



## Special Council Meeting

24 November 2020

# Minutes

To: The President and Councillors

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

The Special Meeting was convened in accordance with Council Resolution 298/10/20 for the purpose of receiving correspondence from the Minister for Local Government.

The Special Meeting also considered the Appointment of a Senior Officer (Manager Assets and Services)

Suzie Haslehurst  
CHIEF EXECUTIVE OFFICER



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

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

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

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

**Community Values:** We value highly:

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

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

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

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

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

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

## **Disclaimer**

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

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

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

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

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**ATTACHMENT** *follows Item 7.*

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## Preface

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

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

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

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

## Unconfirmed Minutes

These minutes were approved for distribution on 25 November 2020.



Suzie Haslehurst

**CHIEF EXECUTIVE OFFICER**

## Confirmed Minutes

These minutes were confirmed at a meeting held on 15 December 2020.

Signed:  .....

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



## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the Special Meeting open at 3.03pm.

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

## 2. RECORDS OF ATTENDANCE

### Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr T Chitty	
Cr P Hart	
Cr M McKeown	
Cr S Pearce	
Cr B Rayner	

### Staff

Ms S Haslehurst	Chief Executive Officer
Mrs C Luangala	Manager Corporate and Community Services
Mr K Nieuwoudt	Manager Planning and Development
Mr R Ness	Acting Manager Works and Services
Mrs M Rebane	Executive Assistant

### Visitors

A Farrant

### 2.1 APOLOGIES

Cr Bell has an approved leave of absence from 1 November 2020 to 30 November 2020 inclusive

## 3. DISCLOSURE OF INTERESTS

Nil

## 4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

Nil

## 5. PUBLIC SUBMISSIONS (relating to the purpose of the meeting)

Nil

## 6. PURPOSE OF THE MEETING AND SHIRE OFFICER REPORTS

### 6.1 Report of the Authorised Inquiry into the Shire of Toodyay

Date of Report:	14 October 2020/13 November 2020
Applicant or Proponent:	Shire of Toodyay
File Reference:	LGN2
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	27 October 2020: Res. No. 298/10/20; and 17 November 2020: Res. No. 306/11/20
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Written Advice to the Minister for Local Government; Heritage; Culture and the Arts

### PURPOSE OF THE REPORT

To seek Council's endorsement of the written advice to the Minister (refer to Attachment 1) setting out the things that Council has done or proposes to do to give effect to the recommendations of the Authorised Person in the Shire of Toodyay Authorised Inquiry Report.

### BACKGROUND

At the Ordinary Council Meeting of 27 October 2020, it was resolved:

*That Council:*

1. *Defers this matter to a workshop to devise a response to the Inquiry; and*
2. *Holds a Special Meeting of Council to consider Council's Response to the Inquiry on or before 17 November 2020.*

Correspondence was received on 12 November 2020 from the Minister for Local Government; Heritage; Culture and the Arts (the Minister) allowing an extension to the time allowed to provide advice to the Minister in accordance with Section 8.14(3) of the *Local Government Act 1995*. Therefore, at the Special Council Meeting held on 17 November 2020, it was resolved:

*That Council:*

1. *Notes the correspondence from the Minister for Local Government, Heritage; Culture and the Arts granting an extension to provide a response to the Shire of Toodyay Authorised Inquiry Report as attached at Attachment 1 to this report.*
2. *Following a workshop, requests the Chief Executive Officer to convene a Special Council Meeting to endorse Council's written advice setting out the things that Council has done or proposes to do to give effect to the recommendations of the Authorised Person to enable submission on or before 30 November 2020.*

**COMMENTS AND DETAILS**

A workshop was held on 17 November attended by eight out of nine elected members. All Councillors had provided written comments regarding the Inquiry Report via email prior to the workshop.

Officers have collated the information discussed at the workshop for Council's endorsement prior to submission to the Minister (refer to Attachment 1).

