the policy come into effect?

*The Manager Planning and Development took the question on notice.*

**Information provided post meeting:**

**Immediately.**

- Does charge mean a standard charge or is this something in addition to normal rates payments?

*The Manager Planning and Development took the question on notice.*

**Information provided post meeting:**

**This is the schedule of all charges**

- At Point No. 6 the words in the fourth line before the words “defaulting on the 3rd due payment” why are these words there? Wouldn't the debtor advise us that they would not be able to pay and then we would continue to suspend?

*The Manager Planning and Development took the question on notice.*

**Information provided post meeting:**

**The Shire's Debt Collection Policy states as follows:**

(a) After 30 days has expired contact is to be made by telephone to the sundry debtor seeking a commitment to pay the outstanding debt and a memo to this affect entered on the Debtor's record.

(b) If the debt is still outstanding after a further week then a letter is to be sent requesting payment of the outstanding balance within seven days of receipt of the letter.

(c) Where the debt is still not paid then a final notice letter demanding payment within seven days is to be sent stating that failure to pay will result in the matter being placed in the hands of the Shire's debt collection agency.

Point (c) above is the "3rd due payment". The Hardship Policy will allow Council to suspend the debt recovery process.

### 9.5.2 COVID-19 Working Group

#### Questions and Points raised as follows:

- In the Report we still have Cr Bell listed and he has already declined through an email to the Councillors. Why?

*The Manager Planning and Development took the question on notice.*

*The Shire President advised that Cr Bell had notified Councillors via email that he did not wish to be part of the Working Group due to LEMC having the responsibilities of recovery through the State Emergency Management Committee.*

#### Information provided post meeting:

The report will be corrected.

If there a reason why we cannot ask Councillors at the meeting who might be interested to participate in the working group?

*The Manager Planning and Development took the question on notice.*

#### Information provided post meeting:

Councillors are able to nominate themselves.

- In the first part of the recommendation it states that the working group will not have any delegated authority. Why are those words necessary?

*The Manager Planning and Development took the question on notice.*

#### Information provided post meeting:

The words are necessary because the intention of setting up the working group is purely to brainstorm.

The Working Group would meet via Microsoft Teams.

The working group would be a think-tank for ideas that may either be taken to Council or presented to the LEMC through the CESM. LEMC can then make a recommendation and it would then come back to Council to approve and resource.

- There is an assumption that members can confer with community representatives to address the group? If that



SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 21 APRIL 2020

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will be the case, could it be spelt out better in the Officers' Report.

*The Manager Planning and Development took the question on notice.*

Information provided post meeting:

The intention is that the Working Group members would be the CEO and any Councillors interested in participating.

It was not intended that the Working Group members would consult with community groups. This is because the State Government has its Western Australia Government Pandemic Plan (the WAGPP) in place.

All community engagement should happen through the LEMC under the direction of a Hazard Management Agency (HMA) (i.e. the Department of Health) to activate our Local Recovery Group (LRG) or to form an Incident Support Group (ISG). If the local government receives that direction, the group's scope will be based on what the HMA believes the incident needs. As the Local Recovery Group is a sub-group to the LEMC this work will pull LEMC members into the LRG or ISG.

- Can we have a little more detail in how this group will be expected to work?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting:

Refer to above.

- Can it be linked to a policy? Can the COVID 19 policy be interlinked with this? Do we need to put an end date (i.e. only while this is an issue?)

*The Manager Planning and Development took the question on notice.*

Information provided post meeting:

The Policy deals with rates, fees and charges. Therefore, the working group cannot be linked in with this policy.

- Are 3 people enough for a working group? Cr Hart happy to put hand up to be member of the working group.

*The Manager Planning and Development took the question on notice.*

Information provided post meeting:

This is up to Council.

## 9.6 COMMITTEE REPORTS

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

#### 10.1 Councillor Chitty – Notice of Motion – Suspension of Payments

##### **COUNCILLOR CHITTY'S NOTICE OF MOTION**

That Council:

1. Agree to the immediate suspension of all Members and Shire Presidents Attendance fees until September 2020.
2. Agree to the immediate suspension of the Shire President and Deputy Presidents allowance until September 2020.

#### Questions and Points raised as follows:

- I thought I read somewhere in the annual report of the Salaries and Allowances Tribunal that it stated that there is an obligation on local governments being required to pay the minimum range and thought that the Council could not just decide not to pay any fees to Councillors?

*The Manager Planning and Development took the question on notice.*

#### Information provided post meeting:

Information from the link here:  
<https://www.wa.gov.au/government/publications/local-government-chief-executive-officers-and-elected-members-determination-no-1-of-2020> states the following:

In determining the maximum annual allowance for expenses of a particular type, the Tribunal has taken into account a range of factors including the following:

- the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members;
- the capacity of local governments to set allowances appropriate to their varying operational needs;
- the particular practices of local governments in the use of information and communication technology (e.g. laptop computers, iPads); and
- the varying travel requirements of council members in local governments associated with geography, isolation and other factors.

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
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**Item 6.4. Annual Attendance Fees In Lieu Of Council Meeting, Committee Meeting And Prescribed Meeting Attendance Fees**

The ranges of fees in Table 8 apply where a local government decides by an absolute majority that, instead of paying council members an attendance fee referred to in section 5.98 of the LG Act, it will pay an annual fee to all council members who attend council, committee or prescribed meetings.

**Table 8: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – local governments**

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$24,604	\$31,678	\$24,604	\$47,516
2	\$14,865	\$23,230	\$14,865	\$31,149
3	\$7,688	\$16,367	\$7,688	\$25,342
4	\$3,589	\$9,504	\$3,589	\$19,534

**Item 7.2 Annual Allowance for a Mayor, President or Chair**

- The ranges of allowances in Table 10 apply where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act.
- The range of allowances in Table 11 apply where a regional local government sets the amount of the annual local government allowance to which a chair is entitled under section 5.98(5) of the LG Act.

**Table 10: Annual allowance for a mayor or president of a local government**

Band	Minimum	Maximum
1	\$51,258	\$89,753
2	\$15,377	\$63,354
3	\$1,025	\$36,957
4	\$513	\$20,063

**Item 7.3 Annual Allowance for a Deputy Mayor, Deputy President Or Deputy Chair**

The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.

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The explanatory Notes of the SAT Determination of Salaries and Allowances states the following:

**Local governments to set amounts within the range determined**

Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for members of the council of a local government or a regional local government, each council is to set, by absolute majority, an amount within the relevant range determined and the amount set will be payable to elected council members.

**10.2 Councillor Bell – Notice of Motion – Toodyay Dollars**

**COUNCILLOR BELL'S NOTICE OF MOTION**

That, as part of its 2020/21 budget deliberations, Council consider issuing each household in the Shire of Toodyay with a minimum of \$100 Toodyay Dollars.

Questions and Points raised as follows:

- How many of our businesses in Toodyay participate in the Toodyay dollar scheme?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

The Toodyay Dollar Scheme is open to every business in Toodyay

- What is the intent of the 100 dollars of Toodyay dollars? How many businesses participate in this or do all businesses participate?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

The Toodyay Dollar Scheme is open to every business in Toodyay

- What is a Toodyay Dollar?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

Please see <https://www.toodyaychamber.org.au/toodyayfirst>

It is a little alarming that a Toodyay councillor is unaware of the Toodyay Dollar initiative. This question from a councillor suggests

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that the scheme may benefit from additional promotion (perhaps through the Shire Newsletter or The Herald?)

- If the Toodyay Chamber of Commerce run the Toodyay Dollar program, if it is even a program, do they know about this Notice of Motion?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

Please contact the TCCI for more information on the scheme <https://www.toodyaychamber.org.au/Contact-Us> or talk to Debra Andrijich (who is the TCCI President)

Whilst the scheme is presently run through the Chamber of Commerce, should the Council so choose, it could be run through the Shire (although my preference is that it is run through the TCCI)

Again, the question suggests that some councillors are unaware of the good work the TCCI does in Toodyay, and these councillors may benefit from the TCCI giving a presentation to Council at some time in the future.

- What is the actual exchange rate?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

Again, this question suggests that the current Council could benefit from a presentation from the TCCI on the scheme.

- How is this financially sustainable for the Shire and the Shire's finances?

*Response: This is part of the debate when we come to deal with the Notice of Motion next week.*

Information provided post meeting from Cr Bell:

Please see <https://toodyayherald.com.au/regular-columns/the-insider/>

- The definition of a household and the motion says that 100 Toodyay dollars to each household. The Australian Bureau of Statistics (ABS) says most private dwellings contain one household but 7% contain more than one household. How does one decide? Does the Shire have the capacity to know this? If there are multiple dwelling households will that household receive a payment for each dwelling?

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*The Manager Planning and Development took the question on notice.*

**Information provided post meeting from Cr Bell:**

There are 2,145 households in Toodyay according to the Shire's records.

- What about wealthy households who don't need the money? Will they be able to opt out?

*The Manager Planning and Development took the question on notice.*

**Information provided post meeting from Cr Bell:**

Households are under no obligation to deem their Dollars.

In the unlikely scenario that a household does not wish to spend their Toodyay Dollars, these households may consider donating them to a local charity to help someone less fortunate.

- Who is this for? Is it for individual households or businesses on the receiving end?

*The Manager Planning and Development took the question on notice.*

**Information provided post meeting from Cr Bell:**

Both.

- Will there be restriction on which businesses may participate?

*The Manager Planning and Development took the question on notice.*

**Information provided post meeting from Cr Bell:**

That is not the intention, but ultimately that is a decision for Council

- Do they have to be registered with the Shire first?

*The Manager Planning and Development took the question on notice.*

**Information provided post meeting from Cr Bell:**

That is a decision for Council

- Do they require an ABN?

*The Manager Planning and Development took the question on notice.*

**Information provided post meeting from Cr Bell:**

That is a decision for Council

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- What happens if the purchase is less than \$100? Will the business provide change? How will this be accounted for?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

Toodyay Dollars are currently in \$10, \$20 and \$50 denominations, but any denomination is possible

- The ABS must have a definition of what a household is. What is the definition?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting:

The ABS website has detail about how a household is made up on this link:

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1286.0~2014~Main%20Features~Appendix%20A%20-%20Identifying%20Household%20and%20Family%20Reference%20Persons~19>

Information provided post meeting by Cr Bell:

There are 2,145 households in Toodyay according to the Shire's records.

- Can a household consist of one person or if ten people living in a house is that one household? Not per capita basis?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting:

It appears that one household is one family so even if there is one rateable property, if there are two families living in the one rateable property there are actually two households. Appendix A from the above link will be provided to Council on their hub.

The 2016 Census Quick Stats states that there are 2,365 private dwellings in the local government area (S) of Toodyay.

- Can we seek advice from the Auditors on whether this would be classified as a donation?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

It is a rebate.

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- How much staff time would that take to do that and would that staff time outweigh the benefit that would be perceived by doing this?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

The initiative would generate upwards of \$500,000 of benefit for the Toodyay community.

For the cost to outweigh the benefit, it would require 10% of the total Shire staff to work on this initiative for a full year which is clearly not the case

This is the same initiative that is currently run by a handful of voluntaries within the TCCI.

- There seems to be no end date. When would this initiative begin? When would it end? Or would it be open-ended and just end when every Toodyay dollar has been accounted for?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

That is a decision for Council

The intention is for a one-off payment in the 2020/21 financial year. But again, that is a decision for Council.

Also see <https://www.toodyaychamber.org.au/toodyayfirst>

- Who will account for the Toodyay dollars? How will that work?

*The Manager Planning and Development took the question on notice.*

Information provided post meeting from Cr Bell:

That is a decision for Council



### **10.3 Councillor Bell – Notice of Motion – National Code of Conduct for Commercial Leasing**

#### **COUNCILLOR BELL'S NOTICE OF MOTION**

That the Shire of Toodyay immediately adopt the National Code of Conduct for Commercial Leasing, which includes the requirement for the Shire of Toodyay, as a landlord, to offer its tenants proportionate reductions in rent payable in the form of waivers and deferrals of up to 100% of the amount ordinarily payable based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.

#### Questions and Points raised as follows:

- Can we have details as to the amounts involved and what sort of commercial rentals we receive?

*The Manager Planning and Development took the question on notice.*

*The Shire's Finance Manager entered Council Chambers at 4.52pm to provide a verbal overview of the leases. She was requested by the Presiding Member to provide under confidential cover, information in respect to current leases that are of a commercial nature.*

#### Information provided post meeting:

All details relating to lease revenue are in the FY19/20 Budget which is on the website.

- The end date is not stipulated. Can we have a cut-off date and then review it?

*The Manager Planning and Development took the question on notice.*

*Verbal advice was provided by the Executive Assistant in relation to the attachment to the Notice of Motion only being a code that would apply to businesses running the Job Network. The expectation was that Council would realise this was the case, and would not move the Notice of Motion but would instead, if warranted by a decision of Council, authorise the CEO to put together a code that the Shire of Toodyay could use for its very few commercial lessees.*

#### Information provided post meeting:

The end date would depend upon what Council will adopt. The Code that Council adopts would have an end date.

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**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**

Note: This section refers to Standing Orders 6.1 Questions on notice by Members.

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

**13.1 MEMBERS**

**13.2 EMPLOYEES**

**14. CONFIDENTIAL BUSINESS**

Nil

**15. NEXT MEETINGS**

Bush Fire Advisory Committee	5 May 2020
Local Emergency Management Committee	8 May 2020
Agenda Briefing	19 May 2020
Council Meeting	26 May 2020

**16. CLOSURE OF MEETING**

There being no further business, the Shire President, declared the meeting closed at 4.57pm.

