

Shire of Lake Grace

Ordinary Council Meeting

Minutes

29 September 2021

Meeting Commencing at 3:30 pm



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SHIRE OF LAKE GRACE

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Bishop Street, Lake Grace, WA on Wednesday 29 September 2021.

1.0 DECLARATION OF OPENING ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 3:30 pm.

1.1 Constitutional Matters

2.0 DISCLAIMER

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

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Acknowledgement of Country to be read by the Shire President

The Shire of Lake Grace acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people.

3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**3.1 PRESENT**

Cr LW Armstrong	Shire President
Cr R Chappell	Deputy Shire President
Cr DS Clarke	
Cr B Hyde	
Cr RA Lloyd	
Cr AD Marshall	
Cr PS Stoffberg	

Apologies**In Attendance**

Mr A George	Chief Executive Officer
Mr C Paget	Deputy Chief Executive Officer
Mr C Elefsen	Manager Infrastructure Services
Mr M Castaldini	Community & Emergency Services Manager
Mrs R Rose	Executive Assistant (for the Minutes)

Observers/Visitors

Mr Jeff McKenzie – Councillor Elect
Ms Amber McPherson – Acting CSO Shire of Lake Grace

3.2 APOLOGIES**3.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED**

Cr Shane Carruthers – Leave of Absence from 27 September to 03 October 2021.

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.0 NOTATIONS OF INTEREST

Nil

7.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60A

Nil

7.2 DECLARATIONS OF FINANCIAL PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B

Nil

7.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATIONS 1996 SECTION 34C

Cr Roz Lloyd submitted a Disclosure of Interest Affecting Impartiality for Item 14.1.1 Newdegate Town Hall as a Committee person on the Hainsworth (Historical) Committee.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

9.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Late Item 14.4.5 – Superannuation for Elected Members will be presented to the meeting by the Shire President.

10.0 CONFIRMATION OF MINUTES**10.1 ORDINARY COUNCIL MEETING – 25 AUGUST 2021****RESOLUTION 13459**

Moved Cr Chappell

Seconded Cr Stoffberg

That the Minutes of the Ordinary Council Meeting held on 25 August 2021 be confirmed as a true and accurate record of the meeting.

CARRIED: 7/0

10.2 SPECIAL COUNCIL MEETING – 08 SEPTEMBER 2021

RESOLUTION 13460

Moved Cr Chappell

Seconded Cr Hyde

That the Minutes of the Special Council meeting held on 08 September 2021 be confirmed as a true and accurate record of the meeting.

CARRIED: 7/0

10.3 ANNUAL MEETING OF ELECTORS

Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION OF COUNCIL

Nil

13.0 REPORTS OF COMMITTEES

13.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) – 31 AUGUST 2021

RESOLUTION 13461

Moved Cr Clarke

Seconded Cr Chappell

That the Minutes of the Local Emergency Management Committee meeting held on 31 August 2021 be received.

CARRIED: 7/0

13.2 SHIRE OF LAKE GRACE TOURISM ADVISORY COMMITTEE (SOLGTAC) – 15 SEPTEMBER 2021

RESOLUTION 13462

Moved Cr Marshall

Seconded Cr Stoffberg

That the Minutes of the Shire of Lake Grace Tourism Advisory Committee meeting held on 15 September 2021 be received.

CARRIED: 7/0

13.3 BUSH FIRE ADVISORY COMMITTEE MEETING (BFAC) – 16 SEPTEMBER 2021

RESOLUTION 13463

Moved Cr Clarke

Seconded Cr Hyde



That the Minutes of the Bush Fire Advisory Committee meeting held on 16 September 2021 be received.

CARRIED: 7/0

14.0 REPORTS OF OFFICERS**14.1 INFRASTRUCTURE SERVICES**

At the commencement of the meeting, Cr Roz Lloyd submitted a Disclosure of Interest Affecting Impartiality for this item being a committee person on the Hainsworth (Historical) Committee.

14.1.1 NEWDEGATE TOWN HALL

Applicant:	Internal Report
File No.:	0533
Attachments:	a) Building Audit and Report Newdegate Town Hall, prepared by Robert Petruisch b) Structural inspection report Newdegate Town Hall, Prepared by Jason Nguyen c) Email from Admin Support Trainee
Author:	 Mr Craig Elefsen Manager Infrastructure Services
Disclosure of Interest:	Nil
Date of Report:	20 September 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

For Council to authorise the reduction of the maximum occupancy to Newdegate Town Hall to a maximum number of 150, and to authorise building works to bring it up to standards for the Newdegate centenary event scheduled for 2022.

Background

The Newdegate Town Hall was built in 1967 and to date the only major works carried out has been the upgrade to the lesser hall. The building appears to have been forgotten about over the years and minimal maintenance and general upkeep has not been carried out.

According to the shire booking register between the dates of 20 July 2016 and 3 July 2019, the Newdegate Town Hall was predominantly used on a weekly basis by the Newdegate Gymnastics Club for the majority of months in the year, and on a weekly basis by the Newdegate Netball Club for fitness classes for a period between March 2018 and August 2018. There have also been one-off external meetings held in October 2017 and September 2018.

Comment

In May 2019 the Shire of Lake Grace submitted an insurance claim to LGIS whom the Shire insures buildings and assets through, for water damage to the lesser hall.

In November 2020 after numerous attempts to find contractors it was agreed between the Shire and the insurance company that the best way out was to pay out the claim and leave it up to the Shire to complete the works when contractors become available. In Phase 2 of the Local Roads and Community infrastructure council agreed to allocate some money towards the Newdegate town hall repairs/maintenance.

With how old the building is it appears to be in reasonable condition for its age, there are many old and decaying parts to the building embedded within its foundations such that it will require more and more invasive maintenance work going forward. However replacing or demolishing the hall would be a major cost to the whole shire how far do we go. There is also the matter of whether the Newdegate community is in favour of replacing or demolishing the hall, or if they would rather perform a thorough refurbishment.

For now, it is recommended to repair and upgrade the town hall to standards so that it can be used by the Newdegate community (and further afield) for the time being, while plans are drawn for the eventual replacement or refurbishment. The types of upgrades required are to do with disability access in recent Australian Standards and Building Code of Australia revisions.

Additionally it was observed that the Newdegate Public Hall does not fulfil the available toilet requirements to have 300 persons max occupancy. According to the current building requirements from the National Construction Code, the max occupancy is to be downgraded to 150 persons.