**IMPLICATIONS TO CONSIDER**

**Consultative:**

Department of Local Government, Sport & Cultural Industries

**Strategic:**

Governance: The way the Shire leads and operates

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

*Objective 2 Consistently improve our governance practices*

*Objective 3 Ensure rigorous organisational systems*

**Policy related:**

Nil

**Financial:**

Nil

**Legal and Statutory:**

Local Government Act 1995

**8.13. Authorised person's report**

- (1) *An authorised person is to compile a report on the outcome of any inquiry he or she conducts.*
- (2) *The report is to contain any recommendations that the authorised person considers appropriate.*
- (3) *The report of an authorised person other than the Departmental CEO is to be given to the Departmental CEO.*
- (4) *The Departmental CEO is to give a copy of the report to the Minister.*

[Section 8.13 amended: No. 28 of 2006 s. 364.]

**8.14. Copies to be given to local government and suspended council members**

- (3) *Within 35 days after receiving the report or such longer period as the Minister allows, the local government is to give the Minister written advice setting out the things that it has done or proposes to do to give effect to the recommendations of the authorised person.*

**Risk related:**

There is a compliance risk should Council choose not to provide a response to the Inquiry. This is rated extreme. As an extension has been granted to provide a response, a workshop held to formulate a response and a Special Council Meeting held to endorse the response, this risk is reduced.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. Endorses Council's written advice to the Minister for Local Government; Heritage; Culture and the Arts (the Minister) as attached to this Report.
2. Authorises the Shire President to sign the written advice to the Minister on behalf of Council.
3. Requests the Chief Executive Officer to submit the duly signed written advice to the Minister no later 30 November 2020.

Cr Ruthven moved the Officer's Recommendation as follows:

**That Council:**

1. **Endorses Council's written advice to the Minister for Local Government; Heritage; Culture and the Arts (the Minister) as attached to this Report.**
2. **Authorises the Shire President to sign the written advice to the Minister on behalf of Council.**
3. **Requests the Chief Executive Officer to submit the duly signed written advice to the Minister no later 30 November 2020.**

Cr McKeown foreshadowed an alternative motion.

Cr Chitty objected to the motion.

Cr Hart seconded the motion.

Debate commenced.

Cr Ruthven reserved comment until the right of reply.

Cr Hart also reserved comment.

Cr Chitty raised a Point of Order in accordance with Standing Order 8.4 in relation to Standing Order 9.6(g) Order of Call in debate.

**The Shire President upheld the Point of Order in accordance with Standing Order 8.5 and advised Cr Hart that as seconder he does not get a right of reply,**

Debate recommenced.

The Shire President advised, for the benefit of those on-line that Cr McKeown had forwarded an alternative recommendation to Councillors via email.

Debate continued.

Cr McKeown moved an amendment to the motion as follows:

**That at Point 1 following the words “as attached to this Report” the words below are inserted:**

**“subject to the following amendments:**

- **Each time the Shire is mentioned it be changed to the Local Government of the Shire of Toodyay.**
- **In the response to Recommendation 2 current be changed to “current and future”**

Cr Chitty seconded the amendment.

Clarification was sought.

The Chief Executive Officer proposed that the Shire President seek a motion for Standing Orders to be suspended.

**MOTION/COUNCIL RESOLUTION NO. 307/11/20**

**MOVED** Cr Hart

**SECONDED** Cr Ruthven

That in accordance with Standing Order 16.1, Standing Orders Clause 7.9 is to be suspended at 3.31pm until the Council decides otherwise.

**MOTION CARRIED 8/0**

Cr McKeown read aloud proposed alternative correspondence addressed to the Minister for Local Government as follow:

*“Dear Minister,*

*Thank you for the extension of time to allow the Local Government of Toodyay to provide written advice setting out the things that it has done or proposes to do to give effect to the recommendations in the Authorised Inquiry Report.*

*The composition of the Local Government of Toodyay has changed since the Inquiry commenced. It is noted that the following has occurred:*

- *Local government ordinary elections were held with five new members elected, and a later extraordinary election held to replace a member who resigned.*

- *In line with new regulations, Councillor training has been undertaken across a range of areas including governance and financial management.*
- *A new Chief Executive Officer was appointed following a comprehensive recruitment process and Performance Criteria that include actions relating to governance and compliance were set.*
- *You accepted an invitation as Minister for Local Government; Heritage; Culture & the Arts to visit Toodyay and address the Council.*
- *Council has commenced a comprehensive policy review.*

*Councillors wish to draw attention to several discrepancies included in the final report. These include:*

