



# MINUTES

## Council Meeting

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Tuesday, 21 July 2020 at 6.32pm

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The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER 135  
CANNING HIGHWAY EAST FREMANTLE ON TUESDAY 21 JULY 2020**

**1. OFFICIAL OPENING**

The Presiding Member opened the meeting at 6.32pm.

**2. ACKNOWLEDGEMENT OF COUNTRY**

*“On behalf of the Council I would like to acknowledge the Whadjuk Nyoongar people as the traditional custodians of the land on which this meeting is taking place and pay my respects to Elders past, present and emerging.”*

**3. RECORD OF ATTENDANCE**

**3.1 Attendance**

The following members were in attendance:

Mayor J O’Neill	Presiding Member
Cr C Collinson	
Cr K Donovan	
Cr A McPhail	
Cr M McPhail (via Zoom)	
Cr A Natale	
Cr D Nardi	
Cr J Harrington	
Cr A Watkins	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr A Malone	Executive Manager Regulatory Services
Mr P Kocian	Executive Manager Corporate Services
Ms B Browning	Minute Secretary

**3.2 Apologies**

Nil.

**3.3 Approved**

Nil.

**4. DISCLOSURES OF INTEREST**

**4.1 Financial**

Nil.

**4.2 Proximity**

**4.2.2 Mayor O’Neill - 17.1 East Fremantle Oval Redevelopment**

Proximity Interest - Mayor O’Neill resides opposite East Fremantle Oval.

**4.3 Impartiality**

Nil.

**5. PUBLIC QUESTION TIME**

**5.1 Responses to previous questions from members of the public taken on notice**  
Nil.

**5.2 Public Question Time**  
Nil.

**6. PRESENTATIONS/DEPUTATIONS**

**6.1 Presentations**  
Nil.

**6.2 Deputations**  
Nil.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**  
Nil.

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**8.1 Meeting of Council (16 June 2020)**

**8.1 OFFICER RECOMMENDATION**

Moved Cr Donovan, seconded Cr Nardi

That the minutes of the Ordinary meeting of Council held on Tuesday, 16 June 2020 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

**8.2 Special Meeting of Council (30 June 2020)**

**8.2 OFFICER RECOMMENDATION**

Moved Cr Natale, seconded Cr Nardi

That the minutes of the Special meeting of Council held on Tuesday, 30 June 2020 be confirmed as a true and correct record of proceedings.

(CARRIED UNANIMOUSLY)

**9. ANNOUNCEMENTS BY THE PRESIDING MEMBER**  
Nil.

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**  
Nil.

**11. REPORTS AND RECOMMENDATIONS OF COMMITTEES**

**11.1 Town Planning Committee Meeting (7 July 2020)**

<b>File ref</b>	C/MTP1
<b>Prepared by</b>	Andrew Malone, Executive Manager Regulatory Services
<b>Meeting Date:</b>	21 July 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Town Planning Committee Minutes

**Purpose**

To submit the minutes and delegated decisions of the Town Planning Committee for receipt by Council.

**Executive Summary**

The Committee, at its meeting on 7 July 2020, exercised its delegation in five statutory matters where at least four members voted in favour of the Reporting Officer's recommendations.

**Consultation**

Town Planning Committee.

**Statutory Environment**

Nil.

**Policy Implications**

Nil.

**Strategic Implications**

Nil.

**Site Inspection**

Not applicable.

**Comment**

The unconfirmed minutes of the Town Planning Committee meeting are now presented to Council to be received.

**11.1 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 010720**

**Moved Cr Collinson, seconded Cr Watkins**

**That the unconfirmed Minutes of the Town Planning Committee Meeting held on 7 July 2020 be received.**

**(CARRIED UNANIMOUSLY)**

## 11.2 Audit Committee Meeting (29 June 2020)

<b>File ref</b>	C/MTP1
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Meeting Date:</b>	21 July 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Audit Committee Minutes

### **Purpose**

To submit the minutes of the Audit Committee for receipt by Council.

### **Executive Summary**

The Committee, at its meeting on 29 June 2020, received three matters that required no action or endorsement by Council.

### **Consultation**

Audit Committee.

### **Statutory Environment**

Nil.

### **Policy Implications**

Nil.

### **Strategic Implications**

Nil.

### **Site Inspection**

Not applicable.

### **Comment**

The unconfirmed minutes of the Audit Committee meeting are now presented to Council for receipt.