The Shire does not have quotes to carry out the building works as specified in the February 2021 report supplied by Mr Robert Petrusich so the final cost of it is not known. There is currently \$100,000 held in Job NGPHCAP "Newdegate Public Hall" for capital works on the hall, but there could be a chance we require more. Therefore we will draw from the Newdegate Hall Reserve if required, which has a balance of \$125,789.

Legal Implications

Disability Discrimination Act 1992
Health (Miscellaneous Provisions) Act 1991

Policy Implications

Nil

Consultation

Internal: Shire of Lake Grace Admin Staff

External: Mr Jason Nguyen, Structural Engineer
Mr Robert Petrusich, Building Surveyor

Financial Implications

All spending to bring the Newdegate Town Hall to a usable level will be incurred under Job NGPHCAP which has \$100,000 allocated to it in the 2021/22 Annual Budget. If required the Shire may transfer money out of the Newdegate Hall Reserve which holds a balance of \$125,879.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Social Objective – A valued, healthy and inclusive community and life-style

Outcomes 2.1 An engaged, supportive and inclusive community

2.1.1 Community services and infrastructure meeting the needs of the district

2.1.2 Maintain and support the growth of education, childcare, youth and aged services

2.2 A healthy and safe community

2.2.1 Maintain and enhance sport and recreation facilities

Environment Objective – Protect and enhance our natural and built environment

Outcomes 3.1 A well maintained attractive built environment servicing the needs of the community

3.1.1 Maintain, rationalise, improve or renew buildings and community infrastructure

3.1.2 Maintain the integrity of heritage buildings and places

Leadership Objective – Strong governance and leadership, demonstrating fair and equitable community values

Outcome 4.2 An efficient and effective organisation

4.2.2 Comply with statutory and legislative requirements

Cr Roz Lloyd submitted a Disclosure of Interest Affecting Impartiality for this item being a committee person on the Hainsworth (Historical) Committee.

Standing Order - the following Recommendation / Resolution was presented to the Council:

RESOLUTION 13464

Moved Cr Stoffberg

Seconded Cr Marshall

That Cr Roz Lloyd remain in the room, be included in the discussion and allowed to vote on Item 14.1.1 – Newdegate Town Hall.

CARRIED: 6/0

RESOLUTION 13477

Moved Cr Chappell

Seconded Cr Clarke

That Council suspend Standing Orders to allow discussions

CARRIED: 7/0

Discussions took place regarding the recommended points with several changes determined.

RESOLUTION 13466

Moved Cr Chappell

Seconded Cr Clarke

That Council resume Standing Order to discuss as per Agenda.

CARRIED: 7/0

RESOLUTION 13465

Moved Cr Stoffberg

Seconded Cr Hyde

That Council:

- 1) authorise the reduction of the maximum number of persons attending the Newdegate Town Hall to a maximum of 150 people down from the original maximum of 300 persons;
- 2) authorise the following works on the Newdegate Town Hall –
 - a) Install hand rails on all external stair cases,
 - b) Install a disabled access ramp to the front of the hall with a maximum gradient of 1:14;
 - c) Remove complete flooring in the Lesser Hall and replace with suitable subflooring and install vinyl plans on top
 - d) Replace all gutters and downpipes
 - e) Paint all external asbestos cladding, window frames, facia, timber doors
 - f) Remove staircase to upper level to prevent access
 - g) Complete all other works required to bring it up to a usable standard for the Newdegate centenary event
- 3) authorise the CEO to transfer money out of reserve Newdegate Hall Reserve to Job NGPHCAP “Newdegate Public Hall” if required.

Before the voting, the following changes were made on the above and below became part of the substantive motion:

- (e) paint / seal all external asbestos cladding, window frames, fascia, timber doors*
- (f) isolate staircase to upper level to prevent access and keep the door locked*
- (g) capital works to be limited to \$100,000. Any expenditure required above this amount must be taken to Council for approval.*

Number 3 above to be replaced by:

- (3) Community consultation to be undertaken for the future of the Newdegate Town Hall following the Newdegate Centenary celebrations.*

CARRIED: 7/0

Voting Requirements

Simple majority required.



14.2 PLANNING

Nil

14.3 HEALTH AND BUILDING

Nil

14.4 ADMINISTRATION**14.4.1 SOUTHWEST NATIVE TITLE SETTLEMENT**

Applicant:	Department of Planning Lands and Heritage
File No.:	0306 / 0809
Attachments:	South West Native Title Settlement Map
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	16 September 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

For Council to provide comment on the lands identified for possible transfer and inclusion in the Noongar Land Estate.

Background

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six (6) requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000-hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land

Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

Comment

A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities.

Council is requested to provide comment on two (2) parcels of land, being:

1. on the southern boundary of the shire being Reserve 36444, Certificate of Title 3066/271 comprising 422.26ha (see attachment 2). The land in question is on the far eastern end of Lake Magenta Nature reserve on the north side of Mallee Rd which is the border with Ravensthorpe Shire. The responsible government agency is DPLH
2. Reserve 19202, C/T 3065/837 comprising 15.99ha located on Biddy-Camm Rd approximately 500m west of Burngup South Rd. This reserve is the responsibility of DWER.

Comments are being sought on;

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?

8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

It is Administration's belief that comment only need to be made on questions 1 & 2 given the nature and location of the land in question.

These requests are just the start of more anticipated to follow over the next five years. It is worthwhile noting that whilst these are in remote locations with little or no interest to the Shire that some other shires have had requests regarding UCL in townsites.

Legal Implications

South West Native Title Settlement

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Nil

RESOLUTION 13467

Moved Cr Stoffberg

Seconded Cr Lloyd

That Council authorises Administration to provide comment on the consideration for inclusion in the Noongar Land Estate of:

1. Reserve 36444 being Certificate of Title 3066/271, and
2. Reserve 19202 being Certificate of Title 3065/837

Comments to read as follows:

- | | |
|---|-----|
| 1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? | Yes |
| 2. Does the Shire have any interest in the land? | No |



- | | |
|---|---------------------------------|
| 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. | No |
| 4. Is the land parcel subject to any mandatory connection to services? | No |
| 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe? | No |
| 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe? | No |
| 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? | Nil |
| 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). | None that the Shire is aware of |
| 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement. | |

CARRIED: 7/0

Voting Requirements

Simple majority required.

