



**AUDIT AND RISK COMMITTEE MEETING**

**MINUTES**

**28 JULY 2020**

**14 White Street  
Brookton, WA 6306**

These minutes were confirmed by Audit and Risk Committee as a true and correct record of proceedings by the Audit and Risk Committee Meeting held on ~~10./12./20~~

Presiding Member:  Date: 10 December 2020

**Shire of Brookton**  
**Audit and Risk Committee held 28 July 2020**  
**Commenced at 3.00 pm**

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## 1.07.20 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ATTENDANCE

### Attendance

The Presiding Member opened the meeting at 3.04pm and welcomed Councillors, Committee Members and Staff.

### Elected Members (Voting)

Cr KL Crute (Shire President)  
Cr NC Walker (Deputy Shire President)  
Cr MG Macnab

### External Committee Members (Voting)

Ms. Belinda Mitchell

### Staff (Non-Voting)

Ian D'Arcy Chief Executive Officer  
Amy Eva Manager Corporate and Community  
Mikel Harambore Manager Infrastructure and Emergency  
Danni Chard Executive Governance Officer  
Sharyn Olsen Process and Compliance Officer

### Leave of absence

Nil.

### Apologies

Mr. Eric Pech

### Members of the Public

Nil.

## 2.07.20 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.07.20.01 AUDIT AND RISK COMMITTEE – 9 MARCH 2020

#### **ARC 07.20-01**

#### **COUNCIL RESOLUTION**

**MOVED Cr Walker                      SECONDED Cr Macnab**

*That the minutes of the Audit and Risk Committee meeting held in the Shire of Brookton Council Chambers, on Monday 9<sup>th</sup> March 2020, be confirmed as a true and correct record of the proceedings.*

**CARRIED BY SIMPLE MAJORITY VOTE 4/0**

## 3.07.20 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

## 4.07.20 PUBLIC QUESTION TIME

Nil.

**5.07.20 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**6.07.20 DECLARATIONS BY MEMBERS AND OFFICERS**

*Members and Officers to declare Financial, Proximity or Impartiality Interests & submit forms to the Chief Executive Officer at the commencement of the meeting and also prior to the item.*

**Disclosure of Financial & Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be considered at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*).
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*).

**Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be considered at the meeting in respect of which the member or employee has given or will give advice.

**Financial, Proximity and Impartiality Interests**

Item no.	Members/Officers	Type of Interest	Nature of Interest
Nil.			

## 7.07.20 STATUS TABLE

The following table provides an understanding of governance matters identified through annual audits or required by legislation and an update on the progress of addressing relative compliance.

Black – No changes from previous reports

Yellow – Updated from previous report

Blue – Additions from latest Audit & Risk Committee meetings

No.	Date of Meeting	Item Title	OAG Findings or Other Statutory Requirement	Risk Factor	Officers Status Update	Assigned to	Estimated Due Date	% of Completion
1	20 June 2019	Purchasing Polices & Procedures	No documented procedures over the authorisation & payments of accounts.		Completed – New purchasing policy adopted by Council November 2018 and amended September 2019.	MCC	Completed	100%
2	20 June 2019	Review of Risk Register	OAG 2018 Audit - Review of the Risk Register and Risk Management Plan – report to Audit & Risk Committee December 2019 2019 Audit – Noted Review of risk register still in progress	Moderate	Risk Management Plan completed and endorsed. Risk Register is presently being reviewed by staff and updated – delay caused by 2 Managers leaving Shire employment simultaneously.	PCO	<del>Dec 2019</del> April 2020 September 2020	85%
3	20 June 2019	Asset Management Plan Review	OAG 2018 Audit – ratios affected due to exist plan spanning 9 years only. 2019 Audit – Review of Asset management plan still in progress unlikely to be adopted by fin year end <i>Noted the review of the asset management plan</i>	Moderate	Asset assessment of roads and associated infrastructure completed – Sewerage System CCTV capture completed – Engineering assessment Memorial Hall and Railway Station completed pending costing of options and public consultation – delay caused by 2 Managers leaving Shire employment simultaneously.	MIE/MCC	<del>Feb 2020</del> June 2020 September 2020	65%
4	20 June 2019	Review of Financial management systems	OAG 2018 Audit – No review of the appropriateness and effectiveness of FMS. 2019 Audit – Shire has not yet completed Regulation 5 review	Moderate	Regulation 5 reviewed and endorsed by Council.	MCC	Completed	100%
5	20 June 2019	Unsupported Software	OAG 2018 Audit – Shire has on Exchange Server which Microsoft does not support. 2019 Audit – IT upgrade is currently	Moderate	IT Network and Management updated, including new laptops for all administration staff. Shire Depot connection also completed.	SFO	October 2019 March 2020	100%