#### **11.2 COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION 020720**

**Moved Cr Natale, seconded Cr A McPhail**

**That the unconfirmed Minutes of the Audit Committee Meeting held on 29 June 2020 be received.**

**(CARRIED UNANIMOUSLY)**

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## 12. REPORTS

### 12.1 FINANCE

#### 12.1.1 Interim Statement of Financial Activity for Period Ended 30 June 2020

<b>Applicant</b>	Not Applicable
<b>File ref</b>	F/FNS2
<b>Prepared by</b>	Peter Kocian, Executive Manager Corporate Services
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date:</b>	21 July 2020
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Statement of Financial Activity 30 June 2020 2. Capital Works Report 26 June 2020 3. Draft Delegation – Financial Hardship Applications

#### **Purpose**

The purpose of this report is to present to Council the Monthly Financial Report (containing the Statement of Financial Activity) for the month ended 30 June 2020.

#### **Executive Summary**

A Monthly Financial Report workbook has been prepared to provide an overview of key financial activity. Two Statements of Financial Activity are provided, one by program and the other by nature and type. Both of these Statements provide a projection of the closing surplus position as at 30 June 2020.

#### **Background**

The Town of East Fremantle financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

The monthly Financial Report is appended and includes the following:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type
- Notes to the Statement of Financial Activity including:
  - Statement of capital acquisitions and capital funding
  - Significant Accounting Policies
  - Explanation of Material Variances
  - Net Current Funding Position
  - Cash and Investments
  - Budget amendments
  - Receivables
  - Cashed Back Reserves
  - Capital Disposals
  - Rating Information
  - Information on Borrowings
  - Grants and Contributions



The attached Monthly Financial Report is prepared in accordance with the amended *Local Government (Financial Management) Regulations 1996*; together with supporting material to provide Council with easy to understand financial information covering activities undertaken during the financial year.

#### **Consultation**

Management team

#### **Statutory Environment**

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its Statement of Financial Activity.

Expenditure from the municipal fund not included in the annual budget must be authorised in advance by an absolute majority decision of Council pursuant to section 6.8 of the *Local Government Act 1995*.

Fees and charges are imposed under section 6.16 of the *Local Government Act 1995*. If fees and charges are imposed after the annual budget has been adopted, local public notice must be provided before introducing the fees or charges pursuant to section 6.19 of the *Local Government Act 1995*.

#### **Policy Implications**

Significant Accounting Policies are adopted by Council on an annual basis. These policies are used in the preparation of the statutory reports submitted to Council.

#### **Financial Implications**

Material variances are disclosed in the Statement of Financial Activity.

As part of the adopted 2019/20 Budget, Council adopted the following thresholds as levels of material variances for financial reporting.

*In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019/20 for reporting material variances shall be:*

- (a) 10% of the amended budget; or
- (b) \$10,000 of the amended budget.

*whichever is greater. In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.*

#### **Strategic Implications**

The monthly financial report is the key financial reporting mechanism to Council, to provide oversight of the financial management of the local government. This ties into the Strategic Community Plan as follows:

*4.9 A financially sustainable Town – Provide financial management services to enable the Town to sustainably provide services to the community.*

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Inadequate oversight of the financial position of the Town may result in adverse financial trends	Rare (1)	Major (4)	Low (1-4)	FINANCIAL IMPACT \$50,000 - \$250,000	Manage by monthly review of financial statements and key financial information

### Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	4
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

### Site Inspection

Not applicable.

### Comment

This report presents the Interim Statement of Financial Activity for the period 30 June 2020. The figures presented in this report and the attachments will change pending adjustments made as a result of end of year finalization of accounts and completion of the Town's annual financial report for audit by the Office of Auditor General.