14.4.2 AA DAM – 438 LAKE MAGENTA

Applicant:	Shire of Lake Grace
File No.:	0504
Attachments:	1. Dam Location 2. Dam Photo
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	23/9/21
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

Shire of Lake Grace to take control of AA Dam 438 Lake Magenta from the Water Corporation once the dam and catchment have been cleaned up through funding under the National Water Grid Connections fund (NWGCf).

Background

AA Dam 438 is located on Magenta Road approximately 3.5km south of Ardler Road and was originally offered to the Shire several years ago by the Water Corporation who advised that it was not required and that it would not be carrying out any maintenance on the dam. Upon viewing the dam, it was decided that the dam needed a lot of work on the catchment and dam itself and that the Shire was not interested in taking it over due to the cost to rectify the problems. At this time the Shire was offered several other dams, some of which it was agreed to take over whilst the others were rejected. Those dams agreed to take over were all located to the north of the Lake Grace / Lake King road as those offered to the south of the road were not viable prospects

Comment

Through the National Water Grid Connections fund (NWGCf), which is a joint funding arrangement between the state and federal governments, several sites within the Shire of Lake Grace have been identified by the Department of Water as being recipients of the funding to upgrade or replace water supplies and catchments. These sites include dams and catchments at Purnta Rock, Lake Grace North, Burngup Railway Bore, Varley North Community Dam and AA Dam 438 Lake Magenta (north). There is a possibility that this funding will also extend to a new dam at the Lake King airstrip.

As this dam is a Water Corporation dam and they refuse to keep it maintained, the Department of Water is requesting Council to take over the dam once the proposed works are carried out. This area is not connected to the water grid so the opportunity to have another dam upgraded in the area at no cost to the council is considered too good an opportunity to pass up. Once the upgrade is completed only regular minor maintenance will be required to maintain it.

Legal Implications

Nil

Policy Implications

Nil

Consultation

External Ms Sandy Turton- Parkinson - Department of Water

Financial Implications

Nil initially but minor cost for the upkeep in the future.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Economic Objective – A prosperous agricultural based economy, supporting diversification of industry.

- Outcome 1.1 An innovative, productive agriculture industry
 - 1.1.3 Support and promote the agricultural productivity of the district
 - 1.1.4 Maintain and provide water infrastructure and lobby to support drought-proofing and water-harvesting initiatives
 - 1.1.5 Liaise with key stakeholders for the improvement of the agricultural industry

RESOLUTION 13468

Moved Cr Stoffberg

Seconded Cr Lloyd



That Council advises the Water Corporation that it will accept the takeover of AA Dam 438 Lake Magenta once the upgrades to be carried out under the National Water Grid Connections fund (NWGCf) by the Department of Water are completed.

CARRIED: 7/0

Voting Requirements

Simple majority

14.4.3 REVIEW OF PURCHASING POLICY

Applicant:	Shire of Lake Grace
File No.:	0050
Attachments:	Proposed Shire of Lake Grace Policy 3.7 – Purchasing
Author:	 Mr Chris Paget Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	24 September 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

For Council to consider the review of Shire of Lake Grace Policy 3.7 – Purchasing, in order to improve the effectiveness, efficiency and clarity of the policy to staff, elected members, suppliers and our community.

Background / Comment

In May 2020 amendments to the Shire of Lake Grace purchasing policy were made to reflect the new Covid-19 induced thresholds for public tender requirements which were increased from \$150,000 to \$250,000. Other general purchasing thresholds were also amended as per guidelines provided by WALGA in their model template.

As part of the ongoing overall policy manual review and update process, evaluation of the purchasing policy has recently been undertaken by the executive management team in order to update recent legislative changes and to identify any possible discrepancies or administratively inefficient processes within it.

One major difficulty identified involves the requirement to obtain number of written quotes required for each proposed purchase within certain value ranges; in many instances staff have advised that this is simply not possible as potential suppliers are either not available due to their specialist nature/only locally based source, or because of Covid-19 demands they do not have the time or future availability to do so, or simply not prepared to quote (in some cases unless they are paid to do so). Consequently, the proposal is to amend the policy wording to read “seek” (using all best efforts) a specified number of written quotes, and make record of the potential suppliers contacted and reason/s for being unable to meet the prescribed amount.

Furthermore, the wording used in the existing policy did not clearly detail the quotation requirements for when purchasing from a WALGA Preferred Supplier Arrangements (PSA), a

WA State Government Common Use Agreements (CUA), or any other tender exempt arrangement. It is proposed to amend this to seeking and obtaining 1 written quotation from suppliers who are qualified and registered under these systems. The rationale for this being that the WALGA PSA, State CUA and other tender exempt arrangements have already been through a rigorous procurement evaluation, which address all regulatory purchasing requirements and value for money assessment and thus do not require the Shire to duplicate the same processes.

As a further part of the review, it was also considered prudent to reduce the number of purchasing thresholds categories by amending the purchase value ranges within each category, in order to make the policy more compatible with current purchasing practices and requirements

Legal Implications

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996, Part 4 Reg 11. When tenders have to be publicly invited

(1A) In this regulation —

state of emergency declaration has the meaning given in the Emergency Management Act 2005 section 3.

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

Policy Implications

Updated policies are intended to provide the Shire with clearer direction to guide the CEO/administration in the execution of decisions of Council, achieve the strategic direction of the Shire of Lake Grace and maintain legislative compliance.

Consultation

- Internal – Mr Alan George - Chief Executive Officer
Mr Craig Elefsen - Manager Infrastructure Services
Shire of Lake Grace Finance & Technical Admin staff
- External – WALGA Governance & Procurement teams
Department of Local Government, Sports & Cultural Industries
Office of the Auditor General (Local Government Procurement Better Practice Guide)
Neighbouring Local Governments

Financial Implications

There are no direct financial implications of adopting the proposed changes to the purchasing policy, however the proposed changes are aimed at ensuring that the Shire of Lake Grace obtains value for money in its purchasing in a legally and ethically compliant manner.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values

Outcome 4.1 A strategically focused, unified Council functioning efficiently

4.1.1 Provide informed leadership on behalf of the community

4.1.3 Provide strategic leadership and governance

Outcome 4.2 An efficient and effective organisation

4.2.1 Maintain accountability and financial responsibility through effective planning

4.2.2 Comply with statutory and legislative requirements

RESOLUTION 13469**Moved** Cr Lloyd**Seconded** Cr Clarke

That Council adopt the modified and updated purchasing policy as presented.