## Shire of Toodyay

## List of Payments Presented to Council for Period 1 March 2020 to 31 March 2020

Pay/Type	Date	Name	Description	Amount
IPV663	04/03/2020	Bendigo Bank	Payroll PPE 03/03/2020	107,634.82
IPV664	18/03/2020	Bendigo Bank	Payroll PPE 17/03/2020	106,870.58
BPV4326	01/03/2020	Bendigo Bank	Bank Fee	10.00
BPV4327	01/03/2020	Bendigo Bank	Bank Fee	10.00
BPV4328	01/03/2020	Bendigo Bank	Bank Fee	5.45
BPV4329	01/03/2020	Bendigo Bank	Bank Fee - Bpay	356.23
BPB4330	02/03/2020	Bendigo Bank	Bank Fee	3.31
BPV4331	02/03/2020	Bendigo Bank	Bank Fee	0.08
BPV4332	02/03/2020	Westnet	Morangup Library Internet	339.95
BPV4333	03/03/2020	Commonwealth Bank	Bank Fee - Bpoint	87.49
BPV4334	03/03/2020	Commonwealth Bank	Bank Fees - Bpoint	56.90
BPV4335	03/03/2020	Commonwealth Bank	Bank Fee - Bpoint	203.48
BPV4336	04/03/2020	Bendigo Bank	Bank Fee	7.15
BPV4337	05/03/2020	Equigroup - Commonwealth Bank	IT Hardware & Software Lease	87.67
BPV4338	09/03/2020	Fuji Xerox	Printer Lease	470.34
BPV4339	09/03/2020	Equigroup - Commonwealth Bank	IT Hardware & Software Lease	151.15
BPV4340	11/03/2020	Equigroup - Commonwealth Bank	IT Hardware & Software Lease	2,635.05
BPV4341	12/03/2020	CNHI Capital	Iveco Truck Lease	3,207.70
BPV4342	14/03/2020	Bendigo Bank	Credit Card - CESM	129.34
			<i>Fortune French Hot Bread - Meal - Fire Incident Deployment #466757</i>	20.50
			<i>Shell Narrogin - Fuel - Fire Incident Deployment #466757</i>	104.84
			<i>Monthly Card Fee</i>	4.00
BPV4343	14/03/2020	Bendigo Bank	Credit Card - MCS	503.65
			<i>Amy's Lunch Bar - Meeting with Datacom</i>	16.50
			<i>Caltex Joondalup - Fuel T000</i>	70.22
			<i>Adobe Creative Subscription</i>	412.93
			<i>Monthly Card Fee</i>	4.00
BPV4344	14/03/2020	Bendigo Bank	Credit Card - MPD	794.00
			<i>LG Professionals - Project Management Essentials - MPD</i>	685.00
			<i>Shire of Toodyay - Occupancy Permit for Coondle /Nunile Fireshed</i>	105.00
			<i>Monthly Card Fee</i>	4.00
BPV4346	14/03/2020	Bendigo Bank	Credit Card - MWS	2,287.10
			<i>Zanthorrea PTY LTD- Midvale - Plants for V/C - N Hoff</i>	245.10
			<i>Burst SMS - Harvest Ban Service Credit - R Koch</i>	2,038.00
			<i>Monthly Card Fee</i>	4.00
BPV4347	14/03/2020	Bendigo Bank	Credit Card - MCD	549.02
			<i>Design Print Banner - Table Runner - Banner Buzz</i>	74.61
			<i>Royal Wolf Trading - Ol Goal</i>	228.26
			<i>St Johns Ambulance - First Aid Training - A Bell</i>	160.00
			<i>Museums Australia - Webinar - Social Media - M Eberle</i>	20.00
			<i>Dunnings Toodyay - Fuel - T00</i>	50.00
			<i>Wilson Parking - Library Meeting - A Bell</i>	12.15

## Shire of Toodyay

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Pay/Type	Date	Name	Description	Amount
			<i>Monthly Card Fee</i>	4.00
BPV4348	16/03/2020	Toyota Finance	BRPC Vehicle Lease	1,260.69
BPV4349	16/03/2020	Commonwealth Bank	Bank Fee	38.64
BPV4350	16/03/2020	Fuji Xerox	Photocopier Lease - Building And Planning	155.10
BPV4351	16/03/2020	Komatsu	Grader Lease	4,901.37
BPV4352	16/03/2020	Fuji Xerox	Photocopier Lease - Admin Printer	370.70
BPV4353	16/03/2020	Bendigo Bank	Bank Fee	0.90
BPV4354	16/03/2020	Bendigo Bank	Bank Fee	9.35
BPV4355	16/03/2020	Equigroup - Commonwealth Bank	IT Hardware & Software Lease	353.91
BPV4356	18/03/2020	Bendigo Bank	Bank Fee	7.15
BPV4357	23/03/2020	Equigroup - Commonwealth	IT Hardware & Software Lease	95.85
BPV4358	24/03/2020	Bendigo Bank	Bank Fee - Telegraphic Transfer	2.00
BPV 4359	24/03/2020	Bendigo Bank	Bank Fee	0.77
BPV4360	30/03/2020	Bendigo Bank	Bank Fee	0.11
BPV4361	31/03/2020	Bendigo Bank	Bank Fee	8.25
BPV4362	31/03/2020	Bendigo Bank	Bank Fee	0.30
12733	16/03/2020	Department Of Transport	Vehicle Registration	414.20
12734	16/03/2020	Shire Of Toodyay - Library Petty Cash	Liquid Nails & Screws - Bookshelves, Christmas Decorations, Book Purchases	95.05
12735	16/03/2020	Telstra Corporation Limited	Telephone Charges	2,979.51
12736	16/03/2020	Water Corporation	Water Rates & Usage - Standpipe Northam Toodyay Road	44,242.80
12737	16/03/2020	Synergy	Electricity Charges Street Lighting	4,663.61
12738	19/03/2020	Shire Of Toodyay	Traditional Owners Attendance at Dumbarton Avon River Crossing Meeting	1,600.00
12739	31/03/2020	Shire Of Toodyay - Depot Petty Cash	Tool For Fire Truck	69.85
12740	31/03/2020	Shire Of Toodyay	Book Purchases For Library	530.00
12741	31/03/2020	Telstra Corporation Limited	Telephone Charges & CCTV Project	170,442.24
12742	31/03/2020	Synergy	Electricity Charges	478.38
EFT27836	04/03/2020	Shire Of Toodyay Salaries & Wages	Payroll Deductions	1,563.00
EFT27837	16/03/2020	Construction Training Fund	CTF Levies - Feb 2020	101.75
EFT27838	16/03/2020	Department Mines, Industry Regulation & Safety	BS Levies - Feb 2020	684.80
EFT27839	16/03/2020	Des Cleasby	Refund Of Standpipe Access Card Bond	50.00
EFT27840	16/03/2020	Edmund Rice College	Bond Refund - Oval - Edmund Rice College	100.00
EFT27841	16/03/2020	Phoenix Contracting	Refund Of Standpipe Access Card Bond	250.00
EFT27842	16/03/2020	Victoria Hotel	Refund - BS Levy - 2019089 Application Cancelled	137.00
EFT27843	16/03/2020	Australia Post	Postage including Rates Instalment	1,993.32
EFT27844	16/03/2020	Avon Skip Bins	Empty Of Front Lift Bins	350.00
EFT27845	16/03/2020	Autopro Northam	2 X 205Lt Full Syn 5W 30 Oil, 4 packs of RivNuts	2,576.19
EFT27846	16/03/2020	Avon Waste	Waste Collection - Domestic & Commercial	13,760.08
EFT27847	16/03/2020	Australian Training Management Pty Ltd	Chainsaw Certificate Copies X 4	120.00
EFT27848	16/03/2020	Advanced Autologic	1 X 205Lt Green Total Coolant	475.00
EFT27849	16/03/2020	Atkinson Legal	Professional Charges - Sale Of Land - Rates	824.01
EFT27850	16/03/2020	AAA Headsets	Wireless Headset & Adapter	320.00
EFT27851	16/03/2020	Wildflora Factory P/L TA Australian Wildflower Seeds	VC Floor Stock	370.50

## Shire of Toodyay

## List of Payments Presented to Council for Period 1 March 2020 to 31 March 2020

Pay/Type	Date	Name	Description	Amount
EFT27852	16/03/2020	Ampac Debt Recovery	Debt Recovery Costs - Rates	3,608.00
EFT27853	16/03/2020	Broderick Waste Solutions Pty Ltd	Management Of Waste Transfer Station & Cartage of Waste to Northam	14,705.68
EFT27854	16/03/2020	John Butler	V/C Consignment Stock	15.46
EFT27855	16/03/2020	Northam Betta Home Living	Training Televisions - Coondle Nunile BFB & Morangup Co Location Centre	3,390.00
EFT27856	16/03/2020	Borrell Rafferty Associates Pty Ltd	Contract Admin Fees - February 2020	4,895.00
EFT27857	16/03/2020	Shaun Michael Buckley	Rates Refund	408.34
EFT27858	16/03/2020	Bitumen Surfacing	Provision To Supply & Install Materials - Julimar Road Seal Works	16,596.67
EFT27859	16/03/2020	Child Support Agency	Payroll Deductions	443.51
EFT27860	16/03/2020	Corsign (WA) Pty Ltd	Road Traffic Signs and Directional Signage	3,060.20
EFT27861	16/03/2020	Countrywide Windscreens	Rear Window For Loader	275.00
EFT27862	16/03/2020	Centre For Pavement Engineering Education	Stabilisation Fundamentals & Rural Road Surfacing Training - MWS & ETO	3,540.00
EFT27863	16/03/2020	Leah Carvell	V/C Consignment Stock	12.00
EFT27864	16/03/2020	Cundall Johnston & Partners Pty Ltd	Consultants Sport & Rec Precinct Construction	1,386.00
EFT27865	16/03/2020	Cameron Chisholm Nicol (WA) Pty Ltd	Architectural Services - Recreation Precinct	7,150.00
EFT27866	16/03/2020	Capture The Light Photographic Tours	V/C Consignment Stock	15.40
EFT27867	16/03/2020	Landgate	GRV Interim Valuations	435.88
EFT27868	16/03/2020	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SAAS Fee	3,300.00
EFT27869	16/03/2020	AK Evans Earthmoving	Dry Hire Of Water Cart - Road Projects	1,980.00
EFT27870	16/03/2020	Ezi-Fix Welding & Handyman Services	Rehang Doors & Fix Locks To Street Bins	1,020.00
EFT27871	16/03/2020	Esselmont Olives	V/C Floor Stock	18.84
EFT27872	16/03/2020	Easifleet	Payroll Deductions	1,646.28
EFT27873	16/03/2020	Enviro Infrastructure Pty Ltd	Repairs To Bridge 4084 - Dumbarton Bridge	119,773.24
EFT27874	16/03/2020	Fuji Xerox Australia Pty Ltd	Photocopier Readings - Administration	1,041.38
EFT27875	16/03/2020	Department Of Fire & Emergency Services	ESL Levies - 3rd Quarter 2019/2020	79,926.89
EFT27876	16/03/2020	Forth Consulting Pty Ltd	Engineering Consultancy - Rec Centre	1,650.00
EFT27877	16/03/2020	Great Southern Fuel Supplies	Fuel - Distillate & Unleaded	37,244.27
EFT27878	16/03/2020	Govt Of Western Australia - Dept Of Transport	Disclosure Of Information Fees	13.60
EFT27879	16/03/2020	Toodyay Hardware & Farm	120 X Rapid Set 20Kg, Small tools, Reticulation parts, Paint supplies, Gates and fittings, Mulch, Plumbing supplies, Parrot Mix	1,402.53
EFT27880	16/03/2020	Hays Specialist Recruitment (Aust) Pty Ltd	Temporary Consultant - Datascape Migration	2,161.87
EFT27881	16/03/2020	ITR Pacific	Grader Blades X 20	6,158.02
EFT27882	16/03/2020	Jason Signmakers	10 X Multi Message Board Frames	271.26
EFT27883	16/03/2020	Barry Graham Keens	VC Floor Stock	29.00
EFT27884	16/03/2020	Little Farm - Toodyay	Non Compliant Firebreak & Property Maintenance - 183 (Lot S43) Nottingham Road	1,066.00
EFT27885	16/03/2020	Marketforce	Advertising - CEO Recruitment Tender	3,276.31
EFT27886	16/03/2020	Major Motors P/L	Parts - Toodyay 12.2 Fire Truck	84.07
EFT27887	16/03/2020	Mountain Park On Avon	V/C Consignment Stock	72.50
EFT27888	16/03/2020	Morris Pest & Weed Control Pty Ltd	Termite Inspection on 10 Bridges in Shire	3,652.00
EFT27889	16/03/2020	Applied Industrial Technologies Pty Ltd	Rubber Mounts	80.98
EFT27890	16/03/2020	Newground Water Services	Trace & Locate Reticulation Valves At Toodyay Oval, Mark For GPS Mapping And Fix Valve At Station 8	2,178.00