The following is a summary of headline numbers from the attached financial reports:

	Original Budget	Current Budget	June Actuals
<b>Opening Surplus</b>	<b>758,451</b>	<b>951,855</b>	<b>951,855</b>
Operating Revenue	10,632,263	10,464,874	10,441,654
Operating Expenditure	(12,141,244)	(11,404,686)	(10,891,658)
Capital Expenditure	(3,816,857)	(3,833,826)	(3,039,694)
Capital Income	919,567	1,253,214	995,240
Financing Activities	1,182,814	1,486,777	1,104,867
Non-Cash Items	2,465,204	1,653,654	1,601,384
<b>Closing Surplus</b>	<b>0</b>	<b>2,362</b>	<b>1,163,648</b>
Unrestricted Cash			2,242,298
Restricted Cash			991,250

- Depreciation, plant cost recoveries and activity based cost distributions have been processed;
- A Capital Works Report is being auto generated within the Town's financial system, and emailed to Responsible Officer's on a weekly basis to monitor projects. This Report is provided as Attachment 2, and includes actual expenditure as at 26 June. 66% of budgeted capital works has been expended, whilst 100% of the total budget has been committed under contract/purchase order;
- 98% of total rates levied (including arrears) were collected by the end of June. Approximately \$176k in rates are subject to formal debt recovery processes.

The Statements of Financial Activity have been updated to include additional columns; being the annual budget entered in the financial system (SynergySoft), and the current budget. The current budget captures all budget variations that have approved by Council since the original budget adoption.

#### **Proposed Delegation – Determination of Applications for Financial Hardship**

Council has adopted a Debt Collection Policy, which includes allowance of financial hardship applications to either defer payment of monies owed to the Town or to enter into a special payment arrangement.

Council also resolved as part of its COVID-19 response to waive certain property based fees and charges, including lease fees, for the last quarter of the 2019/20 financial year. The 2020/21 Budget includes an allocation of \$40,000 for the further continuation of business and community support relief. It is recommended that Council approve a delegation to the Chief Executive Officer and sub-delegation to the Executive Manager Corporate Services to determine applications for financial hardship pursuant to the Debt Collection Policy and budget parameters.

The Town has received two applications for financial hardship for the 2020/21 financial year and it is proposed that they be dealt with under delegated authority, with a maximum limit imposed of \$2,000. Any requests for more than this amount will be submitted to Council for determination.



**12.1.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 030720**

**Moved Cr Natale, seconded Cr A McPhail**

**That Council:**

- 1. receives the Monthly Financial Report (Containing the Interim Statement of Financial Activity) for the month ended 30 June 2020.**
- 2. notes the unrestricted municipal surplus of \$1,163,648, which comprises of \$2,242,298 in unrestricted cash and \$1,402,410 in payables/provisions, as at 30 June 2020.**
- 3. receives the Capital Works Report dated 26 June 2020.**
- 4. delegate to the Chief Executive Officer the powers conferred in the attached delegation to determine financial hardship applications.**

**(CARRIED BY AN ABSOLUTE MAJORITY/UNANIMOUSLY)**

### 12.1.2 Accounts for Payment – June 2020

<b>File ref</b>	F/FNS2
<b>Prepared by</b>	John Mondini, Manager, Finance & Administration
<b>Supervised by</b>	Peter Kocian, Executive Manager, Corporate Services
<b>Meeting Date</b>	21 July 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Monthly List of Payments – June 2020

#### **Purpose**

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, RECEIVES the list of payments made under delegated authority for the month ended 30 June 2020 and recorded in the minutes of the Council.

#### **Executive Summary**

Council has an Executive role in receiving the list of payments pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that Council receives the Lists of Accounts paid for the period 1 June to 30 June 2020, as per the summary table.

#### **Background**

The Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached is an itemised list of all payments made under delegated authority during the said period.

The bulk of payments are processed by electronic funds transfer (EFT) with the exception of Water Corporation accounts which are paid by cheque and the occasional reimbursements and refunds.

#### **Consultation**

Nil.

#### **Statutory Environment**

Regulation 13: *Local Government (Financial Management) Regulations 1996 (as amended)* requires Local Governments to prepare a list of payments made under delegated authority to be prepared and presented to Council on a monthly basis.

#### **Policy Implications**

Policy 2.1.3 Purchasing. All supplier payments are approved under delegated authority pursuant to the authorisation limits outlined in Council's purchasing policy.

#### **Financial Implications**

Accounts for Payment are sourced from budget allocations.

All amounts quoted in this report are inclusive of GST.

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the list of payments	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	3
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

#### **STRATEGIC PRIORITY 5: Leadership and Governance**

*A proactive, approachable Council which values community consultation, transparency and accountability*

*5.1 Strengthen organisational accountability and transparency*

*5.3 Strive for excellence in leadership and governance*

#### **Site Inspection**

Not applicable.