SECTION 3 FINANCE / ACCOUNTING

POLICY 3.7 PURCHASING POLICY

POLICY The Shire of Lake Grace (the "**Shire**") is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire strategic and operational objectives.

This policy complies with the Local Government (Functions and General) Regulations 1996 ('the Regulations').

1.1 OBJECTIVES

- The Shire's purchasing activities will achieve:
- The attainment of best value for money;
- Sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Compliance with the Local Government Act 1995, Local Government (Functions and General) Regulations 1996, as well as any relevant legislation, Codes of Practice, Standards and the Shire's Policies and procedures;
- Risks identified and managed within the Shire's Risk Management framework;
- Records created and maintained to evidence purchasing activities in accordance with the State Records Act and the Shire's Record Keeping Plan;
- Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

1.2 ETHICS & INTEGRITY

The Shire's Code of Conduct applies when undertaking purchasing activities and decision making. Elected Members and employees must observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

1.3 VALUE FOR MONEY

Value for money is achieved through the critical assessment of price, risk, timeliness, environmental, social, economic and qualitative factors to determine the most advantageous supply outcome that contributes to the Shire achieving its strategic and operational objectives.

The Shire will apply value for money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantage.

1.3.1 Assessing Value for Money

Assessment of value for money will consider:

- All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, maintenance and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, tenderers resources available, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- Financial viability and capacity to supply without the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition by obtaining a sufficient number of competitive quotations wherever practicable and consistent with this Policy;
- The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy; and
- Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

1.4 PURCHASING THRESHOLDS AND PRACTICES

The Shire must comply with all requirements, including purchasing thresholds and processes, as prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire.

1.4.1 Policy Purchasing Value Definition

Purchasing value for a specified category of goods, services or works is to be determined upon the following considerations:

- Exclusive of Goods and Services Tax (GST); and
- Where a contract is in place, the actual or expected value of expenditure over the full contract period, including all options to extend specific to a particular category of goods, services or works. OR
- Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three-year period. This period may be extended to a maximum of 5 years only where the supply category has a high risk of change i.e. to technology, specification,

availability or the Shire's requirements (Regulation 12).
The calculated estimated Purchasing Value will be used to determine the applicable threshold and purchasing practice to be undertaken.

1.4.2. Purchasing from Existing Contracts

The Shire will ensure that any goods, services or works required that are within the scope of an existing contract will be purchased under that contract.

1.4.3 Purchasing Officers – Financial Limits

All orders with the exception of petty cash outlays require the issue of a Purchase Order.

All officers are permitted to obtain verbal or written quotations for goods and services for the Shire, however the following officers are permitted to issue purchase orders on behalf of the Shire of Lake Grace within the financial limits specified:

Officer	Purchase Order Value
Chief Executive Officer	Unlimited (within adopted budget and guidelines)
Deputy Chief Executive Officer	\$50,000
Manager Infrastructure Services	\$50,000
Manager Corporate Services	\$50,000

1.4.4 Table of Purchasing Thresholds and Practices

This table prescribes Purchasing Value Thresholds and the applicable purchasing practices which apply to the Shire's purchasing activities:

1.4.4 Table of Purchasing Thresholds and Practices

This table prescribes Purchasing Value Thresholds and the Applicable purchasing practices which apply to the Shire's purchasing activities:

Purchase Value Threshold (ex GST)	Purchasing Practice Required
Up to \$1,000 (ex GST)	<p>Purchase directly from supplier using a Purchase Order or Corporate Credit Card issued by the Shire of Lake Grace.</p> <p>The preference is to purchase from a Shire based business if such suitable supplier can be sourced.</p> <p>Alternative suppliers are encouraged to be used if possible to ensure best value for money and adequate market share.</p>
From \$1,001 up to \$10,000 (ex GST)	<p>Purchase directly from a supplier using a Purchase Order or Corporate Credit Card issued by the Shire of Lake Grace, seek at least one (1) verbal or written quotation from a suitable supplier, either from:</p> <ul style="list-style-type: none"> an existing panel of pre-qualified suppliers administered by the Shire of Lake Grace; or a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use

Purchase Value Threshold (ex GST)	Purchasing Practice Required
	<p>Arrangement (CUA); or</p> <ul style="list-style-type: none"> from the open market.
<p>From \$10,001 up to \$50,000 (exc GST)</p>	<p>Seek at least one (1) written quotation from a suitable supplier on the open market.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements.</p> <p>If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then one (1) quote must be sought from either:</p> <ul style="list-style-type: none"> a supplier included in the relevant WALGA Preferred Supplier Arrangement; or other suppliers that are accessible accessible under a State Government Common Use Arrangement (CUA). <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> a brief outline of the specified requirement for the goods; services or works required; and value for money criteria, not necessarily the lowest price. <p>The procurement decision is to be represented using the Brief Evaluation Report Template.</p>
<p>From \$50,001 up to \$100,000 (exc GST)</p>	<p>Seek at least two (2) written quotations, if practical, from suitable suppliers on the open market.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements.</p>
	<p>If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then one (1) quote must be sought from either:</p> <ul style="list-style-type: none"> a supplier included in the relevant WALGA Preferred Supplier Arrangement; or other suppliers that are accessible under a State Government Common Use Arrangement (CUA). the open market.
	<p>If quotes are not being sought from a WALGA Preferred Supplier Arrangement, at least one (1) quotation is to be sought, where a suitable supplier is available, from:</p> <ul style="list-style-type: none"> a WA Disability Enterprise; and / or an Aboriginal Owned Business; and / or a Local Supplier.
	<p>The purchasing decision is to be based upon assessment of the suppliers response to:</p>

Purchase Value Threshold (ex GST)	Purchasing Practice Required
	<ul style="list-style-type: none"> a brief outline of the specified requirement for the goods; services or works required; and value for money criteria, not necessarily the lowest price. The procurement decision is to be represented using the Brief Evaluation Report Template.
From \$100,001 up to \$249,999 (exc GST)	<p>Seek at least three (3) written quotations from suppliers by invitation under a formal Request for Quotation.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements.</p> <p>If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then at least one (1) quote must be sought from either:</p> <ul style="list-style-type: none"> a supplier included in the relevant WALGA Preferred Supplier Arrangement; or other suppliers that are accessible under a State Government Common Use Arrangement (CUA). <p>If quotes are not being sought from a WALGA Preferred Supplier Arrangement, at least one (1) quotation of the three (3) quotations is to be sought, where a suitable supplier is available, from either:</p> <ul style="list-style-type: none"> a WA Disability Enterprise; and / or an Aboriginal Owned Business; and / or a Local Supplier. <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> a detailed written specification for the goods, services or works required and pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be represented using an Evaluation Report template.</p>
Over \$250,000 (exc GST)	<p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, seek quotations in accordance with the contract requirements. If no Panel of Pre-Qualified Suppliers exists for the required purchasing category, then either:</p> <ul style="list-style-type: none"> Seek at least three (3) written quotations from a supplier included in the relevant WALGA Preferred Supplier Arrangement and / or another tender exempt arrangement; <p>OR</p> <ul style="list-style-type: none"> Conduct a Public Request for Tender process in accordance with the Local Government Act 1995 and