## Shire of Toodyay

## List of Payments Presented to Council for Period 1 March 2020 to 31 March 2020

Pay/Type	Date	Name	Description	Amount
EFT27891	16/03/2020	Oil & Energy Pty Ltd	Active Diamond Foam 25Lt	223.00
EFT27892	16/03/2020	Officeworks	Freight Charges On Delivery Of Chairs	5.95
EFT27893	16/03/2020	Primaries	Spray Seed - Verge Spraying	453.64
EFT27894	16/03/2020	Professional PC Support Pty Ltd	IT Support	1,185.25
EFT27895	16/03/2020	Phoenix Contracting	Refund Of Credit Balance Of Water Usage Charges	611.37
EFT27896	16/03/2020	Professional Lockservice	Keys Cut For Community Depot & Freight	106.70
EFT27897	16/03/2020	Prompt Settlements	Rates Refund - Sale of Property	883.02
EFT27898	16/03/2020	Quilts By Robyn	V/C Consignment Stock	70.00
EFT27899	16/03/2020	Quality Publishing Australia	VC Floor Stock	235.95
EFT27900	16/03/2020	Southern Cross Austereo Pty Ltd	Advertising - Around The Towns Radios Spot	88.00
EFT27901	16/03/2020	Misty Rogers	V/C Consignment Stock	19.69
EFT27902	16/03/2020	RV Technology	Configure New Avaya Switch After Lightning Strike	907.50
EFT27903	16/03/2020	Reinforced Concrete Pipes Aust (WA) Pty Ltd	Concrete Pipes for Bridge and Road Maintenance	5,764.00
EFT27904	16/03/2020	Stewart & Heaton Clothing Co P/L	Bush Fire Brigade PPE	356.20
EFT27905	16/03/2020	Shawmac Pty Ltd	Construction Phase Progress Claim #4 - Rec Precinct	2,860.00
EFT27906	16/03/2020	Shire Of Beverley	Furniture - Perth Caravan & Camping Show - 1/5 Share	253.81
EFT27907	16/03/2020	Sundowner Souvenirs & Promotions Pty Ltd	VC Floor Stock	490.60
EFT27908	16/03/2020	EAG Electrical Airconditioning & Gas	Install New Air conditioner In Nurse's Room - Community Centre	2,068.00
EFT27909	16/03/2020	Tanya Stuart	V/C Consignment Stock	53.88
EFT27910	16/03/2020	Toodyay Traders	Plumbing Supplies	156.85
EFT27911	16/03/2020	Tammar Publications	V/C Floor Stock	21.82
EFT27912	16/03/2020	Toodyay IGA	Staff Amenities - February 2020	760.14
			<i>Admin - Milk, Coffee, Sugar, Tea, Water Bottles, Newspapers, Fruit</i>	292.59
			<i>VC - Milk, Cleaning Products</i>	11.85
			<i>Depot - Milk, Coffee, Water Bottles, Sugar, Tea, Cleaning Products</i>	157.12
			<i>Library - Newspapers, Milk, Coffee</i>	147.06
			<i>VC - Sundowner Refreshments</i>	27.18
			<i>Connors Mill 150th - Refreshments</i>	124.34
EFT27913	16/03/2020	Toodyay Historical Society	V/C Consignment Stock	15.00
EFT27914	16/03/2020	Toodyay Pumps	Tank Fill System Toodyay 12.2 Investigation	290.00
EFT27915	16/03/2020	Tenderlink	Tender - CEO Recruitment	190.30
EFT27916	16/03/2020	Deborah Termann	V/C Consignment Stock	16.00
EFT27917	16/03/2020	Toodyay Tyre & Exhaust	Tyre - Fitted, Balanced & Valve, Wheel Alignment	411.00
EFT27918	16/03/2020	Toodyay Garden & Outdoor Centre	8 X Plants For Citizenship Ceremonies	24.00
EFT27919	16/03/2020	The Artists Nook	Toodyay Community Program Workshop	100.00
EFT27920	16/03/2020	Toll	Freight	15.79
EFT27921	16/03/2020	Vernice P/L	Hire Of Water Cart - Lovers Lane	5,302.00
EFT27922	16/03/2020	Victoria Hotel	Refund Of Building Approval Certificate Fee - Application 2019089 Cancelled	295.00
EFT27923	16/03/2020	Wurth Australia P/L	Tools for Depot	1,086.10
EFT27924	16/03/2020	Wilmot Harvey Pty Ltd	VC Floor Stock	161.70
EFT27925	16/03/2020	Wright Express Aust Pty Ltd	SES Fuel Card Admin Fee	20.64

## Shire of Toodyay

## List of Payments Presented to Council for Period 1 March 2020 to 31 March 2020

Pay/Type	Date	Name	Description	Amount
EFT27926	16/03/2020	West Wide Auto Electrics	Electrical Repairs to - CESM Vehicle, Bejoording 1.4, Julimar 1.4	2,474.18
EFT27927	16/03/2020	Wacwil Landscaping & Earthworks Pty Ltd	Reinstate Concrete Path To Match Existing - Drummond Street	1,485.00
EFT27928	18/03/2020	Shire Of Toodyay Salaries & Wages	Payroll Deductions	1,563.00
EFT27929	20/03/2020	ADCO Constructions Pty Ltd	Progress Claim #7 - Toodyay Sport & Rec Precinct	1,853,178.46
EFT27930	20/03/2020	Clinton Long Project Management	Progress Claim #5 - Old Newcastle Gaol Roof Restoration	106,316.43
EFT27931	20/03/2020	Fire Mitigation Services Pty Ltd	BRMP Treatments - Works Completed 4870 & 4871 - Drummond St & Boyagerring Brook, Various treatments in Morangup	152,460.00
EFT27932	20/03/2020	Hays Specialist Recruitment (Aust) Pty Ltd	Temporary Consultant - Datascape Migration	2,858.68
EFT27933	20/03/2020	Multicon Commercial Constructions	Progress Claim - Morangup Co Location Centre	149,923.29
EFT27934	20/03/2020	Sunny Sign Company P/L	PVC Guide Posts, Signposts, Caps & Brackets	9,846.97
EFT27935	24/03/2020	Stephen Carrick Architects Pty Ltd	Contract Administration Fee - Old Gaol Roof Restoration	3,382.50
EFT27936	27/03/2020	Michael Newton Sheahan	Reimburse Cost Of National Criminal Check	55.85
EFT27937	31/03/2020	Department Mines, Industry Regulation & Safety	BS Levies - January 2020	1,632.86
EFT27938	31/03/2020	Ben Den Boer	Refund Standpipe Access Card Bond	250.00
EFT27939	31/03/2020	Autopro Northam	UHF Radios - Shire Vehicles	614.89
EFT27940	31/03/2020	Arm Security	Alarm Monitoring - Visitor Centre & Connors Mill	192.34
EFT27941	31/03/2020	Aquarius Freight	1 Load Of Water To Morangup Fire Station	280.00
EFT27942	31/03/2020	Avon Waste	Waste Collection - Domestic & Commercial	13,702.92
EFT27943	31/03/2020	The Avon Sanctuary	Refund Of Event Application Fee - Healing Festival - Cancelled Due To COVID 19	150.00
EFT27944	31/03/2020	Andrew Carr Welding & Carpentry	Maintenance Of Bilya Walk Trail Infrastructure	175.00
EFT27945	31/03/2020	Avon Valley Civil Engineering	Risk Assessment - Old Telegraph Lines On Telegraph Road, Consultation on Structural refurbishment of Racecourse & inspection of pound improvements	2,145.00
EFT27946	31/03/2020	Broderick Waste Solutions Pty Ltd	Management Of Waste Transfer Station	5,500.00
EFT27947	31/03/2020	Bree & Kitt Byfield	Reimburse Costs Of Books, Craft Products & Advertising - Toodyay Early Learning Years Network - Paint The Town REaD Project	310.00
EFT27948	31/03/2020	Benjamin Bell	Monthly Members Attendance Allowance & Telephone allowance	1,122.94
EFT27949	31/03/2020	Beilby Downing Teal Pty Ltd	CEO Recruitment Consultant	9,625.00
EFT27950	31/03/2020	Glynne Bartlett	VC Floor Stock	50.00
EFT27951	31/03/2020	Neill Stuart Beattie	Rates Refund	673.95
EFT27952	31/03/2020	Bitumen Surfacing	Provision To Supply & Install Materials - Julimar Road , Harvester Road & Folewood Road	215,764.16
EFT27953	31/03/2020	North Metropolitan Tafe	Enrolment - Library Studies - C Skinner	752.70
EFT27954	31/03/2020	Child Support Agency	Payroll Deductions	443.51
EFT27955	31/03/2020	Therese Chitty	Monthly Members Attendance Allowance & Telephone allowance	1,122.94
EFT27956	31/03/2020	The Cola Cafe	Refreshments	334.40
			<i>Council Meeting 17/03/2020</i>	240.00
			<i>Memory Café 10/03/2020</i>	64.40
EFT27957	31/03/2020	Bruce Cleasby	Water Cartage To Temporary Tanks At Sport & Rec Precinct - Concrete curing	3,000.00
EFT27958	31/03/2020	Cundall Johnston & Partners Pty Ltd	Construction Administration March 2020 - Consultants Sport & Rec Precinct	693.00
EFT27959	31/03/2020	Charles Service Company	Contract Cleaning - Feb/Mar 2020	12,670.79
EFT27960	31/03/2020	Francisco De Jesus	Rates Refund	366.90

## Shire of Toodyay

## List of Payments Presented to Council for Period 1 March 2020 to 31 March 2020

Pay/Type	Date	Name	Description	Amount
EFT27961	31/03/2020	Expressions Australia	VC Floor Stock	460.00
EFT27962	31/03/2020	Easifleet	Payroll Deductions	1,646.28
EFT27963	31/03/2020	Frames West	Manufacture Of Genset Cover	489.50
EFT27964	31/03/2020	Fire Mitigation Services Pty Ltd	BRMP Treatments - Morangup Grouped Housing , Mulching And Fire Break - various sites	163,256.50
EFT27965	31/03/2020	Flash Fire Australia Pty Ltd	3 X Fire Flappers	117.00
EFT27966	31/03/2020	SF Fitzgerald Plumbing & Gas	Repairs To Ladies Toilets At Community Centre, Meter - Memorial Hall, Pipework - VC	2,412.25
EFT27967	31/03/2020	Shire Of Goomalling	Avon Valley Brochure - 10,000 Copies - 1/5 Share	258.50
EFT27968	31/03/2020	Paula Greenway	Monthly Members Attendance Allowance & Telephone allowance	1,122.94
EFT27969	31/03/2020	Toodyay Hardware & Farm	3 X Mulch	46.50
EFT27970	31/03/2020	G Horsfield	Window Cleaning - Medical Centre, Memorial Hall & Showgrounds	450.00
EFT27971	31/03/2020	Hays Specialist Recruitment (Aust) Pty Ltd	Temporary Consultant - Datascape Migration - WE 22 March 2020	2,779.50
EFT27972	31/03/2020	H & G Engineering	Repair Shaft On Steering Box	275.00
EFT27973	31/03/2020	Philip David Hart	Monthly Members Attendance Allowance & Telephone allowance	1,122.94
EFT27974	31/03/2020	Jacaru Australia Pty Ltd	VV Floor Stock	551.30
EFT27975	31/03/2020	Komatsu Australia Pty Ltd	Guides & Rods - Grader	1,189.27
EFT27976	31/03/2020	Ladelle Pty Ltd	VC Floor Stock	1,329.75
EFT27977	31/03/2020	John Lucas	Hire Of Bus For Road Inspection Trip - Feb 2020	209.00
EFT27978	31/03/2020	Rosemary Madacsi	Monthly Members Attendance, Deputy Allowance & Telephone allowance	1,584.90
EFT27979	31/03/2020	Bill Manning	Monthly Members Attendance, Presidents Allowance & Telephone allowance	3,214.95
EFT27980	31/03/2020	Murray Views Pty Ltd	VC Floor Stock	1,170.19
EFT27981	31/03/2020	Major Motors P/L	Parts - Central 1.4 Fire Truck	39.96
EFT27982	31/03/2020	Multicon Commercial Constructions	Variation Claim #9 - Supply & Install 150 Stormwater Line, Supply & Install 6M Of Galvanised Grates - Morangup Co Location Centre	9,702.00
EFT27983	31/03/2020	Minuteman Press - Midland	500 Newsletters - March 2020	985.60
EFT27984	31/03/2020	North Star Security Nominees P/L	Alarm Monitoring - Administration Building	145.20
EFT27985	31/03/2020	NSW Dept Of Planning, Industry & Environment	Reserves Management - Pest Control (Rabbit)	847.00
EFT27986	31/03/2020	Northam Towing Services	Tow - Ranger (T0002) Vehicle From Parkerville To Northam	550.00
EFT27987	31/03/2020	Officeworks	Stationery - Admin	74.08
EFT27988	31/03/2020	Susan Pearce	Monthly Members Attendance Allowance & Telephone allowance	1,122.94
EFT27989	31/03/2020	Professional PC Support Pty Ltd	ICT Support	3,603.93
EFT27990	31/03/2020	Pacer Legal Pty Ltd	Bushfire Prosecution Matter	3,990.80
EFT27991	31/03/2020	Public Transport Authority	TransWA Ticket Sales	63.12
EFT27992	31/03/2020	WA Rangers Association	WA Rangers Assoc - Annual Membership Renewals X 2	100.00
EFT27993	31/03/2020	Beth Ruthven	Monthly Members Attendance Allowance & Telephone allowance	1,122.94
EFT27994	31/03/2020	Brian Rayner	Monthly Members Attendance Allowance & Telephone allowance	1,122.94
EFT27995	31/03/2020	Rylan Concrete	Provision For Installation Of Kerbing - Lovers Lane (Approx. 360M)	10,873.17
EFT27996	31/03/2020	Stephen Carrick Architects Pty Ltd	Contract Administration Fee & Dec, Jan & Feb Visits	3,382.50
EFT27997	31/03/2020	Snap West Perth	6000 X Window Face DL Envelopes & 3000 Plain Face DL Envelopes	1,465.09