**Comment**

Payments for the month of June 2020 include the following significant items:

Payee	Particulars	Amount
SMRC	Green Waste Gate Fees, FOGO Gate Fees, General Waste Disposal Fee for May 20	\$39,696.76
Landgate	GRV General Values Metro Revaluation 2019/2020	\$45,117.63
Phase 3 Landscape Construction	Wauhop Carpark – Landscape Works	\$31,862.58
Town of East Fremantle	Transfer of Funds from Developer Cash in Lieu Trust Account	\$22,170.00
Civcon Civil and Project Management	Tender RFT04-2019/20 Riverside Road Reconstruction and Rehabilitation	\$739,701.75
City of Fremantle	6 months contribution to the operation of the Recycle Centre	\$47,850.00
Main Roads	Repayment of unspent Grant MRRG Funding – Riverside Road	\$31,621.70
SMRC Loan Repayment Account	RRRC Loan Repayment for June Quarter 2020	\$27,677.14
SMRC	RRRC Overheads and WCF Fixed Costs Contribution based on FOGO and Red Bin Waste Tonnes February, March, April, May 20	\$91,798.52
GFG Consulting	RFQ-12-2019/20 – Installation of New Bore – Progress Claim 3 to 31/05/20	\$35,183.73
Paatsch Group	RFT03-2019/20 East Fremantle Oval Precinct Revitalisation Vision (Business Plan)	\$24,456.00

**12.1.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 040720**

Moved Cr Harrington, seconded Cr Nardi

That Council, in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, RECEIVES the list of payments made under delegated authority for the month ended 30 June 2020 and recorded in the Minutes of the Council.

JUNE 2020		
Voucher No	Account	Amount
5294-5297	Municipal (Cheques)	\$8,884.13
EFT29657 – EFT29809	Municipal (EFT)	\$1,494,647.74
Payroll	Municipal (EFT)	\$406,517.62
Direct Debits	Municipal (Direct Debit)	\$75,384.95
	<b>Total Payments</b>	<b>\$ 1,985,434.44</b>

(CARRIED UNANIMOUSLY)

Following queries raised, clarification was provided regarding the following payments:

- EFT29709 Lee Syminton Architect (\$2,200.00)
- EFT29734 Civcon Civil and Project Management (\$739,701.75)

### 12.1.3 CSRFF Small Grants 2020 Application Assessment

<b>File ref</b>	A/LCG1
<b>Prepared by</b>	Karen Dore, Coordinator Community Engagement
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date</b>	21 July 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. CSRFF Small Grants Assessment – East Fremantle Yacht Club</li><li>2. CSRFF Small Grants Assessment – East Fremantle Junior Football Club</li><li>3. CSRFF Small Grants Assessment – East Fremantle Cricket Club</li><li>4. Preston Point Precinct Master Plan Concept Map</li></ol>

#### **Purpose**

Council is required to prioritise the three Community Sports and Recreation Facilities Fund (CSRFF) grant applications received.

#### **Executive Summary**

CSRFF funding for the 2020-2021 financial year, through the Department of Local Government, Sport and Cultural Industries (DLGSCI) is currently open for sporting clubs. Part of the application procedure is for all submissions to be assessed by the Local Government Authority (LGA) and ranked in order of priority. The applications are then forwarded to DLGSCI for their consideration. The deadline for these applications to be received by DLGSCI is Friday 14 August 2020.

It is noted that all three applications are for facilities located within the Preston Point Precinct.

#### **Background**

DLGSCI notified sporting clubs and local governments of the opening of this funding round, via email on 21 May 2020.

The Town of East Fremantle followed up this notification with local clubs on 16 June 2020 to further advise of the (earlier than normally anticipated) closing date for LGA submission. Submissions were requested to be received in the first instance prior to 26 June 2020, to enable time for the Town follow-up on the contents of the application prior to the preparation of a report to Council.

#### **Consultation**

East Fremantle Yacht Club  
East Fremantle Cricket Club  
East Fremantle Junior Cricket Club  
East Fremantle Junior Football Club  
Department of Sport & Recreation  
Executive Manager Corporate Services  
Executive Manager Regulatory Services

#### **Statutory Environment**

Not applicable.



### Policy Implications

Nil.

### Financial Implications

Council has made an allocation of \$100,000, for Preston Point Precinct Master Plan (PPPMP) identified projects, in the 2020-2021 budget. Of this amount, \$42,557 has been allotted to support a funding application to the State Natural Resource Management Program for item 12a of the PPPMP (riverside stairs and foreshore access upgrade). A balance of \$57,443 is available for consideration for other identified projects.