Purchase Value Threshold (ex GST)	Purchasing Practice Required
	<p>relevant Shire Policy requirements.</p> <p>The purchasing decision is to be based upon the suppliers response to:</p> <ul style="list-style-type: none"> • a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and • pre-determined evaluation criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be represented using the Evaluation Report template.</p>
Emergency Purchases (Within Budget)	Must be approved by the President or by the Chief Executive Officer under delegation and reported to the next available Council Meeting
Emergency Purchases (Not Included in Budget)	<p>Only applicable where, authorised in advance by the President in accordance with s.6.8 of the Local Government Act 1995 and reported to the next available Council Meeting. Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers.</p> <p>If, however, no member of the Panel of Pre-qualified Suppliers or a suitable supplier from WALGA Preferred Supplier Arrangement is available, then the supply may be obtained from any supplier capable of providing the emergency purchasing requirement, and to the extent that it is reasonable in context of the emergency requirements, with due consideration of best and sustainable consideration.</p>
LGIS WA Services	The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the Act and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-based service and is not defined as a purchasing activity subject to this Policy. Should quotations for insurance services be sought from alternative insurance suppliers, compliance with this Policy is required.

1.4.5 Exemptions

An exemption from the requirement to publicly invite tenders may apply when the purchase is:

- obtained from a pre-qualified supplier under the WALGA Preferred Supplier Arrangement or other suppliers that are accessible under another tender exempt arrangement.
- from a pre-qualified supplier under a Panel established by the Shire;
- from a Regional Local Government or another Local Government;
- acquired from a person/organisation registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less (exc GST) and represents value for money;
- acquired from an Australian Disability Enterprise and represents value for money;

- the purchase is authorised under auction by Council under delegated authority;
- within 6 months of no tender being accepted;
- where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- the purchase is covered by any of the other exclusions under Regulation 11 of the Regulations.

The following exemptions where the Shire is not required to undertake a competitive purchasing process (as detailed in section 3.3 of this Policy) and where the total value of the purchase does not exceed \$250,000 (inclusive of GST) include:

- Services / Memberships of WALGA, Local Government Insurance Services WA (LGIS WA), 4WDL, VROCs and other cooperative local government groupings the Shire is involved with;
- Aboriginal Corporations registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation;
- Advertising – Newspapers and publications (for example: local papers, The West Australian, State Government Gazette);
- Annual Memberships / Subscriptions;
- Annual Service / Software Maintenance / Support Fees; • Fuels and oils for shire vehicles, plant and equipment; • Provision of utility services (where only sole provider exists); and
- Purchases for maintenance of equipment from Original Equipment Manufacturer (OEMs) and where warranty provisions may be void.
- Where for various reasons it is considered in the best interest of the Shire to undertake procurement activities which are not provided for by this policy, an officer may:
 - Recommend to the CEO reasons to undertake unique or urgent expenditure up to a value of \$10,000;
 - CEO to evaluate the recommendation of unique and urgent expenditure for approval or refusal;
 - Copy of any approval to be attached to the purchase order.

1.4.6 Inviting Tenders Under the Tender Threshold

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 threshold.

This decision will be made after considering:

- Whether the purchasing requirement can be met through the WALGA Preferred Supplier Program or any other tender exemption arrangement; and
- Any value for money benefits, timeliness, risks; and
- Compliance requirements.

A decision to invite Tenders, though not required to do so, may occur where an assessment has been undertaken and it is considered that there is benefit from conducting a publicly accountable and more rigorous process. In such cases, the Shire's tendering procedures must be followed in full.

1.4.7 Other Procurement Processes

1.4.7.1 Expressions of Interest

Expressions of Interest (EOI) are typically considered in situations where the project is of a significant value, or contains significant complexity of project delivery that may solicit responses from a considerable range of industry providers. In these cases, the Shire may consider conducting an EOI process, preliminary to any Request for Tender process, where the purchasing requirement is:

- Unable to be sufficiently scoped or specified;
- Open to multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- Subject to a creative element; or
- To establish a procurement methodology that allows for an assessment of a significant number of tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes are conducted as a public process and similar rules to a Request for Tender apply. However, the EOI should not seek price information from respondents, seeking qualitative and another non-price information only. All EOI processes should be subsequently followed by a Request for Tender through an invited process of those shortlisted under the EOI.

1.4.7.2 Request for Proposal

As an alternative to a Request for Tender, the Shire may consider conducting a Request for Proposal where the requirements are less known, or less prescriptive and detailed. In this situation, the Request For Proposal would still be conducted under the same rules as for a Request For Tender but would seek responses from the market that are outcomes based or that outline solutions to meet the requirements of the Shire.

1.4.8 Emergency Purchases

An emergency purchase is defined as an unanticipated purchase which is required in response to an emergency situation as provided for in the Act and including natural disasters such as fire and flood. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

Time constraints are not a justification for an emergency purchase. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

1.4.9 Sole Source of Supply

A sole source of supply arrangement may only be approved where the:

- Purchasing value is estimated to be over \$10,000; and
- purchasing requirement has been documented in a detailed specification; and
- specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier.

A sole source of supply arrangement will only be approved for a period not exceeding three (3) years. For any continuing purchasing requirement, the approval must be re-assessed before expiry to evidence that a Sole Source of Supply still genuinely exists.

1.4.10 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, avoiding a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

Utilising rolling contract extensions at the end of a contract term without properly testing the market or using a Tender exempt arrangement, will not be adopted as this would place this Local Government in breach of the Regulations (Regulation 12).

The Shire administration will conduct regular periodic analysis of purchasing activities within supply categories and aggregating expenditure values in order to identify purchasing activities which can be more appropriately undertaken within the Purchasing Threshold practices detailed in clause 1.4.3 above.