- *Incorrect referencing of legislation, policies and delegations;*
- *Confusing and inconsistent terminology relating to 'Shire', 'organisation', 'Council'; and*
- *Inaccurate information regarding the sale of a Shire property.*

*These inaccuracies undermine the veracity of the report and have contributed to protracted and extensive media coverage of various opinions regarding the report.*

*Council's response to the recommendations contained in the Inquiry Report follows. This response was endorsed by Council at a Special Council Meeting held on 24 November 2020 following input from elected members.*

1. *The Shire undertake a Governance Review as approved by the Director General within 6 months of this report becoming final and the review is to be made available to the Director General.*

***Council cannot give effect to this recommendation because Council does not understand its meaning.***

2. *The Elected Members undertake training as determined appropriate by the Director General within 6 months of this report becoming final. That training is to include but not be limited to:*
  - *Governance*
  - *Accountability*
  - *Roles and responsibility of both elected members and administration*
  - *Financial matters*
  - *Tendering and procurement*
  - *Meeting management*

*Council cannot give effect to this recommendation until the Director General has determined what training is appropriate.*

3. *Following completion of the training referred to in Recommendation 2, the CEO is to deliver to the Director General a comprehensive report:*
  - a. *demonstrating the knowledge and understanding gained by the Elected Members from the training; and*
  - b. *identifying members who have attended the training and any reasons for non-attendance; and*
  - c. *outlining the steps taken by the Shire to implement such knowledge and understanding.*

*Council asserts that this recommendation places the CEO in an unfair position and cannot be complied with.*

4. *Conduct a review of the CEO's performance by an independent consultant on an annual basis for the duration of the contract.*

*Council cannot act on this recommendation because the contract for the employment of the CEO is matter between an employer (Local Government of Toodyay) and an employee (CEO) and is not a matter for any other person.*

5. *Council review the Litigation Policy to reflect the scope and authority of the CEO regarding any litigation on behalf of the Shire.*

*A Compliance and Enforcement Policy was adopted in October 2020. However, Council maintains that it must ensure the Shire is able to pursue debt collection where warranted.*

*Council would be happy to meet with you to discuss the above response if needed. Please don't hesitate to contact me should you have any queries."*

**MOTION/COUNCIL RESOLUTION NO. 308/11/20**

**MOVED** Cr Rayner

**SECONDED** Cr Greenway

That in accordance with Standing Order 16.1, Standing Orders Clause 7.9 is to be resumed at 3.37pm until the Council decides otherwise.

**MOTION CARRIED 8/0**

Debate recommenced.

The amendment was put.

**AMENDMENT/COUNCIL RESOLUTION NO. 309/11/20**

**MOVED** Cr McKeown

**SECONDED** Cr Chitty

That at Point 1 following the words "as attached to this Report" the words below are inserted:

"subject to the following amendments:

- Each time the Shire is mentioned it be changed to the Local Government of the Shire of Toodyay.
- In the response to Recommendation 2 current be changed to "current and future"

**AMENDMENT CARRIED 8/0**

The substantive motion was put.

**MOTION/COUNCIL RESOLUTION NO. 310/11/20**

**MOVED** Cr Rayner

**SECONDED** Cr Chitty

That Council:

1. Endorses Council's written advice to the Minister for Local Government; Heritage; Culture and the Arts (the Minister) as attached to this Report subject to the following amendments:
  - Each time the Shire is mentioned it be changed to the Local Government of the Shire of Toodyay.
  - In the response to Recommendation 2 current be changed to "current and future"
2. Authorises the Shire President to sign the written advice to the Minister on behalf of Council.
3. Requests the Chief Executive Officer to submit the duly signed written advice to the Minister no later 30 November 2020.

**VOTES EQUALLY DIVIDED 4/4**

*In accordance with 5.21(3) of the Local Government Act 1995, the Presiding Member cast a second vote 'for' the motion.*

**MOTION CARRIED 5/4**

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 Madacsi, Ruthven, Pearce and Hart voted for the motion. Councillors Rayner, Chitty, Greenway, and McKeown voted against the motion. The Presiding Member cast a second vote for the motion.

**6.2 Appointment of a Senior Officer – Manager Assets and Services**

Date of Report:	19 November 2020
Applicant or Proponent:	Shire of Toodyay
File Reference:	STF55
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
<b>Confidential</b> Attachment:	1. Recruitment and Selection Report

**PURPOSE OF THE REPORT**

To present Council with a report on the recruitment process for the role of Manager Assets and Services for consideration.