The financial implication of supporting each individual project would be as follows;

- East Fremantle Yacht Club - \$87,350  
one third of a \$262,050 project to create a storage area and viewing deck
- East Fremantle Junior Football Club - \$29,179  
one third of a \$87,537 project to finish the lighting upgrade at Henry Jeffrey Oval
- East Fremantle Cricket Club - \$6,355  
one third of a \$19,065 project to repair the cricket nets at Preston Point Reserve

### Strategic Implications

Strategic Community Plan 2017-2027

**Strategic Priority 1 – Social – A socially connected, inclusive and safe community**

#### 1.1 Facilitate appropriate local services for the health and wellbeing of the community

1.1.1 Facilitate or partner to ensure a range of quality services are provided at a local level

#### 1.2 Inviting open spaces, meeting places and recreational facilities

1.2.1 Provision of adequate recreational, sporting and social facilities

#### **Preston Point Precinct Master Plan**

Application 1) The storage area for the East Fremantle Yacht Club was not captured within the Plan.

Application 2) Reference 4b: Henry Jeffrey Reserve – lighting upgrade (100lux + 1 pole).

Application 3) Reference 24: Preston Point Reserve – upgrade to cricket nets.

### Site Inspection

Nil.

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not consider the applications.	Unlikely (2)	Moderate (3)	Moderate (5-9)	REPUTATIONAL Substantiated, public embarrassment, moderate impact, moderate news profile	Accept Officer Recommendation

### Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	6
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

### Comment

The LGA is required to rank the priority of all applications received and also rate them against the following criteria:

- A Well planned and needed by municipality
- B Well planned and needed by applicant
- C Needed by municipality, more planning required
- D Needed by applicant, more planning required
- E Idea has merit, more planning work needed
- F Not recommended

#### **CSRFF Small Grants Application – East Fremantle Cricket Club**

(refer to Assessment, Attachment 3)

- Ranking: 1 of 2
- Rating: B

#### **CSRFF Small Grants Application – East Fremantle Junior Football Club**

(refer to Assessment, Attachment 2)

- Ranking: 2 of 2
- Rating: B

#### **CSRFF Small Grants Application – East Fremantle Yacht Club**

(refer to Assessment, Attachment 1)

Due to the complex nature of this submission it is proposed that the Town engage with the East Fremantle Yacht Club in order to further develop their application, including ensuring that the Department of Biodiversity, Conservation & Attractions are supportive of the proposal. If there is support for the progression of the project the Town's Capital Upgrade to Community Facilities process would then be followed, including securing of Council funding in the 2021-2022 budget. This application could then be resubmitted to the February 2021 CSRFF Small Grants round (outcomes advised by June 2021).



**12.1.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 050720**

Moved Cr Nardi, seconded Cr Donovan

That Council:

1. endorses a Priority 1 ranking for East Fremantle Cricket Club;
2. endorses a Priority 2 ranking for East Fremantle Junior Football Club;
3. request the Chief Executive Officer to submit this outcome to the Department of Local Government, Sport and Cultural Industries; and
4. request the Chief Executive Officer to communicate this outcome to the three applicants.
5. note should any of the applications become successful, that a further report will be presented to Council seeking release of funding and authorisation to enter into a funding agreement.

(CARRIED UNANIMOUSLY)

## 12.2 GOVERNANCE

### 12.2.1 National Redress Scheme (Participation of WA Local Governments)

<b>Applicant</b>	N/A
<b>File ref</b>	A/LCG1
<b>Prepared by</b>	Janine May, EA to CEO
<b>Supervised by</b>	Gary Tuffin, CEO
<b>Meeting Date</b>	21 July 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Dpt Local Government, Sport &amp; Cultural Industries Information Paper</li><li>2. Extract of WALGA State Council Minutes 4 March 2020</li></ol>

#### **Purpose**

For the Town to:

- note the background information and the WA Government's decision in relation to the National Redress Scheme
- note the key considerations and administrative arrangements for the Town of East Fremantle to participate in the National Redress Scheme
- formally endorse the Town's participation as part of the WA Government's declaration in the National Redress Scheme; and
- grant authority to an appropriate officer to execute a service agreement with the State, if a Redress application is received.