2 SUSTAINABLE PROCUREMENT**2.1. LOCAL ECONOMIC BENEFIT**

The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the Shire will:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;

- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy. This criterion will relate to local economic benefits that result from Tender processes.

2.2. PURCHASING FROM DISABILITY ENTERPRISES

An Australian Disability Enterprise may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, where a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and Tenders to provide advantages to Australian Disability Enterprises, in instances where not directly contracted.

2.3. PURCHASING FROM ABORIGINAL BUSINESSES

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, only where:

- the contract value is or is worth \$250,000 or less, and
- a best and sustainable value assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted.

2.4. PURCHASING FROM ENVIRONMENTALLY SUSTAINABLE BUSINESSES

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to suppliers which:

- demonstrate policies and practices that have been implemented by the business as part of its operations;
- generate less waste material by reviewing how supplies, materials and equipment

- are manufactured, purchased, packaged, delivered, used, and disposed; and
- encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

3 PANELS OF PRE-QUALIFIED SUPPLIERS

3.1. OBJECTIVES

The Shire will consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

Part of the consideration of establishing a panel includes:

- there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

3.2. ESTABLISHING AND MANAGING A PANEL

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO.

Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure that risks are managed and expected benefits are

achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

3.3. DISTRIBUTING WORK AMONGST PANEL MEMBERS

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel will prescribe one of the following as to whether the Shire intends to:

- obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

In considering the distribution of work among Panel members, the detailed information will also prescribe whether:

- each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 1.4.3 of this Policy. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

3.4. PURCHASING FROM THE PANEL

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every Panel member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications can be made through eQuotes (or other nominated electronic quotation facility).

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire's electronic records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members.

4. PURCHASING POLICY NON-COMPLIANCE

Purchasing Activities are subject to financial and performance audits, which review compliance with legislative requirements and also compliance with the Shire's policies and procedures.

A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- an opportunity for additional training to be provided;
- a disciplinary matter, which may or may not be subject to reporting requirements under the Public Sector Management Act 1994;
- misconduct in accordance with the Corruption, Crime and Misconduct Act 2003.

5. RECORD KEEPING

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the State Records Act 2000 and the Shire of Lake Grace Record Keeping Plan. This includes those with organisations involved in a tender or quotation process, including suppliers.

For the quotation process, this includes:

- Quotation documentation
- File notes for verbal quotes
- Internal documentation
- Purchase orders or requisitions
- Any other relevant correspondence.
- A copy of the Record of Quotations Obtained for Purchase document to be completed and attached to the Purchase Order.

For the tendering process, this includes:

- Advertising
- Tender documentation

- Evaluation documentation
- Enquiry and response documentation; and
- Notification and award documentation

Where a verbal quotation is required under this policy then the following information must be noted on the Record of Quotations Obtained for Purchase document and attached to the Purchase Order.

- Details of goods and services required;
- The name of any supplier who was requested to provide a quotation and the date on which it was requested; and
- The name of any supplier who submitted the quotation, the amount of the quotation and the date on which it was received

Where a written quotation is required under this policy then the written request for quotation, the amount of the quotation and the date on which it was received.

HISTORY	<p>Resolution 13469, 29 September 2021 Review, 23 June 2021 – Resolution 13425 Amended 20 May 2020 Motion 13243 Amended 17 April 2019 Motion 12976 Amended 20 February 2019 Motion 12915 Amended 22 June 2016 Motion 12312 Amended 24 June 2015 Motion 12059</p> <p>Motion 11479 25 July 2012 – amended with regard to accessing preferred suppliers and officers able to purchase on the Shire's behalf</p> <p>Motion 10951 24 February 2010 – amended to streamline requirements for written quotations where value is minimal and availability limited, and incorporate local price preferencing. Motion 10602 April 2008 – amended by deletion of the administrative process for the calling of tenders which are regulated.</p>
REVIEW	Chief Executive Officer / Deputy Chief Executive Officer


September 2021

CARRIED: 7/0

Voting Requirements

Simple majority required.

14.4.4 APPOINTMENT OF FIRE CONTROL OFFICERS – SHIRE OF LAKE GRACE

Applicant:	Shire of Lake Grace
File No.:	0177
Attachments:	Nil
Author:	<i>M Castaldini</i> Mr Matt Castaldini Community Emergency Services Manager
Disclosure of Interest:	Nil.
Date of Report:	24/09/2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

This report is to advise Council that persons have been noted as a dual Fire Control Officers (FCO) from a neighbouring Local Government and the appointment of a Deputy Chief Bush Fire Control Officer (DCBFCO) for the Shire of Lake Grace.

Background

The Bushfires Act 1954 gives the provision to appoint Fire Control Officers within the Local Government area for aiding with the control of fire and coordination of voluntary firefighters.

The Shire of Lake Grace have traditionally appointed nominated community members from BFAC, neighbouring Local Governments and staff as applicable to the role.

Comment

The Shire of Lake Grace (SoLG) received a request from the Shire of Dumbleyung (SoD) for two of their FCO's, Mr Ross Davidson and Mr Mark Pearce, to be appointed as dual Fire Control Officers. These nominated persons, pursuant to S.39A (1), (2) of the Bush Fires Act 1954, are not required to be appointed as FCO's in the SoLG. These gentlemen have authority as FCO's within the SoLG in the absence of a SoLG FCO as they have been appointed as an FCO for the SoD.

Following the appointment of Mr Matt Castaldini to the role of Community Emergency Services Manager (CESM), he has been appointed as a DCBFCO for the execution of his duties.

Legal Implications

Bush Fires Act 1954

S.39A. Duties of bush fire authorities on outbreak of fire

- (1) On the outbreak of a bush fire at a place within or adjacent to the district of a local government, the bush fire control officers, bush fire brigade officers, or bush fire brigade members, of the local government, or as many of them as may be available may, subject to this Act, take charge of the operations for controlling and extinguishing the bush fire or for preventing the spread or extension of the fire.
- (2) Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local government in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a local government whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local government in whose district the fire is burning.
- (3) This section applies only to bush fires which —
 - (a) have been lit or are maintained unlawfully; or
 - (b) have occurred accidentally; or
 - (c) have ceased to be under control or are not adequately controlled; or
 - (d) are declared in the regulations to be bush fires to which this section applies.