**BACKGROUND**

Following the resignation of Mr Scott Patterson from the position of Manager Works and Services at the Shire of Toodyay in September, a recruitment process was commenced by the Chief Executive Officer (CEO).

After seeking and receiving proposals from three suitably qualified recruitment professionals, Lydia Highfield Consultancy (LHC) was appointed to facilitate the process to fill the vacancy.

Pursuant to Section 5.37 of the *Local Government Act 1995*, the CEO is to inform Council of each proposal to appoint or dismiss a Senior Employee. This is one of the nominated positions.

**COMMENTS AND DETAILS**

A confidential Recruitment Report has been prepared by LHC and is attached for Council's information at Attachment 1. The process for recruitment has involved the following:

- Review of the position description to ensure relevance and accuracy. This resulted in the change of title to Manager Assets and Services to better reflect the responsibility for management of the Shire's assets.
- Advertising of the role in print and online forums including The West Australian, Facebook, the Shire's website and on SEEK.

- Four applications were received and reviewed. LHC prepared a shortlist of two applicants for interview which was provided to the CEO.
- The CEO and Lydia Highfield interviewed the shortlisted applicants with the Manager Corporate & Community Services and Manager Planning Development attending as observers.
- Referee and qualifications checks were undertaken by LHC.
- Recommendation Report provided to the Chief Executive Officer.
- A follow-up meeting with the preferred candidate undertaken by the Chief Executive Officer.

Based on the process outlined above, the CEO is recommending that the preferred candidate as indicated in the attached confidential Recruitment Report is appointed to the position of Manager Assets and Services.

Council could choose to accept or reject recommendation but if it rejects the CEO's recommendation, reasons must be provided in accordance with Section 5.37(2) of the Act.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Nil.

### **Strategic:**

*Governance: The way the Shire leads and operates*

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

*Objective 2 Consistently improve our governance practices*

*Objective 3 Ensure rigorous organisational systems*

At all times, the Shire is committed to engaging the best applicant for the role advertised.

### **Policy related:**

Nil.

### **Financial:**

The salary package negotiated with the preferred applicant by the Chief Executive Officer will be within budget allocations and aligns with the package advertised as part of the recruitment process.

The cost of the recruitment was as follows:

- Professional services      \$5,850
- Advertising                      \$2,289

The 2020/21 adopted budget includes an allocation for advertising and promotion. The cost of the professional services will be allocated to and covered by the savings

in wages and salaries during the internal appointment of an Acting Manager Assets and Services.

**Legal and Statutory:**

Local Government Act 1995

**5.37. Senior employees**

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

*[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]*

**Risk related:**

The risks associated with recruitment relate to the ability to recruit appropriately skilled, experienced and qualified staff. The decision to engage a recognised and respected Recruitment Consultant was designed to mitigate this risk.

There is an operational risk and a financial risk should Council choose to reject the CEO's recommendation. These are both rated high.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION NO. 311/11/20**

**MOVED** Cr Chitty

That Council, in accordance with Section 5.37(2) of the *Local Government Act 1995*:

1. Accepts the recommendation from the Chief Executive Officer contained in the Recruitment Report attached as confidential Attachment 1 regarding the employment of the Manager Assets and Services as a Designated Senior Officer.
2. Notes that the Chief Executive Officer will negotiate the terms of the contract with the preferred candidate which is aligned to the conditions advertised. A contract term of three years will be offered.

**MOTION CARRIED 8/0**

**7. CLOSURE OF MEETING**

The meeting was declared closed at 3.42pm.

Our Ref: MAN13/ICR72559/OCR53161  
Your Ref: 66-14198/66-14198



25 November 2020

Hon David Templeman MLA  
Minister for Local Government;  
Heritage; Culture and the Arts  
Level 7 Dumas House  
2 Havelock Street  
West Perth WA 6005

Via Email: [Minister.Templeman@dpc.wa.gov.au](mailto:Minister.Templeman@dpc.wa.gov.au)

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W [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)

Dear Minister

Thank you for providing an extension of time to allow the Local Government of the Shire of Toodyay to provide written advice setting out the things that it has done or proposes to do to give effect to the recommendations from the Authorised Inquiry Report.