#### **Executive Summary**

Although the Town is currently unaware of any historically run activity that may lead to any claims under the National Redress Scheme, it is seen as prudent for the Town to participate in the Scheme as a State Government institution for the reasons set out in this report.

The consequences of not participating in the Scheme would be that if any claim against the Town did arise, it would need to be dealt with by the Town outside of the Scheme and without the protection offered by the State Government.

#### **Background**

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Town) will be required to consider leading practice approaches to child safeguarding separately in the future.

#### National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme. The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)*, local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Following extensive consultation, the State Government (December 2019):

- noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- noted the options for WA local government participation in the Scheme;
- agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- agreed to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local

government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The WALGA State Council meeting of 4 March 2020:

1. acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA have signed a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

### **Consultation**

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- webinars to local governments, predominately in regional and remote areas;
- presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs/payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

### **Statutory Environment**

The Town in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

### **Policy Implications**

Nil.

### **Financial Implications**

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

**Strategic Priority 5 – Leadership and Governance – A proactive, approachable Council which values community consultation, transparency and accountability**

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

### Site Inspection

Not applicable.

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not join the Scheme and receives a Redress claim	Rare (1)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Extreme	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	2
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

### Comment

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.



Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- providing the State with the necessary (facilities and services) information to participate in the Scheme;
- resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

#### Considerations for participation in the Scheme

##### 1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Town will receive a Redress application. A Service Agreement will only be executed if the Town receives a Redress application.

The Town needs to give authority to an appropriate position/officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

##### 2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

##### 3. Application Processing / Staffing and Confidentiality

Administratively the Town will determine:

- which position(s) will be responsible for receiving applications and responding to Requests for Information;
- support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

##### 4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Town's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Town should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Town do not have any influence on the decision made and there is no right of appeal.

The CEO's authorisation to execute a service agreement with the State (see recommendation 4) is covered by existing delegation DA5 Signing of Documents.

**12.2.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 060720**

**Moved Cr Natale, seconded Cr Nardi**

**That Council:**

- 1. notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2. notes that the Town of East Fremantle will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Town of East Fremantle makes a specific and formal decision to be included;**
- 3. endorses the participation of the Town of East Fremantle in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4. grants authority to Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;**
- 5. notes that a confidential report will be provided if a Redress application is received by the Town of East Fremantle.**

**(CARRIED UNANIMOUSLY)**

### 12.2.2 Review of Policy 1.2.1 Code of Conduct

<b>Applicant</b>	N/A
<b>File ref</b>	C/POL1
<b>Prepared by</b>	Janine May, EA to CEO
<b>Supervised by</b>	Gary Tuffin, CEO
<b>Meeting Date</b>	21 July 2020
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Policy 1.2.1 Code of Conduct for Council Members, Committee Members and Employees (with tracked changes)

#### **Purpose**

To review Council Policy 1.2.1 Code of Conduct for Council Members, Committee Members and Employees in accordance with:

- legislative changes to gift provisions for elected members and the CEO
- an outstanding action within the Audit Committee status report.

#### **Executive Summary**

Although there is further legislation envisaged which will require separate Codes of Conduct for Elected Members & CEO to that of Employees, it is important to review and amend our existing Policy to reflect current legislation and include a declaration that Elected Members, the CEO and all employees have read and understand the document.

#### **Background**

Changes to gift provisions were contained within the *Local Government Legislation Amendment Act 2019* which came into operation on the 18 October 2019.

The former gift exemption categories no longer apply, and Council Members and CEOs must declare any gift received in their capacity as a Council Member or CEO valued at \$300 or above (or where the cumulative value of gifts from the one donor exceeds \$300 in a 12 month period). See sections 5.87A and 5.87B. Contributions to travel costs, whether financial or otherwise, will no longer be treated separately. These are now incorporated within the definition of gift.

No changes have been made in relation to disclosure of gift requirements for staff.

Moore Stephens made the following comment in relation to Council's Code of Conduct in its Financial Management and Audit Reg 17 reviews:

*"Section 2 Conflict s and Disclosure of Interest and 3.4 Gifts of the current Code of Conduct do not reflect all disclosure requirements under the Local Government Act 1995 and the Local Government (Administration) Regulations 1996. In its current form, the Code of Conduct could confuse elected members and employees as to their disclosure obligations."*

#### **Consultation**

N/A

#### **Statutory Environment**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

### Policy Implications

The last review of this Policy was in September 2019.