S.38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;

- (e) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
- (f) procuring the due observance by all persons of the provisions of Part III.

Policy Implications

Nil

Consultation

Internal	Mr Brad Watson (CBFCO)
External	Ms Kristina Pappill (Shire of Dumbleyung)

Financial Implications

Costs associated with publication of the appointment in a local newspaper.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Social Objective – A valued, healthy and inclusive community and life-style.

Outcomes 2.2 A healthy and safe community

2.2.3 Support provision of emergency services and encourage community volunteers

Leadership Objective – Strong governance and leadership, demonstrating fair and equitable community values.

Outcomes 4.2 An efficient and effective organisation

4.2.2 Comply with statutory and legislative requirements

RESOLUTION 13470

Moved Cr Clarke

Seconded Cr Chappell



That Council acknowledge that persons have been noted as a dual Fire Control Officers (FCO) from a neighbouring Local Government without appointment and the appointment of the CESM, Mr Matthew Castaldini, as a Deputy Chief Bush Fire Control Officer (DCBFCO) for the Shire of Lake Grace.

CARRIED: 7/0

Voting Requirements

Absolute majority required.

14.4.5 SUPERANNUATION FOR ELECTED MEMBERS
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Applicant:	WALGA
File No.:	Nil
Attachments:	Draft Policy Proposal
Author:	 Mr Alan George Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	28 September 2021
Senior Officer:	 Mr Alan George Chief Executive Officer

Summary

For Council to view the draft policy proposal for payment of superannuation to elected members as proposed by WALGA and to provide any comments for forwarding to WALGA prior to 22 October 2021.

Background

Under current arrangements, Elected Members can voluntarily decide to have all or a portion of their allowances paid into a superannuation fund.

In addition, under the Superannuation Guarantee (Administration) Act 1992 (Cth), Local Governments can unanimously resolve to be considered an *eligible* local governing body' through the Taxation Administration Act 1953 (Cth).

As a consequence of such a resolution, Elected Members would then be treated similarly to employees and the Local Government would be required to make superannuation contributions in addition to payment of allowances. However, a resolution of this nature also has significant implications:

- pay as you go (PAYG) tax would be required to be withheld for remission to the Australian Taxation Office (ATO), and
- Fringe Benefit Tax (FBT) would be applicable to all benefits provided to Elected Members. For these reasons, Local Governments in Australia typically do not pursue this course of action.

Comment

The recommended advocacy approach is to propose that the Local Government Act 1995 be amended to facilitate the payment of superannuation to Elected Members in addition to

fees and allowances.

A fundamental question relates to whether the proposed amendment to the Local Government Act should require Local Governments to pay superannuation, or whether the decision to pay superannuation should be a decision of Council.

Under the principle of general competence, Local Governments should be empowered to manage their own affairs and the case could be made that this ought to extend to the payment of superannuation to Elected Members. However, as the superannuation system is underpinned by its universality, and there is potential for payment of superannuation to become a political debate around the Council table, a strong case can be made for the payment of superannuation to Elected Members to be a legislative requirement.

On balance, it is posited that, to achieve the objectives of the superannuation system and to avoid politicisation of the decision at a local level, payment of superannuation should be a universal entitlement for Elected Members and therefore a requirement of Local Governments contained in the Local Government Act.

Legal Implications

The Local Government Act 1995 would need to be amended to allow the suggested changes to payment of superannuation.

Policy Implications

Nil at this stage.

Consultation

External WALGA

Financial Implications

There will be costs involved associated with the payment of superannuation to elected members. An example of the costs for a Band 4 council with the maximum number of elected members being paid the maximum allowance is \$13,965 at the current superannuation rate of 10%

Strategic Implications



Nil

That Council considers the proposal by WALGA for the payment of superannuation to elected members and to provide any feedback to Administration by 15 October 2021 to allow a response to be forwarded to WALGA for State Council consideration.

Voting Requirements

For information only - no voting required

14.5 FINANCE**14.5.1 ACCOUNTS FOR PAYMENT – AUGUST 2021**

Applicant	Internal Report
File No	0277
Attachments	List of Accounts Payable
Author	 Ms Rebecca Clark Finance Officer – Rates & Creditors
Disclosure of Interest	Nil
Date of Report	17 September 2021
Senior Officer	 Mr Chris Paget Deputy Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of August 2021.

Background

List of payments for the month of August 2021 through the Municipal account is attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Management Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12

Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

Policy 3.6 - Authorised Use of Credit Card/Fuel Cards

Policy 3.7 - Purchasing Policy

Consultation

N/A

Financial Implications

The list of creditors paid for the month of August 2021 from the Municipal and Trust Accounts total is \$504,043.71.

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017-2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

Outcomes 4.2 An efficient and effective organisation

4.2.1 Maintain accountability and financial responsibility through effective planning

4.2.2 Comply with statutory and legislative requirements

RESOLUTION 13472

Moved Cr Marshall

Seconded Cr Hyde

That Council ratify the list of payments totalling \$504,043.71 as presented for the month of August 2021 incorporating:

Payment Method	Cheque/EFT/DD Number	Amount
Trust Account	1539	\$51.00
Electronic Funds Transfers	EFT22523 - EFT22619	\$451,449.13
Municipal Account Cheques	36948 – 36952	\$14,067.65
Direct Debits	DD9628.1 – DD9665.1	\$38,475.93
	TOTAL	\$504,043.71

to the Municipal account, totalling \$504,043.71 which were submitted to each member of the Council on 29 September 2021, have been checked and fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as the prices, computations, and costings and the amounts show are due for payment.



Alan George
CHIEF EXECUTIVE OFFICER

CARRIED: 7/0

Voting Requirements

Simple majority required.

14.5.2 FINANCIAL REPORTS – AUGUST 2021

Applicant	Internal Report
File No	0275
Attachments	<ul style="list-style-type: none"> • Monthly Financial Reports • Bank reconciliations – June 2021
Author	 Ms Victoria Fasano Finance Officer – Reporting and Investments
Disclosure of Interest	Nil
Date of Report	16 September 2021
Senior Officer	 Mr Chris Paget Deputy Chief Executive Officer

Summary

Consideration of the Monthly Financial Reports for the period ending 31 August 2021 and Bank Reconciliations for the month ending 31 August 2021.

Background

The provisions of the Local Government Act 1995 and associated regulations require a monthly financial report is presented at an Ordinary Council meeting within two (2) months of the period end date.