## Shire of Toodyay

## List of Payments Presented to Council for Period 1 March 2020 to 31 March 2020

Pay/Type	Date	Name	Description	Amount
EFT27998	31/03/2020	Toodyay Express	Freight - Books Delivered To State Library	110.00
EFT27999	31/03/2020	Toodyay Traders	Hardware	3.30
EFT28000	31/03/2020	Toodyay Herald	Public Notice - LPP Extractive Industries - February Edition	327.50
EFT28001	31/03/2020	Shire Of Northam	Disposal Of Waste - January 2020	10,943.85
EFT28002	31/03/2020	Toodyay Pumps	Replace Internal Fill Pipes - Toodyay 12.2	1,600.00
EFT28003	31/03/2020	Tanks For Hire	Hire Of Water Tanks- Sport & Rec Project	3,030.50
EFT28004	31/03/2020	Thomson Gunsmithing & Precision Rifles	Cutting & Threading Of Barrel, Fitting Scope	265.00
EFT28005	31/03/2020	Taqwa Holdings Pty Ltd	Rates Refund	450.11
EFT28006	31/03/2020	Tennant Australia Pty Ltd	Head Light - Sweeper	286.51
EFT28007	31/03/2020	Total Green Recycling	E Waste Recycling	847.44
EFT28008	31/03/2020	Toll	Freight	64.30
EFT28009	31/03/2020	Vanguard Press	1 X Middle Jewel Pull Up Banner	511.50
EFT28010	31/03/2020	Waterman Irrigation	Northam Toodyay Road Standpipe Swipe Cards X 50	880.00
EFT28011	31/03/2020	Wajon Publishing Company	VC Floor Stock	413.50
EFT28012	31/03/2020	Wheatbelt Office & Business Machines	Photocopier Print Readings - VC & Depot	798.15
EFT28013	31/03/2020	Wheatbelt Safetywear	Safety Boots	180.00
DD23849.1	03/03/2020	JAC Retirement Fund	Payroll Deductions	975.33
DD23849.2	03/03/2020	IOOF Pursuit Select Personal Superannuation	Superannuation Contributions	209.60
DD23849.3	03/03/2020	WA Super	Superannuation Contributions	13,546.37
DD23849.4	03/03/2020	Hostplus Super	Superannuation Contributions	1,821.49
DD23849.5	03/03/2020	Australian Super	Superannuation Contributions	1,968.27
DD23849.6	03/03/2020	Bendigo Superannuation Plan	Superannuation Contributions	133.27
DD23849.7	03/03/2020	National Mutual Retirement Fund	Superannuation Contributions	335.48
DD23849.8	03/03/2020	MLC Superfund	Superannuation Contributions	411.23
DD23849.9	03/03/2020	Local Government Superannuation Scheme - Pool A	Superannuation Contributions	856.17
DD23868.1	17/03/2020	JAC Retirement Fund	Payroll Deductions	975.33
DD23868.2	17/03/2020	IOOF Pursuit Select Personal Superannuation	Superannuation Contributions	209.60
DD23868.3	17/03/2020	WA Super	Superannuation Contributions	13,388.91
DD23868.4	17/03/2020	Hostplus Super	Superannuation Contributions	1,822.22
DD23868.5	17/03/2020	Australian Super	Superannuation Contributions	1,985.63
DD23868.6	17/03/2020	Bendigo Superannuation Plan	Superannuation Contributions	136.16
DD23868.7	17/03/2020	National Mutual Retirement Fund	Superannuation Contributions	335.48
DD23868.8	17/03/2020	MLC Superfund	Superannuation Contributions	410.00
DD23868.9	17/03/2020	Local Government Superannuation Scheme - Pool A	Superannuation Contributions	1,078.74
DD23894.1	31/03/2020	JAC Retirement Fund	Payroll Deductions	975.33
DD23894.2	31/03/2020	IOOF Pursuit Select Personal Superannuation	Superannuation Contributions	209.60
DD23894.3	31/03/2020	WA Super	Superannuation Contributions	14,020.79
DD23894.4	31/03/2020	Hostplus Super	Superannuation Contributions	1,769.47
DD23894.5	31/03/2020	Australian Super	Superannuation Contributions	1,976.18
DD23894.6	31/03/2020	Bendigo Superannuation Plan	Superannuation Contributions	136.65
DD23894.7	31/03/2020	National Mutual Retirement Fund	Superannuation Contributions	1,032.93

Shire of Toodyay

List of Payments Presented to Council for Period 1 March 2020 to 31 March 2020

Pay/Type	Date	Name	Description	Amount
DD23894.8	31/03/2020	MLC Superfund	Superannuation Contributions	410.00
DD23894.9	31/03/2020	Local Government Superannuation Scheme - Pool A	Superannuation Contributions	1,078.74
DD23849.10	03/03/2020	Rest Superannuation	Superannuation Contributions	111.33
DD23868.10	17/03/2020	Rest Superannuation	Superannuation Contributions	69.77
DD23894.10	31/03/2020	Rest Superannuation	Superannuation Contributions	184.06
DD23900.1	27/03/2020	Western Australian Treasury Corporation	Loan No. 70 - Footbridge Refurbishment	4113.84
			<b>Total Payments</b>	<b>5,327.65</b>
				<b>3,701,678.75</b>

IPV/BPV	233,605.55
Trust Chqs	0.00
EFT	3,175,869.59
DD Super	62,574.13
DD Loans	4,113.84
Muni Chqs	225,515.64
<b>TOTAL</b>	<b>3,701,678.75</b>

**SHIRE OF TOODYAY**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ended 31 March 2020**  
**LOCAL GOVERNMENT ACT 1995**  
**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

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**SHIRE OF TOODYAY**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(By Nature or Type)**  
**For the Period Ended 31 March 2020**

	Note	2019/2020 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>		\$	\$	\$	\$	%	
Rates	9	6,542,879	6,542,879	6,434,672	(108,207)	(1.65%)	
Operating Grants, Subsidies and Contributions	11	1,868,814	1,362,093	2,959,523	1,597,430	117.28%	
Fees and Charges		1,375,780	1,228,271	1,200,782	(27,489)	(2.24%)	
Interest Earnings		135,000	104,991	105,721	730	0.70%	
Other Revenue		20,000	20,000	19,673	(328)	(1.64%)	
Profit on Disposal of Assets	8	63,866	32,726	0	(32,726)		
<b>Total Operating Revenue</b>		<b>10,006,339</b>	<b>9,290,960</b>	<b>10,720,372</b>	<b>1,429,412</b>		
<b>Operating Expense</b>							
Employee Costs		(4,617,011)	(3,407,684)	(3,193,676)	214,008	6.28%	
Materials and Contracts		(3,943,169)	(3,104,195)	(2,458,987)	645,208	20.79%	▲
Utility Charges		(314,801)	(237,186)	(246,927)	(9,741)	(4.11%)	
Depreciation on Non-Current Assets		(4,428,700)	(3,321,468)	(3,235,100)	86,368	2.60%	
Interest Expenses		(182,007)	(64,920)	(59,398)	5,522	8.51%	
Insurance Expenses		(252,063)	(239,386)	(273,064)	(33,678)	(14.07%)	▼
Other Expenditure		(130,500)	(109,729)	(96,969)	12,760	11.63%	▲
Loss on Disposal of Assets	8	(35,250)	(26,430)	0	26,430		
<b>Total Operating Expenditure</b>		<b>(13,903,501)</b>	<b>(10,510,998)</b>	<b>(9,564,120)</b>	<b>946,878</b>		
		<b>(3,897,162)</b>	<b>(1,220,038)</b>	<b>1,156,252</b>			
<b>Funding Balance Adjustments</b>							
Add back Depreciation		4,428,700	3,321,468	3,235,100	(86,368)	(2.60%)	
Adjust (Profit)/Loss on Asset Disposal		(28,616)	(32,726)	0	32,726	(100.00%)	
Adjust Provisions and Accruals		0	0	3,107	3,107		
<b>Net Cash from Operations</b>		<b>502,922</b>	<b>2,068,704</b>	<b>4,394,459</b>	<b>2,325,755</b>		
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	9,599,080	7,430,109	2,973,750	(4,456,359)	(59.98%)	▼
Proceeds from Disposal of Assets		108,000	81,000	7,727	(73,273)	(90.46%)	▼
<b>Total Capital Revenues</b>		<b>9,707,080</b>	<b>7,511,109</b>	<b>2,981,477</b>	<b>(4,529,632)</b>		
<b>Capital Expenses</b>							
Land and Buildings	13	(6,400,406)	(4,792,806)	(1,251,744)	3,541,062	73.88%	▲
Infrastructure - Roads	13	(2,383,285)	(1,787,517)	(1,187,307)	600,210	33.58%	▲
Infrastructure - Parks & Recreation	13	(9,066,049)	(6,777,036)	(6,362,193)	414,843	6.12%	
Infrastructure - Bridges	13	(374,733)	(281,043)	(268,984)	12,059	4.29%	
Infrastructure - Other	13	(190,000)	(179,997)	(172,825)	7,172	3.98%	
Plant and Equipment	13	(787,945)	(713,172)	(574,918)	138,254	19.39%	▲
<b>Total Capital Expenditure</b>		<b>(19,202,418)</b>	<b>(14,531,571)</b>	<b>(9,817,971)</b>	<b>4,713,600</b>		
<b>Net Cash from Capital Activities</b>		<b>(9,495,338)</b>	<b>(7,020,462)</b>	<b>(6,836,493)</b>	<b>183,969</b>		
<b>Financing</b>							
Proceeds from New Debentures		4,500,000	4,500,000	2,500,000	(2,000,000)	(44.44%)	
Transfer from Reserves	7	2,714,640	2,342,438	1,702,552	(639,886)	(27.32%)	
Repayment of Debentures	10	(308,317)	(168,616)	(143,318)	25,298	15.00%	▲
Transfer to Reserves	7	(218,350)	(126,213)	(44,950)	81,263	64.39%	▲
<b>Net Cash from Financing Activities</b>		<b>6,687,973</b>	<b>6,547,609</b>	<b>4,014,284</b>	<b>(2,533,325)</b>		
<b>Net Operations, Capital and Financing</b>		<b>(2,304,443)</b>	<b>1,595,851</b>	<b>1,572,249</b>	<b>(23,602)</b>		
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,319,310</b>	<b>2,319,310</b>	<b>2,157,969</b>		<b>(6.96%)</b>	
<b>Closing Funding Surplus(Deficit)</b>	3	<b>14,867</b>	<b>3,915,161</b>	<b>3,730,218</b>	<b>(23,602)</b>		▲

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

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

**Shire of Toodyay**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2020**

**Note 2: EXPLANATION OF MATERIAL VARIANCES**

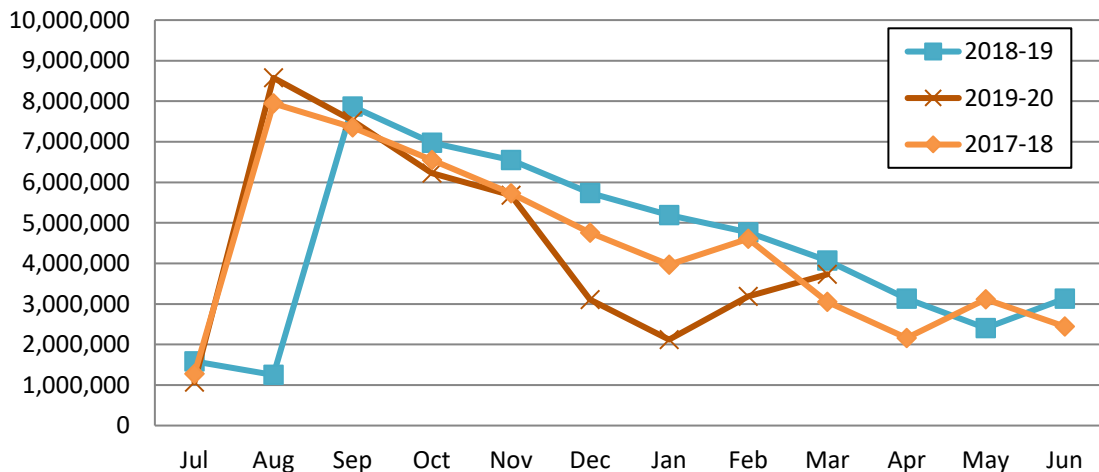
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	8,905	13.17%	▲	Timing	Administration income higher than budgeted to date
General Purpose Funding - Rates	(108,207)	(1.65%)			
General Purpose Funding - Other	(3,977)	(0.57%)			
Law, Order and Public Safety	685,163	132.10%	▲	Timing	Fire Mitigation Grant and other Grant funding higher than budgeted to date
Health	(8,009)	(13.27%)	▼	Timing	Health Service Recoup and Employee expense less than budgeted to date
Housing	(36)	0.00%			
Community Amenities	(1,081)	(0.15%)			
Recreation and Culture	830,095	727.22%	▲	Timing	Grant income received
Transport	62,988	32.29%	▲	Timing	Road funding received
Economic Services	(27,990)	(10.97%)	▼	Timing	Profit on Sale of Assets yet to occur
Other Property and Services	(8,440)	(7.62%)			
<b>Operating Expense</b>					
Governance	73,260	10.40%	▲	Timing	Admin Allocations, Legal Expense and Member Fees less than budgeted to date
General Purpose Funding	12,357	4.80%			
Law, Order and Public Safety	412,609	22.23%	▲	Timing	Expense for Fire Mitigation Works - Offset by DFES Fire Mitigation Grant
Health	37,500	15.25%	▲	Timing	Employee expense, Legal and Health Control expense less than budgeted to date
Education & Welfare	4,107	8.07%			
Housing	2,497	9.10%			
Community Amenities	76,031	7.96%			
Recreation and Culture	52,940	4.34%			
Transport	240,364	6.05%			
Economic Services	74,395	7.50%			
Other Property and Services	(39,178)	(16.95%)	▼	Timing	PWOH Less than budgeted to date
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	(4,456,359)	(59.98%)	▼	Timing	Grant Income yet to be received
Proceeds from Disposal of Assets	(73,273)	(90.46%)	▼	Timing	Sale of assets yet to occur
<b>Capital Expenses</b>					
Land and Buildings	3,541,062	73.88%	▲	Timing	Projects yet to be completed
Infrastructure - Roads	600,210	33.58%	▲	Timing	Projects yet to be completed
Infrastructure - Parks & Recreation	414,843	6.12%			
Infrastructure - Bridges	12,059	4.29%			
Infrastructure - Other	7,172	3.98%			
Plant and Equipment	138,254	19.39%	▲	Timing	Plant purchases yet to occur
<b>Financing</b>					
Loan Principal	25,298	15.00%	▲	Timing	Loan repayments yet to be made

