



SHIRE OF CARNARVON

# AGENDA

SPECIAL COUNCIL MEETING  
Tuesday 21st July 2020

Council Chambers, Stuart Street  
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No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/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 or legal entity's own risk.

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To be noted that, in accordance with Regulation 11 of the Local Government (Administration) Regulations 1996, the minutes of the Council Meeting are a record of the decisions of the Council, any additional officers' advice, and explanatory notes as required. The minutes contain a summary of questions asked by members of the public and the answers given. The minutes are not a transcript of the proceedings of the meetings.

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# NOTICE OF MEETING

Notice is hereby given

## Shire of Carnarvon Special Council Meeting

will be held  
on Tuesday 21<sup>st</sup> July 2020  
in the Shire Council Chambers,  
Stuart Street Carnarvon, commencing at  
10.00am



David Burton

CHIEF EXECUTIVE OFFICER

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# AGENDA

## 1.0 ATTENDANCES , APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

## 2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME

(In accordance with Section 5.23 of the Local Government Act 1995, and Regulation 12(4) of the Local Government (Administration) Regulations 1996, public question time is made available at a Special Meeting of Council to allow members of the public the opportunity of questioning Council on matters relating to the purpose of the meeting only.

## 3.0 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

## 4.0 ITEMS FOR DISCUSSION

4.1 Staff Employment Moratorium

## 5.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

## 6.0 CLOSURE

Date of Meeting:	21 July 2020
Location/Address:	All of Shire
Name of Applicant:	Shire of Carnarvon
Name of Owner:	Shire of Carnarvon
Author/s:	David Burton – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

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**Summary of Item:**

That Council removes its freeze on recruitment implemented as part of its COVID19 response.

**Description of Proposal:**

Lifting of a freeze on recruitment to allow replacement staff to be employed is required to allow the Chief Executive Officer to fulfil his duties. The report describes circumstances after implementation of the freeze now impacting upon the ability for the timely delivery of day to day local government functions.

**Background:**

At its Special Council Meeting of 2<sup>nd</sup> April 2020, Council resolved as follows:

*SFC 6/4/20*

**COUNCIL RESOLUTION**

*Cr Vandeleur/Cr Maslen*

*That the Shire President write to the Minister for Local Government, the Hon David Templeman, advising that the Shire of Carnarvon will –*

- 1. Freeze Shire of Carnarvon rates for the 2020/2021 Financial Year.*
- 2. Adopt a hardship policy.*
- 3. Consider rate relief options to support small businesses affected by the COVID-19 pandemic and review fees and charges considering whether fees can be reduced, waived or deferred during the COVID-19 pandemic.*
- 4. Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing.*
- 5. Prioritise Local Government spending with businesses and contractors located within the Local Government.*
- 6. Implement business friendly payment terms to support businesses cash flow.*
- 7. Consider supporting community sporting and cultural groups by either establishing grant programs or waiving fees and charges.*
- 8. Redeploy staff affected by facility closures to tasks that support the community.*
- 9. Address family and domestic violence issues.*
- 10. Freeze on recruitment of employment of Shire of Carnarvon staff.*
- 11. Request Minister to add Local Government employees to the Job Keeper Program.*
- 12. Undertaking of post COVID-19 promotion and planning program.*

**CARRIED**  
**F7/A0**

A “Freeze on recruitment of employment of Shire of Carnarvon Staff” is listed at item 10. Staff have been operating on that basis. Any staff recruitment matters have been referred to Council to permit hiring for additional projects such as the Youth Program.

Organisational restructure is now underway and recent resignations have occurred requiring key positions to be filled. Replacement of staff for these positions is not possible due to the recruitment freeze. This is now

impacting upon remaining staff and their ability to deliver normal day to day administration centre operational functions.

The freeze was understood to be a moratorium arrangement, a temporary hold on normal recruitment actions. As this was an impact of COVID19, staff understood the temporary need and have managed to operate within the freeze guide lines.