			in the RFQ stage. Unsupported IT software – new IT provider contracted in November 2019 after a tender process. Software and allied services to be rolled out over the next 3 months including server upgrade.				Completed	
6	20 June 2019	User Access Management	OAG 2018 Audit - No logging in process for reviews of system changes. 2019 Audit – Shire has removed access to Creditor and Debtor module from shared account. Audit trails are to be completed and reviewed on a monthly basis.	Moderate	IT access structured with required authorisation aligned to positions - checked monthly by Senior Finance Officer. Procedure yet to be prepared for request and review of authorisation to various Synergy modules.	MCC/SFO/PCO	<del>30 Sept 2019</del> <del>Dec 2019</del> August 2020	95%
7	20 June 2019	IT Security Policy	OAG 2018 Audit – no policies or procedures governing the use of IT assets and resources. 2019 Audit – this issue remains unresolved Lack of an IT security policy – in development with IT provider to interface.	Moderate	Policy for IT security drafted and with CEO for review. Delay due to other priorities and having to cover the MIE position.	PCO/CEO	<del>Jan 2020</del> <del>April 2020</del> September 2020	75%
8	20 June 2019	Business Continuity management	OAG 2018 Audit - The Shire does not have a business continuity plan. OAG 2019 Audit – issue remains unresolved For consideration at this meeting	Moderate	Business Continuity Plan created and endorsed.	PCO	<del>Dec 2019</del> Completed	100%
9	20 June 2019	Management of Third party IT services	OAG 2018 Audit – Contract with third-party provider expired. OAG 2019 Audit – issue still not resolved. RFQ process commenced to resolve the issue. New IT provider contracted in November 2019 after a tender process. Software and allied services to be rolled out over the next 3 months.	Significant	Tender for IT Management out in the marketplace includes upgrades for software.	SFO	<del>October 2019</del> Completed	100%

10	20 June 2019	Management of Issued infringements	OAG 2018 Audit – No process and no register of infringements issued by the Shire. No process to follow up on infringements in place. OAG 2019 Audit – issue not yet resolved	Moderate	Register developed – admin procedures to be updated for front desk. Delay due to change over of MCC position.	MCC/PCO	February 2020 September 2020	75%
11	20 June 2019	Trust Funds	AOG 2019 Audit – holding funds not required under legislation to be held in trust	Significant	Trust fund cleared of all monies not required to held in trust.	SFO	January 2020 Completed	100%
12	20 June 2019	Depreciation Policy	AOG 2019 Audit – Useful Life of assets in policy appear to be excessive and may not reflect the life in the asset register	Moderate	Review will be picked up as part of AM and LTFP plans and shall be reviewed as part of policy review annually. Delay caused by 2 Managers leaving Shire employment simultaneously.	DCEO/MIRS MCC/MIE	February 2020 June 2020 September 2020	50%
13	20 June 2019	Valuation Methodology Plant and Equipment	AOG 2019 Audit – independent valuation of P&E assets does not comply with AAS	Moderate	Letter written to the valuer advising matter raised by OAG. WALGA Panel also advised as Valuer on WALGA Panel.	MCC	Nov 2019 Completed	100%
14	20 June 2019	Expense Accruals	AOG 2018 Audit - identified incorrect accrual of grant funding. No process in place to review and identify general year end accruals for materials contracts and utility expenses. OAG 2019 Audit – issue remained.	Moderate	Accrual corrected and the AFR reflected the correct carried forward figure. Process need to identify accruals of expenses for year end.	MCC/SFO	February 2020 Completed	100%
15	13 Dec 2018	Cash & Cheque Collections	Process for cash collection and checking needs review	Moderate	Completed	MCC	Completed	100%
16	13 Dec 2018	Physical Security of Cash	Process for security of cash and cash float (Front desk)	High	Completed	MCC	Completed	100%
17	13 Dec 2018	Finance Procedures documented & updated	Major finance procedures documented and updated. Payroll and Rates process currently undergoing review.	Low	Completed	MCC	Completed	100%
18	31 Oct 2019	Audit and Risk Committee Terms of Reference	Prepared draft Terms of Reference for the Audit and Risk Committee, including make of the Committee with external representation.	Low	Endorsed by Council – Completed.	CEO	Completed	100%
19	31	Audit and Risk	Process for appointment of external	Low	Advertising for 2 external Committee	CEO	March	100%

