



## SHIRE OF CARNARVON

# MINUTES

## SPECIAL COUNCIL MEETING TUESDAY 21<sup>ST</sup> JULY 2020

### CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on

.....  
as a true and accurate record

.....  
Chairman

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## DISCLAIMER

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.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

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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## INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

*Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads - )*

*11. Minutes, content of (Act s.5.25(1)(f))*

*The content of minutes of a meeting of a council or a committee is to include –*

*(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.*

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

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### SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time ***subject to the questions being asked only relating to the purpose of the Special Meeting*** (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)

# INDEX

## 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 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

## 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



**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, STUART STREET,  
CARNARVON ON TUESDAY 21<sup>ST</sup> JULY 2020**

The meeting was declared open by the Presiding Member at 10.00am

**1.0 ATTENDANCES, APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Cr E Smith.....Presiding Member/Shire President  
Cr B Maslen..... Councillor, Gascoyne/Minilya Ward  
Cr K Pinner ..... Councillor, Town Ward  
Cr A Fullarton ..... Councillor, Town Ward  
Cr L Vandeleur..... Councillor, Town Ward  
Cr L Skender .....Councillor, Plantation Ward  
  
Mr D Burton ..... Chief Executive Officer  
Mrs J MacKellin ..... Executive Manager, Corporate & Community Services  
Mr D Nielsen ..... Executive Manager, Infrastructure Services  
Mr P Lees ..... Executive Manager, Development Services  
Mrs D Hill .....Senior Executive Officer  
  
Observers .....  
Leave of Absence .....  
Apologies .....Cr J Nelson, Councillor Town Ward  
..... Cr K Simpson, Councillor Coral Bay Ward

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**2.0 PUBLIC AND ELECTED MEMBER QUESTION TIME**

*(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)*

Public Question Time commenced at 10.00am  
Public Question Time was closed at 10.00am

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**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.)*

Nil

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## 4.0 ITEMS FOR DISCUSSION

### 4.1 STAFF EMPLOYMENT MORATORIUM

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
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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.*

**SFC 1/7/20**

COUNCIL RESOLUTION

*Cr Maslen/Cr Fullarton*

*That Standing Orders Section 13 be suspended at 10.08am to discuss in more detail the implications of the moratorium.*

CARRIED

F6/AO

**SFC 2/7/20**

COUNCIL RESOLUTION

*Cr Vandeleur/Cr Skender*

*That Standing Orders Section 13 be resumed at 10.32am.*

CARRIED

F6/AO

SCM 3/7/20

COUNCIL RESOLUTION & OFFICER'S RECOMMENDATION

Cr Skender/Cr Fullarton

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.

SCM 4/7/20

AMENDMENT TO MOTION SCM 3/7/20

Cr Fullarton

- 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) recommence recruitment for positions as identified by the CEO within the organisational structure proposed under resolution FC 27/6/20.

MOTION LAPSED FOR WANT OF A SECONDER

Motion SCM 3/7/20 was put.

CARRIED

F5/A1

Cr Fullarton voted against the motion

(Note to Minute – Part (b) was removed from the Officer's Recommendation as the recruitment of staff is defined within the parameters of the functions of a CEO under Section 5.41 of the LGA.)

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

SCM 5/7/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Fullarton

That the meeting be closed to the public at 10.36am in accordance with Section 5.32(2)(a) as the Shire President wished to discuss matters relating to staff.

CARRIED

F6/A0

SCM 6/7/20

COUNCIL RESOLUTION

Cr Vandeleur/Cr Maslen

That the meeting be reopened at 10.39am.

CARRIED

F6/A0

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6.0 CLOSURE:

The Presiding Member declared the meeting closed at 10.39am.