### Financial Implications

N/A

### Strategic Implications

The Town of East Fremantle Strategic Community Plan 2017 – 2027 states as follows:

***Strategic Priority 5 – Leadership and Governance – A proactive, approachable Council which values community consultation, transparency and accountability***

5.1 Strengthen organisational accountability and transparency

5.1.1 Strengthen governance, risk management and compliance

### Site Inspection

Not applicable.

### Risk Implications

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not agree to amend the Policy as proposed	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

### Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating	3
Does this item need to be added to the Town's Risk Register	No
Is a Risk Treatment Plan Required	No

### Comment

#### Disclosure of Gifts (Elected Members and CEO)

In accordance with sections 5.87A and 5.87B of the Act, Council Members are required to disclose gifts that are received in their capacity as a Council Member and are:

- valued over \$300; or
- of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12 month period.

The decision on whether a gift is received in the capacity of a Council Member must be made by the recipient of the gift. The question is whether the gift would have been given (or a gift of that value given) if the recipient were not a member of the Council (or CEO). If the answer is no, it must be disclosed if the value of the gift (or aggregated value) is over \$300. The onus is on the recipient to prove that it was not received in that capacity (and that the value of the gift(s) is not greater than \$300).

A 'gift' has the extended meaning set out in section 5.57 of the Local Government Act 1995 and means:

- (a) a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution.

#### Conflicts of Interest – Interests relating to a gift (Elected Members and CEO)

Receipt of a gift – any gift, whether or not in a person's capacity as Council Member or CEO – will create a relationship of a ***closely associated person*** and therefore an interest (s5.60 and 5.62 of the Act)

The following situations are specifically excluded from the interest provisions:

- Where the gift (or gifts over a 12 month period from the one donor) do not exceed \$300 in value;
- Where the gift is a ticket to, or otherwise relates to attendance at an event and the Town approved the person's attendance in accordance with their Attendance at Events Policy (see below); or
- Where the gift is received from one of the following organisations:
  - WALGA (but not LGIS)
  - Local Government Professionals Australia (WA)
  - Australian Local Government Association
  - A department of the public service
  - A government department or another State, a Territory or the Commonwealth
  - A local government or regional local government.

The interest, the Council's decision and the reasons for that decision must be recorded in the minutes.

Similar provisions are contained in s5.71A and 5.71B in relation to the CEO providing advice or a report, directly or indirectly, to the Council or a Committee.

Adoption of the tracked changes to this Policy will clarify current legislative requirements.

**12.2.2 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 070720**

**Moved Cr Nardi, seconded Cr Watkins**

**That Council adopt the amended Policy No 1.2.1 Code of Conduct for Council Members, Committee Members and Employees attached to this report, as per tracked changes.**

**(CARRIED UNANIMOUSLY)**

### 12.2.3 Trading in Public Places Report

<b>File ref</b>	H/HFV1
<b>Prepared by</b>	Shelley Cocks Principal Environmental Health Officer
<b>Supervised by</b>	Andrew Malone Executive Manager Regulatory Services
<b>Meeting Date:</b>	21 July 2020
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Trading in Public Places Policy</li><li>2. Draft Delegation - Trading in Public Places Applications</li></ol>

#### **Purpose**

The Town's Principal Environmental Health Officer prepared a *Trading in Public Places Policy* for Council's consideration in February 2020. Following advertising for a period of 30 days, this is now being presented to Council for adoption.

#### **Executive Summary**

Council requested that a policy be developed to allow vendors to operate in particular locations through out the Town. The Trading in Public Places Policy was considered by Council at a Council Meeting on 28 February 2020. While the Policy was mooted at an earlier time, the number of events throughout the Town had increased to the point where it was thought desirable to formally approve the Policy.

#### **Background**

A food van trial was undertaken early in 2018 at John Tonkin Reserve with limited success. Based on the results of the trial it was agreed that in future the Town would not be responsible for organising such events, and would support van/stall operators arranging their own events. To provide guidance to van/stall operators, Council requested that a policy be developed to allow vendors to operate in particular locations throughout the Town

#### **Consultation**

Consultation occurred throughout the food van trial with mobile food vendors, customers, Council staff and Councillors. Council advertised the draft policy for 30 days to allow for community input following the Council Meeting held on 18 February 2020. No comments were received.