	March 2020	Committee	members.		Members, with at least one holding as tertiary accounting, commerce or business qualification conducted Feb 2020 – pending selection by Council.		2020 Completed	
20	31 March 2020	Annual Compliance Audit Return	Preparation of 2020 Compliance Audit Return in accordance with Reg. 13, 14 and 15 of the Local Government Audit Regulations, 1996.	Moderate	Performance assessment completed for review by the Audit and Risk Committee at its March 2020 meeting and subsequent endorsement of Council. CAR uploaded to DLG SmartHub	SFO	March 2020 Completed	100%
21	30 April 2020	Records Management Plan	Review and update of the Records Management Plan to be completed in accordance with the <i>State Records Act, 2000</i> .	Moderate	The review commenced – new Key for Works framework completed – new Synergy Records Model uploaded – Records Training for admin staff – performed – upload of records information to occur in the next month.	MCC/ARO	April 2020 September 2020	60%
22	30 June 2020	Emergency Management Arrangements	Holistic review of the Emergency Management framework that includes response, recovery, animal management and regional alliances.	Moderate	The respective LEMP prepared and reviewed under an AWARE grant funding – endorsed by LEMC and to be forwarded to Council at August OMC 2020. Then to be referred to State Emergency Management Committee. Animal Welfare Plan yet to be drafted in collaboration with neighbouring LGs	MIE/MCC	April 2020 August 2020	60%
23	30 June 2020	Purchasing Policies and Procedures	OAG 2018 Audit – payroll & contractual payments were authorised by a staff member outside purchasing delegation limit. 2019 Audit – no documented procedure over the authorisation and payment of accounts.	Moderate	Purchasing policy updated adopted OCM Oct 2019. Process for payments documented including procedures processing of timely payments. Training provided to new staff.	MCC/CBOF	6 Nov 2019 Completed	100%
25	30 June 2020	Caravan park Collection of money	OAG 2019 Audit - Collection of money is taken after hours or on weekends by volunteer with no authority for park bookings.	Moderate	Action completed with new secure box at caravan park – Procedure for collection of moneys prepared.	CEO	28 Oct 2019 April 2020 Completed	100%
26	30 June 2020	Review of Organisational Structure	Re-alignment of Employee Roles and Responsibilities and seating arrangements to improve administrative efficiencies and performance	Low	Organisation Structure reviewed November 2019 – Office refurbishment to accommodate improved seating arrangements and working relationships – Discussions on the structure has been entertained with Council and will be formalised at the time of adopting the draft 2020-21 Budget	CEO	June 2020 August 2020	75%
27	30 June 2020	Review of Long Term Financial plan	Forms part of the Integrated Planning and Reporting Framework	Moderate	Moore Stephens Financial Consultant engaged to preform review of the LTFP – awaiting	MCC	June 2020 October	20%