**Shire of Toodyay**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2020**

**Note 3: NET CURRENT FUNDING POSITION**

				Positive=Surplus (Negative=Deficit)		
				YTD 31 Mar 2020	30th June 2019	YTD 01 Apr 2019
				\$	\$	\$
<b>Current Assets</b>						
	Cash Unrestricted	4	1,510,826	2,291,507	2,599,620	
	Cash Restricted	4	2,100,991	3,759,393	3,619,626	
	Receivables - Rates	6	2,548,991	940,360	934,699	
	Receivables -Other	6	349,902	65,669	60,606	
	Interest / ATO Receivable/Trust					
	Inventories		113,835	73,576	73,779	
			<b>6,624,545</b>	<b>7,130,506</b>	<b>7,288,331</b>	
<b>Less: Current Liabilities</b>						
	Payables		(443,628)	(958,642)	(208,579)	
	Provisions		(695,294)	(696,799)	(669,534)	
			<b>(1,138,922)</b>	<b>(1,655,442)</b>	<b>(878,113)</b>	
	Less: Cash Reserves	7	(2,100,991)	(3,759,393)	(3,619,626)	
	Adjustment for Current Borrowings		95,531	238,849	90,340	
	Adjustment for Cash Backed Liabilities		250,056	246,949	246,024	
	<b>Net Current Funding Position</b>		<b>3,730,219</b>	<b>2,201,469</b>	<b>3,126,955</b>	

**Note 3 - Liquidity Over the Year**



**Comments - Net Current Funding Position**

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

**Note 4: CASH AND INVESTMENTS**

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>								
Municipal		1,260,720				1,260,720	Bendigo Bank	At Call
Trust				203,496		203,496	Bendigo Bank	At Call
<b>(b) Term Deposits</b>								
Municipal NCD: 3316107	0.51%	418,166				418,166	Bendigo Bank	23.04.20
Municipal NCD: 3306845	0.75%		2,100,991			2,100,991	Bendigo Bank	14.04.20
Trust - T83	1.55%			139,208		139,208	Bendigo Bank	19.07.20
Trust - T84	1.55%			217,164		217,164	Bendigo Bank	19.07.20
Trust - T794	1.00%			108,466		108,466	Bendigo Bank	27.09.20
Trust - T100	1.45%			139,828		139,828	Bendigo Bank	26.04.20
Trust - T4	1.45%			123,514		123,514	Bendigo Bank	26.04.20
Trust - T114	1.45%			205,787		205,787	Bendigo Bank	26.04.20
Trust - T214	1.45%			48,851		48,851	Bendigo Bank	26.04.20
Trust -T458	1.45%			446,164		446,164	Bendigo Bank	26.04.20
Trust - T793	1.45%			23,660		23,660	Bendigo Bank	26.04.20
Trust - T797	1.45%			32,471		32,471	Bendigo Bank	26.04.20
Trust - T805	1.30%			24,187		24,187	Bendigo Bank	14.10.20
Trust - T809	1.55%			122,182		122,182	Bendigo Bank	18.04.20
<b>Total</b>		<b>1,678,887</b>	<b>2,100,991</b>	<b>1,834,978</b>		<b>5,614,856</b>		

**Comments/Notes - Investments**

The above totals reflect the actual balance of the bank statements held at the Bank at month end. These balances will not include items such as unrepresented cheques and payments, and monies received by the Shire on the last day of the month.

Trust monies held by the Shire of Toodyay are not reflected in Note 3: Net Current Funding Position.

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

**Note 6: RECEIVABLES**

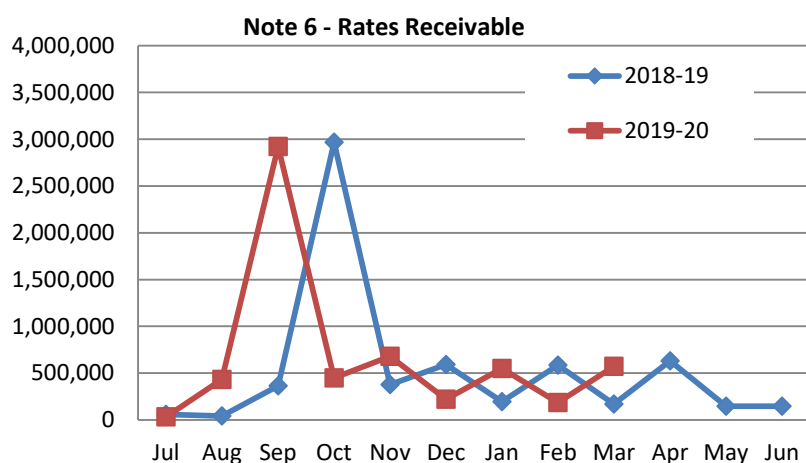
**Receivables - Rates Receivable**

Opening Arrears Previous Years  
Levied this year  
Less Collections to date  
Equals Current Outstanding

**Net Rates Collectable**

% Collected

	YTD 31 Mar 2020	30 June 2019
	\$	\$
Opening Arrears Previous Years	681,435	567,647
Levied this year	6,557,359	6,231,002
Less Collections to date	(6,042,553)	(6,117,214)
Equals Current Outstanding	<b>1,196,241</b>	<b>681,435</b>
<b>Net Rates Collectable</b>	<b>1,196,241</b>	<b>681,435</b>
% Collected	83.47%	89.98%



**Comments/Notes - Receivables Rates**

**Comments/Notes - Receivables Rates and Rubbish**

**Current**

Legal Action	111,437
Pensioners	224,102
No Action Required	1,223
Payment Arrangement	382,891
Employee Direct Debit	2,296
Instalment Option	184,179
Properties in Recivership	25,631
Sale of Land LG Act S6.64	95,305
Properties in Credit	(111,698)

**Total Current** **915,366**

**Non- Current**

Deferred Pensioners	249,644
( not collectable till Pensioner property is sold)	
<b>Total</b>	<b>1,165,010</b>

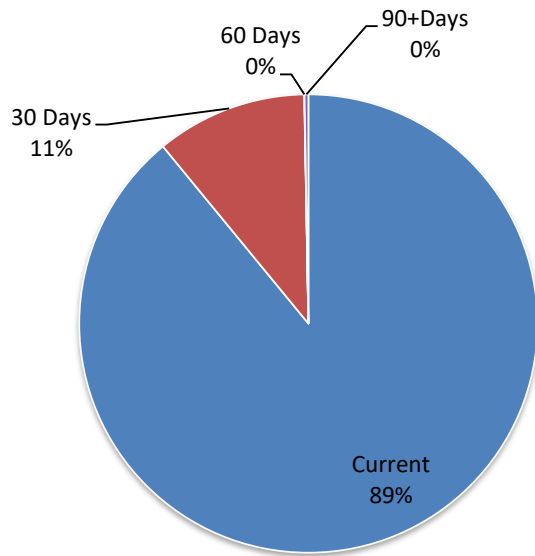


**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2020**

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	1,486,523	177,917	292	4,495
<b>Total Receivables General Outstanding</b>				<b><u>1,669,227</u></b>

Amounts shown above include GST (where applicable)

**Note 6 - Accounts Receivable (non-rates)**



**Comments/Notes - Receivables General**

This note reflects Sundry Debtors only. It does not include other debtors such as GST due from the ATO & Pensioner Rebates due from the State.

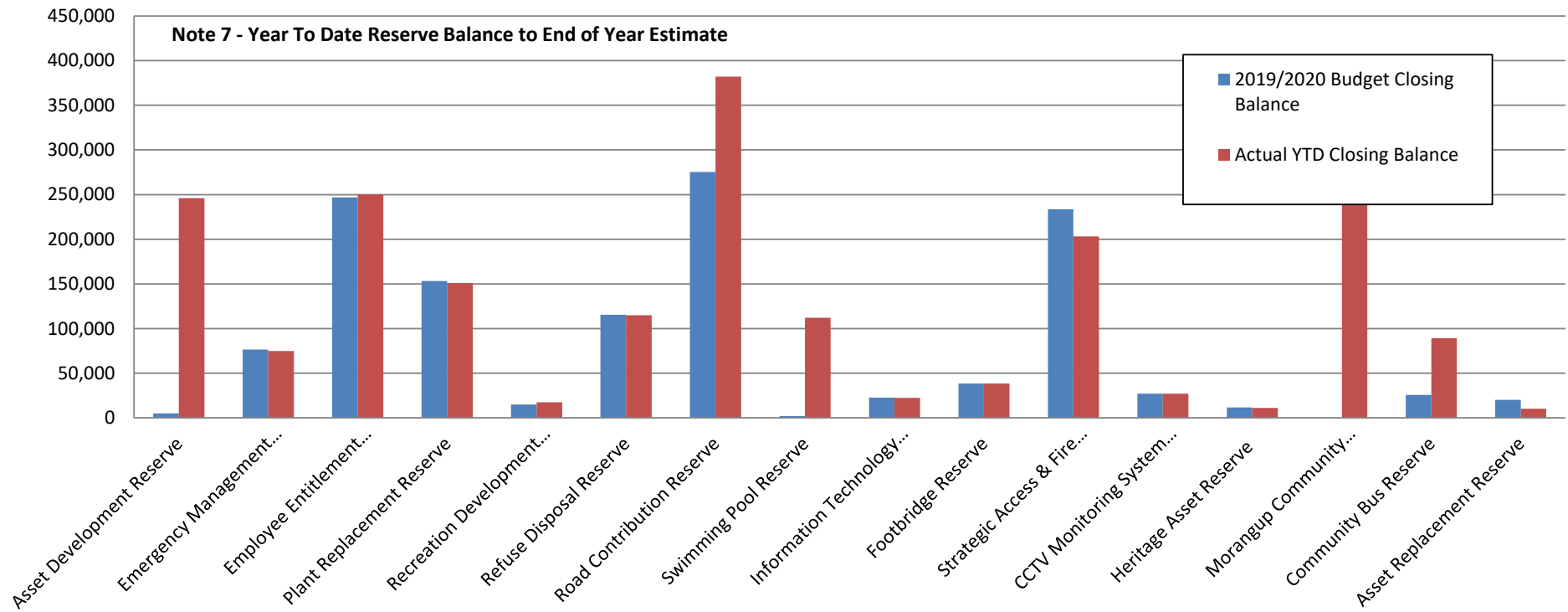
Final Letters	0
Seven Day Letters	178,244
Debt Collection	190
No Action Required	1,486,523
To be Written Off	4,270
<b>Total Outstanding</b>	<b>1,669,227</b>

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

**Note 7: Cash Backed Reserve**

2019-20									
Name	Opening Balance	2019/2020 Budget Interest Earned	Actual Interest Earned	2019/2020 Budget Transfers In (+)	Actual Transfers In (+)	2019/2020 Budget Transfers Out (-)	Actual Transfers Out (-)	2019/2020 Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Asset Development Reserve	242,991	5,000	3,057	0	0	(242,991)	0	5,000	246,049
Emergency Management & Recovery Reserve	74,001	2,500	931	0	0	0	0	76,501	74,932
Employee Entitlement Reserve	246,949	5,000	3,107	60,000	0	(65,000)	0	246,949	250,056
Plant Replacement Reserve	149,282	4,000	1,878	0	0	0	0	153,282	151,161
Recreation Development Reserve	1,701,552	15,000	18,257	0	0	(1,701,552)	(1,702,552)	15,000	17,257
Refuse Disposal Reserve	113,312	2,000	1,426	0	0	0	0	115,312	114,738
Road Contribution Reserve	377,283	5,000	4,747	70,000	0	(177,000)	0	275,283	382,030
Swimming Pool Reserve	110,691	2,000	1,393	0	0	(110,691)	0	2,000	112,084
Information Technology Reserve	22,173	500	279	0	0	0	0	22,673	22,452
Footbridge Reserve	37,805	500	476	0	0	0	0	38,305	38,280
Strategic Access & Fire Egress Reserve	200,567	3,000	2,524	30,000	0	0	0	233,567	203,091
CCTV Monitoring System Reserve	26,630	350	335	0	0	0	0	26,980	26,965
Heritage Asset Reserve	10,965	500	138	0	0	0	0	11,465	11,103
Morangup Community Centre Reserve	346,981	2,000	4,366	0	0	(348,981)	0	0	351,347
Community Bus Reserve	88,173	1,000	1,109	0	0	(63,425)	0	25,748	89,282
Asset Replacement Reserve	10,038	0	126	10,000	0	0	0	20,038	10,164
	<b>3,759,394</b>	<b>48,350</b>	<b>44,150</b>	<b>170,000</b>	<b>0</b>	<b>(2,709,640)</b>	<b>(1,702,552)</b>	<b>1,268,103</b>	<b>2,100,992</b>