Council and Senior Shire Officers met with representatives of the Department of Local Government, Sport & Cultural Industries in Toodyay on 10 November 2020 to discuss a collaborative approach to the recovery of the Shire of Toodyay following the Inquiry findings.

Department representatives acknowledged that the Local Government of the Shire of Toodyay's context has changed since the Inquiry commenced. It is noted that the following has occurred.

- Local government ordinary elections were held with five new members elected, with a later extraordinary election held to replace a member who resigned;
- In accordance with new regulations, Councillor training has been undertaken across a range of areas including governance and financial management;
- A new Chief Executive Officer was appointed following a comprehensive recruitment process and Performance Criteria that include actions relating to governance and compliance were set;
- You accepted an invitation as Minister for Local Government; Heritage; Culture & the Arts to visit Toodyay and address the Council; and
- Council has commenced a comprehensive policy review.

While it is recognised that the Report has been finalised and tabled in Parliament, Councillors wish to draw attention to inaccuracies included in the final report, which were raised at the meeting held on 10 November 2020 and remain.

These included:

- Incorrect referencing of legislation, policies and delegations;
- Confusing and inconsistent terminology relating to 'Shire', 'organisation', 'Council';
- Inaccurate information regarding the sale of a Shire property.

These inaccuracies undermine the veracity of the report and have contributed to the protracted and extensive media coverage of various opinions regarding the report. In the interests of good governance, Council requests that an explanatory statement or other notation accompanies the report. Nonetheless, Council now welcomes the opportunity to focus on implementing strategies and actions to ensure continuous improvement to achieve best outcomes for the Local Government of the Shire of Toodyay and its ratepayers.

Council's response to the recommendations contained in the Inquiry Report follows. This was endorsed by Council at a Special Council Meeting held on 24 November 2020 following input from all elected members.

**1. *The Shire undertake a Governance Review as approved by the Director General within 6 months of this report becoming final and the review is to be made available to the Director General.***

The Local Government of the Shire of Toodyay will work with Officers of the Department of Local Government, Sport and Cultural Industries (DLGSC) to develop a plan for a review of governance and compliance that outlines:

- The deliverables to be achieved;
- How the deliverables will be achieved; and
- The timeframe for the agreed deliverables to be achieved.

**2. *The Elected Members undertake training as determined appropriate by the Director General within 6 months of this report becoming final. That training is to include but not be limited to;***

- ***Governance***
- ***Accountability***
- ***Roles and responsibility of both elected members and administration;***
- ***Financial matters***
- ***Tendering and procurement***
- ***Meeting management***

It should be noted that all Councillors have undertaken training since the commencement of the Inquiry including but not limited to:

- Council Members Essential Training (all modules);
- Governance practices;
- Communications;
- Statutory Planning;

- Integrated Strategic Planning; and
- Meeting Management practices.

In addition, relevant prior learning and experience of current and future Councillors will be documented. It is proposed that Council regularly reviews elected member knowledge gaps to inform additional training to be undertaken.

**3. Following completion of the training referred to in Recommendation 2, the CEO is to deliver to the Director General a comprehensive report:**

- a. demonstrating the knowledge and understanding gained by the Elected Members from the training; and**
- b. identifying members who have attended the training and any reasons for non-attendance; and**
- c. outlining the steps taken by the Shire to implement such knowledge and understanding.**

Council asserts that this recommendation is contrary to the intent of s.2.7(1) of the *Local Government Act 1995* placing Council's employee in an unfair position and cannot be complied with. It is proposed that the Council submits a report of the training undertaken, by whom and the objectives of such training.

**4. Conduct a review of the CEO's performance by an independent consultant on an annual basis for the duration of the contract.**

This mechanism is already in place.

**5. Council review the Litigation Policy to reflect the scope and authority of the CEO regarding any litigation on behalf of the Shire.**

A Compliance and Enforcement Policy was adopted in October 2020. However, Council maintains that it must ensure the Local Government of the Shire of Toodyay is able to pursue debt collection where warranted.

Council would be happy to meet with you and/or the Director-General to discuss the above response if needed. Please do not hesitate to contact me should you have any queries.

Yours sincerely



Cr Rosemary Madacsi

**SHIRE PRESIDENT**