			that informs the annual budget - subject to review every two years.		information from the Asset Management Plan.		2020	
28	30 June 2020	Review of Workforce Plan	Forms part of the Integrated Planning and Reporting Framework that informs the annual budget - subject to review every two years.	Moderate	Draft Workforce Plan template compiled – progress to be performed in the coming months following full re-alignment of officer duties and finalisation of the Organisational Structure.	CEO/ODO	June 2020 October 2020	20%
29	30 June 2020	Internal Auditing Process	Procedure and annual program on the conduct and reporting of internal audits to the Audit and Risk Committee	Moderate	Procedure prepared in draft for review by the Audit and Risk Committee	PCO	June 2020 July 2020	30%
30	31 July 2020	Review Strategic Community Plan and Corporate Business Plan	Desktop review Strategic Community Plan and Corporate Business Plan, including the Innovations Pathway and associated Advisory Groups.	Moderate	Review yet to be commenced – pending completion of Asset Plan, LTFP and Workforce Plan – IPR documents and Innovations Pathway in question based on result of draft Reserve Management Plan being voted down by Council with possible lack of confidence by the Community in the process and strategic direction – More comprehensive and costly review required above a standard 2 year review – possible community consultation and budget variation required to engage an external consultant to assist with the review process – presently not included in the draft 2020-21 Budget – pending further direction from Council.	CEO/PGO	July 2020 December 2020	0%
31	31 August 2020	Preparation of Annual Budget	Prepare the 2020-21 municipal budget in accordance with endorsed procedure for adoption by Council.	High	The draft Budget 2020-21 is current being prepared with input from Staff and Elected Members. Slippage in the process has occurred with the on-set of COVID-19 and Commonwealth grants money being offered late in the budget preparation process. It is project the budget will be finalised for adoption by Council in late July or early August 2020.	MCC/SFO	August 2020	90%
32	30 Dec 2020	Review of Local Laws	A review of the Shire of Brookton's Local Laws to be conducted	Moderate	Preliminary review of the Local Laws completed at an officer level for presentation to the Audit and Risk Committee for discussion – refer to agenda item.	PCO	December 2020	15%

**8.07.20 LOCAL LAW REVIEW 2020**

<b>File No:</b>	ADM 0624
<b>Date of Meeting:</b>	28 July 2020
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	Shire of Brookton
<b>Name of Owner:</b>	N/A
<b>Author/s:</b>	Sharyn Olsen – Process and Compliance Officer Ian D’Arcy – Chief Executive Officer
<b>Authorising Officer:</b>	Ian D’Arcy – Chief Executive Officer
<b>Declaration of Interest:</b>	The author does not have a specific interest in this item
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	Nil

**Summary of Item:**

This item relates to the review of the Shire of Brookton’s Local Laws to ensure they are accurate, relevant, and applicable.

The table below outlines all current Local Laws for the Shire of Brookton and their respective review dates:

Current Local Law Register 2020					
Reference #	Local Law	Date Gazetted	Comments	Reviewed Date	Next Review Due
1	Local Government Property Amendment Local Law 2013	9/07/2013	Current	2015	2023
2	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012	31/05/2012	Current	2012	2020
3	Dogs Amendment Local Law 2012	6/03/2012	Current	2015	2023
4	Cemeteries Amendment Local Law 2012	6/03/2012	Current	2015	2023
5	Local Government Property Local Law 2012	6/03/2012	Consolidated in #1	2015	2023
6	Pest Plants Local Law 2012	6/03/2012	Current	2015	2023
7	Extractive Industries Local Law 2011	28/03/2011	Current	2015	2023
8	Brookton Public Cemetery	4/01/2002	Consolidated in #4	2015	2023
9	Dogs Local Law	6/11/2001	Consolidated in #3	2015	2023
10	Health Local Laws 2000	15/05/2001	Current	2016	2024
11	By-law relating to the establishment, maintenance and equipment of Bush Fire Brigades	4/06/1993	Current	2015	2023
12	Pest Plants	23/02/1990	To be repealed?	2012	2020
13	Pest Plants	2/07/1982	To be repealed?	2016	2024

As shown in the above table there are two Local Laws due for review in 2020:

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012 (#2)
- Pest Plants (#12)

However, it is suggested a number of the Local Laws be reviewed over the coming 12 – 18 months, including the Council’s ‘Standing Orders and Meeting Protocol Local Law 2000’ which was not gazetted and has subsequently been adopted as a Policy of Council.