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020



SHIRE OF TOODYAY  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 March 2020

Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal				Disposals	Amended Current Budget			Comments
					YTD 31 03 2020			
Cost	Accum Depr	Proceeds	Profit (Loss)		2019/2020 Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance	
\$	\$	\$	\$	\$	\$	\$		
				<b>Plant and Equipment</b>				
				PL046 JCB 436ZX FE Loader	2,713	0	(2,713)	
				PL024 Dynapac Vibrating Roller	(250)	0	250	
				MV154 Mitsubishi Triton Ute	489	0	(489)	
				<b>Land and Buildings</b>				
				BLG030 Telegraph Road - House	53,664	0	(53,664)	
				Telegraph Road - Land	(35,000)	0	35,000	
				808 Duke Street - Land	7,000	0	(7,000)	
0	0	0	0		28,616	0	(28,616)	

Comments - Capital Disposal/Replacements

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2019/2020 Budget Rate Revenue \$	2019/2020 Budget Interim Rate \$	2019/2020 Budget Back Rate \$	2019/2020 Budget Total Revenue \$
<b>RATE TYPE</b>											
<b>Differential General Rate</b>											
GRV Residential	12.9430	508	7,170,388	928,063	13,115	3,965	945,143	962,223			962,223
GRV - Commercial	14.0200	28	1,338,282	187,627	(3,827)		183,800	179,973			179,973
GRV - Industrial	12.3483	20	419,892	52,415	(136)		52,279	52,142			52,142
GRV - Rural	11.8690	100	1,427,920	169,480	(31)		169,449	169,417			169,417
GR V - Rural Residential	11.2600	878	12,824,500	1,444,039	(2,294)	336	1,442,081	1,440,123			1,440,123
UV - General	1.1680	450	96,148,000	1,123,009	5,948	13	1,128,970	1,134,930			1,134,930
UV Rural	0.8969	178	155,137,000	1,391,424	(983)	(425)	1,390,016	1,388,608			1,388,608
<b>Sub-Totals</b>		2,162	274,465,982	5,296,057	11,792	3,889	5,311,737	5,327,418	0	0	5,327,418
<b>Minimum Payment \$</b>											
GRV Residential	1,351.00	225	1,239,049	303,975	0	0	303,975	303,975	0	0	303,975
GRV - Commercial	1,351.00	6	35,200	8,106	0	0	8,106	8,106	0	0	8,106
GRV - Industrial	1,351.00	10	38,040	13,510	0	0	13,510	13,510	0	0	13,510
GRV - Rural	1,351.00	43	354,688	58,093	0	0	58,093	58,093	0	0	58,093
GRV - Rural Residential	1,351.00	533	3,509,842	720,083	0	0	720,083	720,083	0	0	720,083
UV - General	1,351.00	105	6,500,800	141,855	0	0	141,855	141,855	0	0	141,855
UV Rural	1,351.00	0	0	0	0	0	0	0	0	0	0
<b>Sub-Totals</b>		922	11,677,619	1,245,622	0	0	1,245,622	1,245,622	0	0	1,245,622
							<b>6,541,679</b>				
UV Pastoral Concession							6,557,359			6,573,040	
Concession										0	
<b>Amount from General Rates</b>							<b>6,557,359</b>			<b>6,573,040</b>	
Ex-Gratia Rates							1,200			1,200	
Less movement in rates in advance											
<b>Totals</b>							<b>6,558,559</b>			<b>6,574,240</b>	

Comments - Rating Information

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

**10. INFORMATION ON BORROWINGS**

(a) Debenture Repayments

Particulars	Principal 1-Jul-19	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	2019/2020 Budget \$	Actual \$	2019/2020 Budget \$	Actual \$	2019/2020 Budget \$
<b>Recreation &amp; Culture</b>								
Loan 65 - Community Centre	30,954		11,754	12,161	19,200	18,793	2,110	1,658
Loan 67 - Library Upgrade	222,702		19,160	38,951	203,542	183,751	9,031	15,033
Loan 69 - Library Upgrade	35,079		17,269	35,079	17,810	0	1,490	1,972
Loan 72 - Land - Rec Precinct	785,883		20,528	41,512	765,355	744,371	22,820	37,307
Loan 73 - Refurbish Courts	10,188		10,188	10,189	0	0	249	288
Loan 75 - Recreation Precinct	0	4,500,000	0	75,246	0	4,424,754	0	89,255
			0					
<b>Transport</b>								
Loan 70 - Footbridge	30,910		11,186	15,021	19,724	15,889	1,420	1,618
Loan 71 - Depot Stage 2	624,816		17,047	34,480	607,769	590,336	18,387	30,093
<b>Economic Services</b>								
Loan 64 - Visitor Centre	38,628		9,189	18,683	29,439	19,945	1,543	2,440
<b>Other Property &amp; Services</b>								
Loan 63 - Bank Building	34,424		16,680	16,680	17,744	17,744	2,095	2,052
Loan 74 - Refurbish Bank Building	10,317		10,317	10,317	0	0	252	291
	<b>1,823,901</b>	<b>4,500,000</b>	<b>143,318</b>	<b>308,319</b>	<b>1,680,584</b>	<b>6,015,583</b>	<b>59,398</b>	<b>182,007</b>

No new debentures were raised during the reporting period.

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details GL	Grant Provider	Approval	2019-20 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
GENERAL PURPOSE GRANT	Federal Government	Yes	450,202				337,652	112,551
ROAD IMPROVEMENT GRANT	Federal Government	Yes	255,197				191,398	63,799
Rates - Legal Expenses Recovered	Local Government	Yes	35,000				23,227	11,773
<b>GOVERNANCE</b>								
Recoups - Contributions, Donations & Reimburse	Local Government		7,500				11,326	(3,826)
LEGAL EXPENSES RECOVERED	Local Government		1,000				0	1,000
Grants - Governance	Local Government		1,000				0	1,000
Income Protection	LGIS		0				24,991	0
Administration - Income	Local Government		30,000				6,708	23,292
Administration - Income - GST Free	Local Government		10,000				32,494	(22,494)
<b>LAW, ORDER, PUBLIC SAFETY</b>								
Fire Prevention - Grants	DFES	Yes	1,279,815				1,155,823	123,992
ESL Levy Recoup	DFES	Yes	176,358				143,777	32,581
CCTV	DFES	Yes	159,956				144,956	15,000
Fire Mitigation Grant	DFES	Yes	1,092,800				1,092,800	0
CESM Recoups	DFES & Shire of Goomalling	Yes	150,707				147,073	3,634
Toodyay Districts SES	DFES	Yes	57,621				13,912	43,709
<b>HOUSING</b>								
Recoups - Staff Housing	Local Government		500				990	(490)
<b>COMMUNITY AMENITIES</b>								
Community Sponsorship	Local Government		5,000				0	5,000

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details GL	Grant Provider	Approval	2019-20 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
<b>RECREATION AND CULTURE</b>								
Community Centre Recoups		No	1,500				1,032	468
Club Insurance		Yes	3,750				1,888	1,862
Toodyay Race Club Reimbursements		Yes	3,500				2,189	1,311
Sport & Rec Grants	Lotterywest	Yes	1,000				909	91
Grant Income - Writers Festival		Yes	1,500				231	1,269
EMRC - AVON/IFF Festival	East Metropolitan Reg Council	Yes	30,000				30,000	0
Grants Income	East Metropolitan Reg Council	Yes	3,000				0	3,000
Sport & Rec Grants	Dept Sport & Rec		2,500				0	2,500
Events Misc			1,500				0	1,500
Recreation Precinct	CSRFF & BBRF		5,575,425				1,352,677	4,222,748
Grant - Heritage	Lotterywest		197,000				137,160	59,840
<b>TRANSPORT</b>								
Operating Grants - Roads	MRWA	Yes	137,714				137,714	0
MRWA Street Light Subsidy	MRWA	Yes	1,500				0	1,500
Road Maintenance Contributions	Private	Yes	75,000				42,862	32,138
Road Program Grant	Main Roads	Yes	923,220				606,671	316,549
Roads to Recovery Grant	Dept of Infrastructure	Yes	530,820				170,000	360,820
<b>ECONOMIC SERVICES</b>								
Community Directory	Avon Valley Advocate		3,000				0	3,000
Tourism & Area Promotion			3,000				1,796	1,204
<b>OTHER PROPERTY &amp; SERVICES</b>								
Public Works Overheads			1,000				965	35
Workers Compensation	LGIS		0				0	0
Fuel Tax Credits	ATO		28,000				13,865	14,135
Bank Building Recoups	Bendigo Bank		2,000				1,901	99
Reimbursement - Parenting Payment Scheme	Centrelink		0				1,481	(1,481)
Insurance Reimbursement	LGIS		25,304				25,304	(0)
<b>TOTALS</b>			<b>11,438,894</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,933,273</b>	<b>5,530,612</b>
	Operating		1,810,387				2,959,523	
	Non-operating		8,017,397				2,973,750	



**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2020**

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details GL	Grant Provider	Approval	2019-20 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
			<u>9,827,784</u>				<u>5,933,273</u>	

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2020**

**Note 12: TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

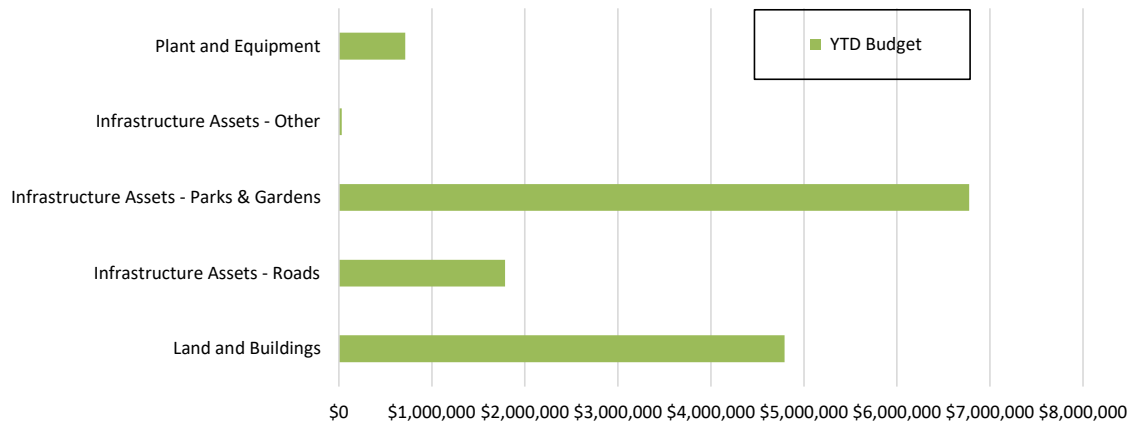
Description	Opening Balance 1 Jul 19	Amount Received	Amount Paid	Closing Balance 31-Mar-20
	\$	\$	\$	\$
Qarry rehabilitation Bonds	1,615,532	26,658	0	1,642,190
Housing bonds	14,525	0	0	14,525
Kerb Bonds	9,200	0	0	9,200
Key bonds	6,661	1,050	0	7,711
Venue Hire Bonds	7,900	5,700	(6,750)	6,850
Crossover Bonds	53,540	0	0	53,540
BCITF	2,706	32,221	(30,645)	4,283
Building Services	10,949	27,422	(29,637)	8,734
Library Bonds	175	0	0	175
Standpipe bonds	17,110	3,050	(250)	19,910
Road Construction Bonds	27,998	0	0	27,998
Other Bonds	5,394	800	(1,280)	4,914
Planning Bonds	537	34,503	0	35,040
Aged Housing Grant Funds	0	0	0	0
Swimming Pool Funds	121,404	1,553	(122,957)	(0)
	<b>1,893,631</b>	<b>132,958</b>	<b>(191,519)</b>	<b>1,835,070</b>

**SHIRE OF TOODYAY**  
**STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING**  
For the Period Ended 31 March 2020

YTD 31 03 2020					
Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Budget (d)	2019/2020 Annual Budget	Variance (d) - (c)
		\$	\$	\$	\$
Land and Buildings	13	1,251,744	4,792,806	6,400,406	(3,541,062)
Infrastructure Assets - Roads	13	1,187,307	1,787,517	2,383,285	(600,210)
Infrastructure Assets - Parks & Gardens	13	6,362,193	6,777,036	9,066,049	(414,843)
Infrastructure Assets - Other	13	11,372	29,997	40,000	(18,625)
Plant and Equipment	13	574,918	713,172	787,945	(138,254)
<b>Capital Expenditure Totals</b>		<b>9,548,986</b>	<b>14,250,528</b>	<b>18,827,685</b>	<b>(4,701,542)</b>