#### **Statutory Environment**

*Local Law Public Places and Local Government Property Law 2016*

#### **Policy Implications**

The policy will apply to all mobile food vendors and temporary stall holders wishing to sell goods on Council owned land. The policy does not apply to those who operate on private land such as the food vans in the car park at the Left Bank or the food vans operating at the Swan Yacht Club at their larger functions. The policy covers the sale of food and other items such as flowers, plants, books, garage sale type material or other items subject to Council approval.

#### **Financial Implications**

Council note the 2020/2021 Schedule of Fees and Charges:

- Trading in public places application fee \$95.40 (inc GST)
- Trading in public places daily fee \$57.70 (inc GST)

### Strategic Implications

#### Strategic Priority 1: Social

- Inviting open spaces, meeting places and recreational facilities.
- Strong community connection within a safe and vibrant lifestyle.

### Site Inspection

- Site inspection undertaken: No

### Comment

A policy on *Trading in Public Places Policy* is recommended for a number of reasons:

1. To provide guidance to the operations of the Town's *Local law Public Places and Local Government Property Law 2016*.
2. To provide clarity to staff and applicants wishing to trade on Council Property.
3. To establish areas where trading may take place within the Town of East Fremantle.
4. To respond to community expectations regarding the use of parks and reserves.
5. To assist in the activation of our public open space consistent with our Strategic Community Plan.
6. To improve our customer service by being able to give consistent advice to applicants.
7. To improve sustainability at events by ensuring that all packaging is either compostable or reusable.

### **Proposed Delegation – Determination of Applications for Trading in Public Places**

Council as per this report is recommended to adopt a Trading in Public Places Policy. It is proposed to delegate to the Chief Executive Officer the determination of authorising vendors, food vans or similar to trade on Council owned land within the Town as per the policy. The Policy has been advertised and no submissions were received.

It is recommended that Council approve a delegation (as attached) to the Chief Executive Officer and sub-delegation to the Executive Manager Regulatory Services to determine applications for any vendors to trade in a public place pursuant to the Trading in Public Places Policy.

#### **12.2.3 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 080720**

**Moved Cr Harrington, seconded Cr Watkins**

**That Council:**

- 1. adopt the Trading in Public Places Policy, as appended to this report.**
- 2. delegate to the Chief Executive Officer the powers conferred in the attached delegation to determine applications for Trading and Public Places.**

(CARRIED ABSOLUTE MAJORITY/UNANIMOUSLY)



13. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil.
14. **NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING**  
Nil.
15. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**  
Nil.
16. **NEW BUSINESS OF AN URGENT NATURE**  
Nil.

Declaration of Interest

*Mayor Jim O'Neill declared a proximity interest in the following item as he resides opposite the East Fremantle Oval at 72 Allen Street and left the meeting at 6.57pm.*

*In the absence of the Presiding Member, the Deputy Mayor assumed the Chair.*

17. **MATTERS BEHIND CLOSED DOORS**

**17. PROCEDURAL MOTION**

Moved Cr Natale, seconded Cr Collinson

That the meeting be closed to the public to discuss Item 17.1 under the terms of the *Local Government Act 1995 Section 5.23(2)(c)*.

(CARRIED UNANIMOUSLY)

17.1 **East Fremantle Oval Redevelopment**  
Confidential Report (Separate Attachment)

**17.1 OFFICER RECOMMENDATION/COUNCIL RESOLUTION 090720**

Moved Cr Collinson, seconded Cr Natale

That Council

- (1) accept the fee proposal submitted by Paatsch Group for Stage 2 - East Fremantle Oval Precinct Redevelopment Project.
- (2) authorise the Chief Executive Officer to finalise and execute a contract with Paatsch Group for Stage 2 – East Fremantle Oval Precinct Redevelopment Project

(CARRIED UNANIMOUSLY)

*Mayor O'Neill returned to the meeting at 7.07pm and resumed the Chair. It was noted he did not speak or vote on the previous motion.*



**17. PROCEDURAL MOTION**

**Moved Cr Natale, seconded Cr A McPhail**

**That the meeting be reopened to the public at 7.07pm.**

**(CARRIED UNANIMOUSLY)**

**18. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7.08pm.

*I hereby certify that the Minutes of the ordinary meeting of the Council of the Town of East Fremantle, held on **21 July 2020**, Minute Book reference **1. to 18.** were confirmed at the meeting of the Council on*

*18 AUGUST 2020*

  
\_\_\_\_\_  
*Presiding Member*