Comment

As at 31 August 2021, operating revenue over target by 1.39% (\$77,972) mostly due to Operating grants received earlier than budgeted and Advanced Housing Rates Contribution was not budgeted for. Interest earnings below target due to low interest rates.

Operating expenditure is under YTD budget by \$371,406 (20.18%) mainly due to Materials and contracts, employee and overhead cost down, but it is still only second month into new financial year and is expected.

The capital program is within budget threshold and tracking well with minor variances in Grants and Contributions (-6.38%) and Payments for property, plant and equipment (+4.71%).

Cash at bank is similar to the corresponding period last year, an investment agreement for 3 term deposits with Bankwest is in place (total of \$5,500,000).

Outstanding rates is at the level expected considering the rates notices had been sent on 06 August 2021 and due on 10 September 2021. Collected to date is 12.2%.

General debtor is \$311,968 with no major outstanding debts to follow up.

The monthly financial reports include the accompanying Local Government special purpose financial statements for the Shire of Lake Grace which comprises the Statement of Financial Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 31 August 2021. The financial statements have been compiled to meet compliance with the Local Government Act 1995 and associated regulations.

The Shire of Lake Grace is responsible for the information contained in the financial statements and is responsible for maintenance of an appropriate accounting system in accordance with relevant legislation.

Legal Implications

Section 6.4 of the Local Governments Act 1995 provides for the preparation of financial reports.

In accordance with Regulation 34(5), a report on variances greater than the materiality threshold (\$5,000 or 10% whichever is greater) must be compiled and adopted by Council. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 - 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values

Outcome 4.2 An efficient and effective organisation

4.2.1 Maintain accountability and financial responsibility through effective planning

4.2.2 Comply with statutory and legislative requirements

RESOLUTION 13472**Moved** Cr Stoffberg**Seconded** Cr Chappell


That Council, in accordance with *Regulation 34* of the *Local Government (Financial Management) Regulations 1996* receives the attached:

1. Statements of Financial activity for the period ended 31 August 2021
2. Municipal, Trust and Reserve Funds bank reconciliations for the period ended 31 August 2021

CARRIED: 7/0Voting requirements

Simple majority required.

14.6 COMMUNITY SERVICES**15.0 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN****16.0 INFORMATION BULLETIN – SEPTEMBER 2021**

Applicant:	Internal Report
File No.	Nil
Attachments:	Information Bulletin
Author:	<i>RRRose</i> Mrs Racelis Rose Executive Assistant
Disclosure of Interest:	Nil
Date of Report:	27 SEPTEMBER 2021
Senior Officer:	 Mr Chris Paget Deputy Chief Executive Officer

Summary

The purpose of the Information Bulletin is to keep Elected Members informed on matters of interest and importance to Council.

Background

The Information Bulletin Reports deal with monthly standing items and other information of a strategic nature relevant to Council.

Copies of other relevant Councillor information are distributed via email.

Comment

This month's Information Bulletin Report was emailed to Councillors.

The September 2021 Information Bulletin attachment include:

Reports:

- Infrastructure Services Report – August 2021
- Environmental Health Officer Report – Nil
- Lake Grace Visitor Centre Report – Nil
- Lake Grace Library Report and Statistics – Nil
- Lake King Library Report and Statistics – September 2021
- Newdegate Library Report and Statistics – September 2021

Circulars, Media Releases, Newsletters, Letters:

- PHEOC Bulletin No. 76
- PHEOC Bulletin No. 77
- PHEOC Bulletin No. 78
- PHEOC Bulletin No. 79
- MINUTES - Roe Tourism General Meeting – 10 August 2021
- MINUTES – 4WDL Meeting – 10 August 2021
- MINUTES – Central Country Zone (CCZ) – 20 August 2021
- WALGA – State Council Full Minutes – September 2021
- WALGA – 2020/2021 Annual Report
- WALGA – Draft Native Vegetation Policy for WA – Draft WALGA submission for Sector Consultation

Legal Implications

Nil

Policy Implications

Nil

Consultation

Nil

Financial Implications

Nil

Strategic Implications

Shire of Lake Grace Strategic Community Plan 2017 – 2027

Leadership – Strong governance and leadership, demonstrating fair and equitable community values.

- Outcome 4.1 A strategically focused, unified Council functioning efficiently
- 4.1.1 Provide informed leadership on behalf of the community
 - 4.1.2 Promote and advocate for the community and district
 - 4.1.3 Provide strategic leadership and governance
- Outcome 4.2 An efficient and effective organisation
- 4.2.1 Maintain accountability and financial responsibility through effective planning
 - 4.2.2 Comply with statutory and legislative requirements

RESOLUTION 13473

Moved Cr Lloyd
Seconded Cr Hyde

That Council accepts the Information Bulletin Report for September 2021.

CARRIED: 7/0

Voting Requirements

Simple majority required.

17.0 CONFIDENTIAL ITEMS AS PER LOCAL GOVERNMENT ACT S5.23 (2)

RESOLUTION 13474

Moved Cr Lloyd
Seconded Cr Marshall

That Council meet behind closed doors at 4:19 pm to consider the confidential Item(s) in accordance with Section 3.7 of the Shire of Lake Grace Standing Orders Local Law 2015.

- Item 17.1.1 Authorisation to enter Contract for Plumbing Services
- Item 17.1.2 Lake Grace Hockey Lighting Awarding of Tender

This item and any attachments are confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED: 7/0

RESOLUTION 13475

Moved Cr Stoffberg

Seconded Cr Marshall

That Council accept the recommendations contained in Confidential Items:

- | | |
|-------------|---|
| Item 17.1.1 | Authorisation to enter Contract for Plumbing Services |
| Item 17.1.2 | Lake Grace Hockey Lighting Awarding of Tender |

CARRIED: 7/0

RESOLUTION 13476

Moved Cr Chappell

Seconded Cr Clarke

That Council move from behind closed doors at 4:24 pm.

CARRIED: 7/0

18.0 DATE OF NEXT MEETING – 27 OCTOBER 2021

The next Ordinary meeting of Council is scheduled to take place on Wednesday 27 October 2021 commencing at 3:30pm at the Council Chambers, 1 Bishop Street, Lake Grace.

19.0 CLOSURE

There being no further business, the Shire President closed the meeting at 4:30 pm.

20.0 CERTIFICATION

I, Leonard William Armstrong certify that the Minutes of Meeting held on 29 September 2021 as shown were confirmed as a true record of that meeting.

Signature

Date