Comments and graphs

Capital Expenditure Program YTD



**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

**Note 13: CAPITAL ACQUISITIONS**

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
			0	0	0	0	0	
	<b>Land Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<b>Total Land</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<b>BUILDINGS</b>							
	<b>Governance</b>							
0.0%	Admin Brickwork Remediation	Q191	5,000	3,753	0	(5,000)		
0.0%	Repaint of Chambers Ceiling	Q190	5,000	3,753	0	(5,000)		
0.0%	Planning for Replacement Donga Roof	Q147	20,000	15,003	0	(20,000)		
	<b>Governance Total</b>		<b>30,000</b>	<b>22,509</b>	<b>0</b>	<b>(30,000)</b>	<b>0</b>	
	<b>Law, Order, Public Safety</b>							
88.0%	Coondle Nunile Fire Station	Q181A	400,366	300,276	352,130	(48,236)		
101.7%	Morangup Co Location Centre	Q187	432,340	324,252	439,493	7,153		
	<b>Law, Order, Public Safety Total</b>		<b>832,706</b>	<b>624,528</b>	<b>791,622</b>	<b>(41,084)</b>		
	<b>Health</b>							
0.0%	Alma Beard Medical Centre	Q137	10,000	10,000	0	(10,000)		
	<b>Health Total</b>		<b>10,000</b>	<b>10,000</b>	<b>0</b>	<b>(10,000)</b>	<b>0</b>	
	<b>Education &amp; Welfare</b>							
1.8%	Butterly House - Substructure & Drainage Repairs	083300	12,000	2,000	220	(11,780)		
	<b>Education &amp; Welfare Total</b>		<b>12,000</b>	<b>2,000</b>	<b>220</b>	<b>(11,780)</b>	<b>0</b>	
	<b>Communtiy Amenities</b>							
	Duke Street Toilets	107271	10,000	2,000	0	(10,000)		
	<b>Community Amenities Total</b>		<b>10,000</b>	<b>2,000</b>	<b>0</b>	<b>(10,000)</b>	<b>0</b>	

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2020**

**Note 13: CAPITAL ACQUISITIONS**

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
<b>Recreation And Culture</b>								
0.0%	Community Centre Renewal	Q129	20,000	15,003	0	(20,000)		
45.2%	Memorial Hall Sound System, Curtains & Flooring	Q141	5,000	11,250	2,260	(2,740)		
0.0%	Morangup Community Centre	Q165	380,000	285,003	0	(380,000)		
104.7%	Memorial Hall Internal & External Paint of Bathrooms	Q141	10,000	5,170	10,472	472		
0.0%	Parks & Gardens - Depot Upgrade	Q192	20,000	15,003	0	(20,000)		
0.0%	Recreation Precinct Buildings	Q199	4,635,009	3,456,893	39,065	(4,595,944)		
0.5%	Toodyay Club Kitchen Upgrade	Q203	21,400	16,047	110	(21,290)		
0.0%	Library Brickworks	J038	5,500	4,122	0	(5,500)		
0.0%	Parkers Cottage	Q134	10,000	7,497	0	(10,000)		
0.0%	Grandstand Change Rooms	Q200	10,000	7,497	0	(10,000)		
18.2%	Donegans Cottage	Q135	5,000	3,753	909	(4,091)		
108.4%	Old Goal Roof Restoration	Q156	375,291	298,159	406,977	31,686		
<b>Recreation And Culture Total</b>			<b>5,497,200</b>	<b>4,125,397</b>	<b>459,792</b>	<b>(5,037,408)</b>	<b>0</b>	
<b>Other Property &amp; Services</b>								
1.3%	Bendigo Bank	Q145	8,500	6,372	110	(8,390)		
<b>Other Property &amp; Services Total</b>			<b>8,500</b>	<b>6,372</b>	<b>110</b>	<b>(8,390)</b>		
<b>Buildings Total</b>			<b>6,400,406</b>	<b>4,792,806</b>	<b>1,251,744</b>	<b>(5,138,662)</b>	<b>0</b>	
<b>Computer Equipment</b>								
<b>Law, Order, Public Safety</b>								
108%	CCTV - Closed Circuit Televisions Cameras - Security	053401	150,000	150,000	161,453			
<b>Law, Order, Public Safety Total</b>			<b>150,000</b>	<b>150,000</b>	<b>161,453</b>	<b>0</b>		
<b>Computer Equipment - Total</b>			<b>150,000</b>	<b>150,000</b>	<b>161,453</b>	<b>0</b>	<b>0</b>	
<b>Plant , Equip. &amp; Vehicles</b>								
<b>Transport</b>								
		122202		224,289				
		051250		488,883				

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 March 2020**

**Note 13: CAPITAL ACQUISITIONS**

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
		054250						
0.0%	1TJR183 - Side Tip Trailer - Canopu		35,000			(35,000)		
0.0%	T0002 - Ranger Ute - Canopy		20,000			(20,000)		
94.6%	T0013 - Mitsubishi Triton		45,000		42,582	(2,418)		
0.0%	1EPF060 - Ford Ranger		60,000			(60,000)		
105.2%	Mechanic Truck Fit Out		10,000		10,516	516		
0.0%	Single Axel Dolly		3,500			(3,500)		
0.0%	Track Loader - Auger Drive		4,000			(4,000)		
52.6%	Air Operated Oil Pumps		28,346		14,914	(13,432)		
0.0%	Workshop Door - Electrics		0		5,639	5,639		
0.0%	Community Bus		63,425			(63,425)		
0.0%	SES Gator Refit		0		12,384	12,384		
0.0%	SES Vehicle		29,791			(29,791)		
0.0%	Isuzu Fire Truck		21,818		21,818	0		Offset by 051331
100.0%	Isuzu FTS 150/260 Coondle 3.4 Urban		467,065		467,065	0		New Coondle Truck - Funded by DFES
	<b>Transport Total</b>		<b>787,945</b>	<b>713,172</b>	<b>574,918</b>	<b>(213,027)</b>	<b>0</b>	
	<b>Plant , Equip. &amp; Vehicles Total</b>		<b>787,945</b>	<b>713,172</b>	<b>574,918</b>	<b>(213,027)</b>	<b>0</b>	
	<b>Roads</b>							
	<b>Transport</b>							
89.6%	Lovers Lane	A0012	396,752	297,567	355,342	(41,410)		
144.1%	Julimar Road	A0004	249,127	186,849	358,926	109,799		
20.7%	Bejoording Road	A0001	329,939	247,437	68,189	(261,750)		
0.0%	Toodyay Bindi Bindi Road	A0197	252,009	189,000	0	(252,009)		
0.0%	Toodyay Street inc Footpath	B0011	286,720	215,037	0	(286,720)		
0.0%	Nunile Road/Bejoording Road	B0002	155,000	116,253	0	(155,000)		
0.0%	Dreyer Road	B0121	89,100	66,825	0	(89,100)		
0.0%	Sinclair Place	D0150	103,950	77,967	0	(103,950)		
169.8%	River Road	D0010	161,788	121,349	274,682	112,894		
0.0%	Rosedale/Fiennes Street	D0062	10,000	7,506	0	(10,000)		
0.0%	Recreation Precinct Firebreaks	J073	80,000	60,003	0	(80,000)		

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 March 2020

**Note 13: CAPITAL ACQUISITIONS**

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
0.0%	Hamersley Street	D0126	120,000	90,000	0	(120,000)		
0.0%	Fifth Road	D0244	46,200	34,668	0	(46,200)		
122.8%	Folewood Road	D0020	32,500	24,390	39,894	7,394		
0.0%	Bejoording Road	D0001	0	0	10,352	10,352		
0.0%	Marri Road	D0116	0	0	4,497	4,497		
0.0%	Donegan View	D0148	0	0	4,903	4,903		
100.5%	Harvester Drive	D0198	70,200	52,665	70,522	322		
	<b>Transport Total</b>		<b>2,383,285</b>	<b>1,787,517</b>	<b>1,187,307</b>	<b>(1,195,978)</b>	<b>0</b>	
	<b>Roads Total</b>		<b>2,383,285</b>	<b>1,787,517</b>	<b>1,187,307</b>	<b>(1,195,978)</b>	<b>0</b>	
	<b>Infrastructure - Bridges</b>							
	<b>Transport</b>							
71.8%	Bridge Works - Telegraph Bridge		374,733	281,043	268,984	(105,749)		
	<b>Transport Total</b>		<b>374,733</b>	<b>281,043</b>	<b>268,984</b>	<b>(105,749)</b>		
	<b>Infrastructure Bridges - Total</b>		<b>374,733</b>	<b>281,043</b>	<b>268,984</b>	<b>(105,749)</b>	<b>0</b>	
	<b>Infrastructure - Other</b>							
	<b>Law, Order &amp; Public Safety</b>							
14.3%	Emergency Fire Water Tanks	Q205	25,000	18,747	3,573	(21,427)	0	
	<b>Law, Order &amp; Public Safety Total</b>		<b>25,000</b>	<b>18,747</b>	<b>3,573</b>	<b>(21,427)</b>	<b>0</b>	
	<b>Economic Services</b>							
52.0%	Community Standpipe	Q206	15,000	11,250	7,799	(3,451)		
	<b>Community Amenities Total</b>		<b>15,000</b>	<b>11,250</b>	<b>7,799</b>	<b>(3,451)</b>	<b>0</b>	
	<b>Infrastructure Other - Total</b>		<b>40,000</b>	<b>29,997</b>	<b>11,372</b>	<b>(24,878)</b>	<b>0</b>	
	<b>Infrastructure Footpaths - Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<b>Infrastructure - Parks &amp; Recreation</b>							
	<b>Recreation &amp; Culture</b>							
23.0%	Duidgee Park Toilet Upgrade	Q177	90,000	45,000	20,665	(69,335)		
70.9%	Recreation Precinct - Infrastructure Works	Q159	8,942,019	6,706,512	6,341,382	(2,600,637)		

SHIRE OF TOODYAY  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 March 2020

Note 13: CAPITAL ACQUISITIONS

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
0.4%	Toodyay Club Lighting & Paving	Q204	34,030	25,524	146	(33,884)		
	<b>Recreation &amp; Culture Total</b>		<b>9,066,049</b>	<b>6,777,036</b>	<b>6,362,193</b>	<b>(2,703,856)</b>	<b>0</b>	
	<b>Infrastructure Parks &amp; Recreation - Total</b>		<b>9,066,049</b>	<b>6,777,036</b>	<b>6,362,193</b>	<b>(2,703,856)</b>	<b>0</b>	
	<b>Capital Expenditure Total</b>		<b>19,202,418</b>	<b>14,531,571</b>	<b>9,817,971</b>	<b>(9,276,402)</b>	<b>0</b>	



**Shire of Toodyay - Bank Reconciliation As At 31 March 2020**

**Municipal**

**Balance as per**

- Financial Statement - Muni - Unrestricted - 10060010	560,664.08
- Financial Statement - Muni - Unrestricted - 10060050	947,711.65

<b>Total</b>	<b>1,508,375.73</b>
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**Balance as per**

- Bendigo - 110482809	1,260,720.44
NCD - 3316107	418,166.34

Roundings

<b>Difference</b>	<b>(0.00)</b>
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<b>Subtotal</b>	<b>1,678,886.78</b>
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Adjustments (See Below)	<b>(36.28)</b>
Plus Outstanding Deposits - Current Month	1,260.70
Plus Outstanding Cheques - Current Month	<b>(171,520.47)</b>
Plus Outstanding Deposits - Previous Periods	0.00
Plus Outstanding Cheques - Previous Periods	<b>(215.00)</b>

<b>Total</b>	<b>1,508,375.73</b>
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Adjustment Breakdown

Roundings (31 May 2018)	<b>(0.03)</b>
CC yet to be processed - CEO	135.62
Trust transfer	<b>(171.87)</b>
	<b>(36.28)</b>

*C Murrat*

Signed: Accounts/Payroll Officer

*9.4.2020*

Date

*[Signature]*

Signed: Finance Manager

*24/4/2020*

Date

**Shire of Toodyay - Bank Reconciliation As At 31 March 2020**

**Trust**

**Balance as per**

- Financial Statement - Trust - Unrestricted - 100617100 1,835,069.58

**Total**

1,835,069.58

**Balance as per**

- Bendigo - 110482783	203,496.44
- Bendigo - Term Deposit No: 140619784 - T84	217,164.19
- Bendigo - Term Deposit No: 145326583 - T794	108,466.10
- Bendigo - Term Deposit No: 137945127 - T100	139,827.58
- Bendigo - Term Deposit No: 140619834 - T83	139,207.81
- Bendigo - Term Deposit No: 152237145 - T214	48,850.60
- Bendigo - Term Deposit No: 152238135 - T4	123,513.63
- Bendigo - Term Deposit No: 152238176 - T114	205,787.12
- Bendigo - Term Deposit No: 152238218 - T458	446,164.35
- Bendigo - Term Deposit No: 152240818 - T793	23,660.40
- Bendigo - Term Deposit No: 152240834 - T797	32,470.96
- Bendigo - Term Deposit No: 158622798 - T805	24,186.54
- Bendigo - Term Deposit No: 165467309 - T809	122,182.02
Roundings	(0.03)

**Difference**

0.00

**Subtotal**

1,834,977.71

Adjustments (See Below)

0.00

Plus Outstanding Deposits - Current Month

171.87

Plus Outstanding Cheques - Current Month

0.00

Plus Outstanding Deposits - Previous Periods

0.00

Plus Outstanding Cheques - Previous Periods

(80.00)

**Total**

1,835,069.58

Adjustment Breakdown

0.00

*C Murgant*

Signed: Accounts/Payroll Officer

*24-4-2020*

Date

*[Signature]*

Signed: Finance Manager

*24/4/2020*

Date

**Shire of Toodyay - Bank Reconciliation As At 31 March 2020**

**Reserve**

**Balance as per**

- Financial Statement - Reserve - 10075510 2,100,991.15

<b>Total</b>	<b>2,100,991.15</b>
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**Balance as per**

- Bendigo - NCD: 3274600 2,100,991.15

Roundings 0.00

**Difference** 0.00

<b>Subtotal</b>	<b>2,100,991.15</b>
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Adjustments (See Below) 0.00

Plus Outstanding Deposits - Current Month 0.00

Plus Outstanding Cheques - Current Month 0.00

Plus Outstanding Deposits - Previous Periods 0.00

Plus Outstanding Cheques - Previous Periods 0.00

<b>Total</b>	<b>2,100,991.15</b>
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Adjustment Breakdown

	<u>0.00</u>
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	9.4.2020
Signed: Accounts/Payroll Officer	Date

	24/4/2020
Signed: Finance Manager	Date

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## F.22 COVID-19 Financial Hardship

### Introduction

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

### Application

This policy applies to rates, fees and service charges after the adoption of this policy.