While COVID19 remains an active concern, Shire operations have returned to normal. If the moratorium remains in place, staff will be increasingly unable to complete basic daily operational functions in a timely manner.

**Consultation:**

Consultation with Executive staff has occurred.

Advice was sought from WALGA and the response is provided as follows:

*A Council resolution that focused only a prohibition on the CEO's recruitment of staff as positions become vacant is perhaps not entirely appropriate*

**Statutory Environment:**

Section 2.7 of the Local Government Act 1995 applies in relation to the role of Council:

2.7. *Role of council*

(1) *The council —*

- (a) *governs the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Section 5.41 of the Local Government Act 1995 applies in relation to the role of CEO:

5.41. *Functions of CEO*

*The CEO's functions are to —*

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

### Relevant Plans and Policy:

An organisational restructure was presented to Council at its June Ordinary Council Meeting where Council resolved as follows:

**FC 27/6/20**

**COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION**

**Cr Vandeleur/Cr Pinner**

***That the Chief Executive Officer proceed with the Organisational Restructure as indicated in the Draft Report and report back to Council when the changes are finalised indicating the changes in costings for the current financial year and future financial years.***

**CARRIED**  
**F6/A0**

### Financial Implications:

There are no direct budget implications associated with the recommendation as recruitment will occur within the organisational structure being incorporated into the 20/21 Budget.

Direct negative financial implications are likely in relation to cashflow if normal rates and debt collection activities are unable to be completed in a timely manner due to staff shortages.

Direct negative financial implications are likely in relation to credit ratings if normal payments for services by local businesses and other creditors are unable to be completed in a timely manner due to staff shortages.

### Risk Assessment:

#### Operational Risk

While COVID19 lockdown restrictions were in place, impacts due to the minor reductions in staffing at the time were manageable. Most COVID19 restrictions have now been lifted and the Shire is operating at its normal day to day capacity. This is no longer possible with the available staff. The requirement for additional staff to allow day to day operations to service the community is a priority matter.

If staff are having to cover positions that have been left empty, then this will put additional pressure on staff and may lead to further claims of stress or burnout by staff. This can only exacerbate the situation.

OHS risk - If the current recruitment freeze continues and staff are expected to continue work beyond capacity, there is a risk of the Shire failing to provide safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984. (Refer 5.40(e) of the Local Government Act 1994) Failure to provide a Safe Work Environment can also impact Council Members under Section 8.15E.

### Community & Strategic Objectives:

Carnarvon Strategic Community Plan 2018-2028

5.2	The Shire has a high standard of governance and accountability
5.2.3	Risks are well managed
5.2.4	The Shire will apply sustainability principles in its own operations
5.5	The right people with the right skills in a productive workplace

5.5.2	A high standard of occupational safety and health is maintained
5.5.5	Organisation and strategic workforce development

**Comment:**

Throughout the COVID19 lockdown period, the ability of staff to cover vacant positions was manageable due to an associated reduction in services required/provided at that time. That is no longer the case.

This is particularly apparent in the Finance Department. Three recent resignations, another likely resignation and two staff on maternity leave is impacting on the ability to make payments to local businesses and other creditors. Debt collection activities are experiencing delays. Timely issue of rates notices and late collection of rates revenue is also likely under the current staffing levels.

Staff morale is being affected. Further resignations are anticipated as staff become less able to continue shortfall coverage.

Recruitment is frequently time consuming particularly for key financial roles. It is unlikely permanent appointments to some key roles will be filled for at least two months from date of advertising. Engagement of contract services is likely to be required to overcome immediate priority shortfalls.

It is therefore recommended that the recruitment freeze be lifted as a matter of priority to allow the CEO to appoint appropriate staffing to ensure continued performance of the local government's functions.

**OFFICER'S RECOMMENDATION**

*That Council:*

- a) *removes its freeze on the recruitment of Shire of Carnarvon staff as advised to the Minister for Local Government in its resolution No SFC 6/4/20; and*
- b) *directs the CEO to recommence recruitment for positions as identified by the CEO within the organisational structure proposed under resolution FC 27/6/20.*