### Policy Intent

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

#### 1. Payment difficulties, hardship and Vulnerability

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates, fees and service charges debt.

Financial hardship occurs where a person is unable to pay rates, fees and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Toodyay recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc

Adapted from the Ombudsman Western Australia publication, **Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance:** <http://www.ombudsman.wa.gov.au/>

#### 2. Anticipated Financial Hardship due to COVID19

We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates notices are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

### 3. Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with our statutory responsibilities.

### 4. Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Toodyay of any change in circumstance that jeopardises the agreed payment schedule.

### 5. Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

### 6. Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.



Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates, Fees and Service Charges debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

Rates, Fees and Service Charges debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

## 7. Review

We will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed.

## 8. Communication and Confidentiality

We will always maintain confidential communications and we undertake to communicate with a nominated support person or other third party at your request.

We will advise Shire debtors of this policy and its application, when communicating in any format (i.e. verbal or written) with a debtor that has an outstanding rates, fees or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

### Reference Information

<b>Related Documents</b>	Not applicable				
<b>Related Legislation</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>				
<b>Associated Forms and Attachments</b>	Not applicable				
<b>Version Control Information</b>	<b>Version No.</b>	<b>Issue Date</b>	<b>Nature of amendment</b>	<b>Developed By</b>	<b>Approved By</b>
	V0	28/04/2020	V1	WALGA	Council

## Document Control Information

<b>Document Theme</b>	Governance
<b>Document Category</b>	Corporate Services
<b>Document Title</b>	COVID-19 Financial Hardship
<b>Document ID</b>	F.22
<b>Document Owner (position title)</b>	CEO
<b>Author (position title)</b>	Manager Corporate Services (A/CEO)
<b>Date of approval</b>	28 April 2020 (Res. No. 140/04/20)
<b>Approving authority</b>	Council
<b>Access restrictions</b>	Nil
<b>Date Published</b>	30/04/2020
<b>Date of last review</b>	Not applicable.
<b>Date of next review</b>	28/04/2021
<b>Archived antecedent documents and previous versions</b>	Not applicable.



## **NATIONAL CABINET MANDATORY CODE OF CONDUCT**

### **SME COMMERCIAL LEASING PRINCIPLES DURING COVID-19**

#### **PURPOSE**

The purpose of this Code of Conduct (“the Code”) is to impose a set of good faith leasing principles for application to commercial tenancies (including retail, office and industrial) between owners/operators/other landlords and tenants, where the tenant is an eligible business for the purpose of the Commonwealth Government’s JobKeeper programme.

These principles will apply to negotiating amendments in good faith to existing leasing arrangements – to aid the management of cashflow for SME tenants and landlords on a proportionate basis – as a result of the impact and commercial disruption caused by the economic impacts of industry and government responses to the declared Coronavirus (“COVID-19”) pandemic.

This Code applies to all tenancies that are suffering financial stress or hardship as a result of the COVID-19 pandemic as defined by their eligibility for the Commonwealth Government’s JobKeeper programme, with an annual turnover of up to \$50 million (herein referred to as “SME tenants”).

The \$50 million annual turnover threshold will be applied in respect of franchises at the franchisee level, and in respect of retail corporate groups at the group level (rather than at the individual retail outlet level).

The Parties to this Code concur that during the COVID-19 pandemic period, as defined by the period during which the JobKeeper programme is operational, the principles of this Code should nevertheless apply in spirit to all leasing arrangements for affected businesses, having fair regard to the size and financial structure of those businesses.

Appendix I gives examples of proportionate solutions that may be agreed under this Code, and forms part of the overall Code.

The Code has been developed to enable both a consistent national approach and timely, efficient application given the rapid and severe commercial impact of official responses to the COVID-19 pandemic.

#### **PARTIES TO THE CODE**

The Code will be given effect through relevant state and territory legislation or regulation as appropriate. The Code is not intended to supersede such legislation, but aims to complement it during the COVID-19 crisis period.

## OVERARCHING PRINCIPLES

The objective of the Code is to share, in a proportionate, measured manner, the financial risk and cashflow impact during the COVID-19 period, whilst seeking to appropriately balance the interests of tenants and landlords.

It is intended that landlords will agree tailored, bespoke and appropriate temporary arrangements for each SME tenant, taking into account their particular circumstances on a case-by-case basis.

The following overarching principles of this Code will apply in guiding such arrangements:

- Landlords and tenants share a common interest in working together, to ensure business continuity, and to facilitate the resumption of normal trading activities at the end of the COVID-19 pandemic during a reasonable recovery period.
- Landlords and tenants will be required to discuss relevant issues, to negotiate appropriate temporary leasing arrangements, and to work towards achieving mutually satisfactory outcomes.
- Landlords and tenants will negotiate in good faith.
- Landlords and tenants will act in an open, honest and transparent manner, and will each provide sufficient and accurate information within the context of negotiations to achieve outcomes consistent with this Code.
- Any agreed arrangements will take into account the impact of the COVID-19 pandemic on the tenant, with specific regard to its revenue, expenses, and profitability. Such arrangements will be proportionate and appropriate based on the impact of the COVID-19 pandemic plus a reasonable recovery period.
- The Parties will assist each other in their respective dealings with other stakeholders including governments, utility companies, and banks/other financial institutions in order to achieve outcomes consistent with the objectives of this Code.
- All premises are different, as are their commercial arrangements; it is therefore not possible to form a collective industry position. All parties recognise the intended application, legal constraints and spirit of the Competition and Consumer Act 2010.
- The Parties will take into account the fact that the risk of default on commercial leases is ultimately (and already) borne by the landlord. The landlord must not seek to permanently mitigate this risk in negotiating temporary arrangements envisaged under this Code.

- All leases must be dealt with on a case-by-case basis, considering factors such as whether the SME tenant has suffered financial hardship due to the COVID-19 pandemic; whether the tenant's lease has expired or is soon to expire; and whether the tenant is in administration or receivership.
- Leases have different structures, different periods of tenure, and different mechanisms for determining rent. Leases may already be in arrears. Leases may already have expired and be in "hold-over." These factors should also be taken into account in formulating any temporary arrangements in line with this Code.
- As the objective of this Code is to mitigate the impact of the COVID-19 pandemic on the tenant, due regard should be given to whether the tenant is in administration or receivership, and the application of the Code modified accordingly.

## **LEASING PRINCIPLES**

In negotiating and enacting appropriate temporary arrangements under this Code, the following leasing principles should be applied as soon as practicable on a case-by-case basis:

1. Landlords must not terminate leases due to non-payment of rent during the COVID-19 pandemic period (or reasonable subsequent recovery period).
2. Tenants must remain committed to the terms of their lease, subject to any amendments to their rental agreement negotiated under this Code. Material failure to abide by substantive terms of their lease will forfeit any protections provided to the tenant under this Code.
3. Landlords must offer tenants proportionate reductions in rent payable in the form of waivers and deferrals (as outlined under "definitions," below) of up to 100% of the amount ordinarily payable, on a case-by-case basis, based on the reduction in the tenant's trade during the COVID-19 pandemic period and a subsequent reasonable recovery period.
4. Rental waivers must constitute no less than 50% of the total reduction in rent payable under principle #3 above over the COVID-19 pandemic period and should constitute a greater proportion of the total reduction in rent payable in cases where failure to do so would compromise the tenant's capacity to fulfil their ongoing obligations under the lease agreement. Regard must also be had to the Landlord's financial ability to provide such additional waivers. Tenants may waive the requirement for a 50% minimum waiver by agreement.
5. Payment of rental deferrals by the tenant must be amortised over the balance of the lease term and for a period of no less than 24 months, whichever is the greater, unless otherwise agreed by the parties.

6. Any reduction in statutory charges (e.g. land tax, council rates) or insurance will be passed on to the tenant in the appropriate proportion applicable under the terms of the lease.

7. A landlord should seek to share any benefit it receives due to deferral of loan payments, provided by a financial institution as part of the Australian Bankers Association's COVID-19 response, or any other case-by-case deferral of loan repayments offered to other Landlords, with the tenant in a proportionate manner.

8. Landlords should where appropriate seek to waive recovery of any other expense (or outgoing payable) by a tenant, under lease terms, during the period the tenant is not able to trade. Landlords reserve the right to reduce services as required in such circumstances.

9. If negotiated arrangements under this Code necessitate repayment, this should occur over an extended period in order to avoid placing an undue financial burden on the tenant. No repayment should commence until the earlier of the COVID-19 pandemic ending (as defined by the Australian Government) or the existing lease expiring, and taking into account a reasonable subsequent recovery period.

10. No fees, interest or other charges should be applied with respect to rent waived in principles #3 and #4 above and no fees, charges nor punitive interest may be charged on deferrals in principles #3, #4 and #5 above.

11. Landlords must not draw on a tenant's security for the non-payment of rent (be this a cash bond, bank guarantee or personal guarantee) during the period of the COVID-19 pandemic and/or a reasonable subsequent recovery period.

12. The tenant should be provided with an opportunity to extend its lease for an equivalent period of the rent waiver and/or deferral period outlined in item #2 above. This is intended to provide the tenant additional time to trade, on existing lease terms, during the recovery period after the COVID-19 pandemic concludes.

13. Landlords agree to a freeze on rent increases (except for retail leases based on turnover rent) for the duration of the COVID-19 pandemic and a reasonable subsequent recovery period, notwithstanding any arrangements between the landlord and the tenant.

14. Landlords may not apply any prohibition on levy any penalties if tenants reduce opening hours or cease to trade due to the COVID-19 pandemic.

## **BINDING MEDIATION**

Where landlords and tenants cannot reach agreement on leasing arrangements (as a direct result of the COVID-19 pandemic), the matter should be referred and subjected (by either party) to applicable state or

territory retail/commercial leasing dispute resolution processes for binding mediation, including Small Business Commissioners/Champions/Ombudsmen where applicable.

Landlords and tenants must not use mediation processes to prolong or frustrate the facilitation of amicable resolution outcomes.

## **DEFINITIONS**

The following definitions are provided for reference in the application of this Code.

1. Financial Stress or Hardship: an individual, business or company's inability to generate sufficient revenue as a direct result of the COVID-19 pandemic (including government-mandated trading restrictions) that causes the tenant to be unable to meet its financial and/or contractual (including retail leasing) commitments. SME tenants which are eligible for the federal government's JobKeeper payment are automatically considered to be in financial distress under this Code.
2. Sufficient and accurate information: this includes information generated from an accounting system, and information provided to and/or received from a financial institution, that impacts the timeliness of the Parties making decisions with regard to the financial stress caused as a direct result of the COVID-19 event.
3. Waiver and deferral: any reference to waiver and deferral may also be interpreted to include other forms of agreed variations to existing leases (such as deferral, pausing and/or hibernating the lease), or any other such commercial outcome of agreements reached between the parties. Any amount of reduction provided by a waiver may not be recouped by the Landlord over the term of the lease.
4. Proportionate: the amount of rent relief proportionate to the reduction in trade as a result of the COVID-19 pandemic plus a subsequent reasonable recovery period, consistent with assessments undertaken for eligibility for the Commonwealth's JobKeeper programme.

## **CODE ADMINISTRATION COMMITTEE**

This Code will be supported by state based Industry Code Administration Committees, comprising representatives from relevant industry bodies representing landlord, tenant and SME interests, with an Independent Chair appointed by the relevant State/Territory Government.

Committee members' roles will be to (1) promote awareness of the Code; (2) encourage application of the Code; (3) encourage its application by the broader retail industry; and (4) monitor the operation of the Code.

The Committee should meet at least fortnightly, and may communicate and meet via email, telephone calls, or video conferencing.

No formal minutes will be taken; however, the Committee will document key action items and outcomes of each meeting.

The Committee may invite advisers, upon agreement by all Committee members, to assist on specific issues in the course of discharging their obligations under this section.

## **COMMENCEMENT/EXPIRY**

This Code comes into effect in all states and territories from a date following 3 April 2020 (being the date that National Cabinet agreed to a set of principles to guide the Code to govern commercial tenancies as affected by the COVID-19 pandemic) to be defined by each jurisdiction, for the period during which the Commonwealth JobKeeper program remains operational.

## APPENDIX I

### EXAMPLES OF THE APPLICATION OF THE PRINCIPLE OF PROPORTIONALITY

The following scenarios are examples only, noting the circumstance of each landlord, SME tenant and lease are different, and are subject to negotiation and agreement in good faith.

Examples of practical variations reflecting the application of the principle of proportionality may include, but are not limited to:

- Qualifying tenants would be provided with cash flow relief in proportion to the loss of turnover they have experienced from the COVID-19 crisis
  - ie. a 60% loss in turnover would result in a guaranteed 60% cash flow relief.
  - At a minimum, half is provided as rent free/rent waiver for the proportion of which the qualifying tenant's revenue has fallen.
  - Up to half could be through a deferral of rent, with this to be recouped over at least 24 months in a manner that is negotiated by the parties
    - So if the tenant's revenue has fallen by 100%, then at least 50% of total cash flow relief is rent free/rent waiver and the remainder is a rent deferral. If the qualifying tenant's revenue has fallen by 30%, then at least 15% of total cash flow relief is rent free/rent waiver and the remainder is rent deferral.
    - Care should be taken to ensure that any repayment of the deferred rent does not compromise the ability of the affected SME tenant to recover from the crisis.
  - The parties would be free to make an alternative commercial arrangement to this formula if that is their wish.