A copy of the existing Local Laws and Standing Orders Policy is provided as **Attachments 8.07.20A - I** under separate cover for reference purposes.

**Description of Proposal:**

As above

**Background:**

Section 3.16 of the *Local Government Act 1995* (the Act) provides direction for reviewing the currency and suitability of gazetted Local Laws and requires that all Local Laws be reviewed every eight years to determine their continued relevance, that is should they remain unchanged, be repealed or amended.

The eight-year period is taken to be from either when the Local Law commenced or when the last review was completed. When the outcome of the review finds it necessary to change an outdated aspect of the Local Law, or that the subsidiary legislation has become defunct or obsolete, the Local Government must then commence the process outlined in Section 3.12 of the Act to implement any changes or repeal the Local Law.

**Function of Current Laws**Local Government Property Local Law (#1 and #5)

These Local Laws relate to use of property owned or managed by the Shire of Brookton and unvested facilities. They include procedures for making a determination regarding Local Government property, signage requirements, allowed activities, permit requirements and application process, Policy implications, behaviour on and interference with Local Government Property, objections, reviews, prohibitions, penalties, fee's, compliance and enforcement.

For the most part there is duplication between the two local laws and often they are not referred to or used, as matters of use are often covered land use zoning under the Shire's Town Planning Scheme, through a legal agreement such as a lease or licence, or through implied consent through payment of a fee or charge as adopted by Council. However, the Local Laws do play a role through enforcement of unauthorised use, vandalism, or general non-compliance, for example the riding of a trail bike on the Brookton Oval.

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012 (#2)

This Local Law relates to use and management of Thoroughfares and Public Places, including prohibitions, permits, permissions, obligations, signage, vehicle parking and access, animals, vegetation, fire hazard management, trading requirements and restrictions, outdoor eating facilities, notices, fee's, penalties and enforcement.

Again, this Local Law is often not used although there have been occasions when the parking of vehicles within a road reserve has been an issue requiring subtle enforcement action to be taken to remove the vehicle. In the past this has usually involved a letter threatening infringement (fine) under the provisions of the Local Law with reminder of possible prosecution should the Local Law not be adhered to and the matter of non-compliance escalate.

Dogs Local Law (#3 and #9)

Like most Local Governments the Shire has a Dog Local Law, in this case consolidated, to regulate the control and management of dogs, including impounding, requirements and limitations on the keeping of, approval of kennel establishments, exercising of dogs in public places, offences and enforcement.

This Local Law supports the Shire's contract Rangers in enforcing the behaviour and penalising those people who do not adhere to responsible dog ownership and handling. The Dog Local Law has also been

used to apply standards for the development of dog kennels and will form an integral part of new legislation in relation to Puppy Farming that will soon be imposed on Local Governments to administer and enforce.

#### Cemeteries Amendment Local Law (#4 and #8)

The Cemeteries Local Law is about regulated use and management of the Brookton Cemetery and includes powers and functions, application for Funerals, Funeral Director requirements, Funeral and Burial restrictions, requirements for Memorials and other works, offences and penalties.

This Local Law is also used on a regular basis by the Shire Administration to guide the processes in relation to the above.

#### Pest Plants Local Laws (#6, #12 and #13)

This Local Law relates to the management of Pest Plants within the district, including serving of notice to destroy, eradication or control of Caltrop, Afghan Thistle and Sorrell, penalties for failure to comply, recovery of expenses and Pest Plant Notice Form template.

The application of the Pest Plant Local Law has not been exercised in a regular manner, possibly due to there not being a big issue of pest weed infestation to warrant action being taken. Nevertheless, the Local Law does serve a purpose of necessary enforcement should this be required.

#### Extractive Industries Local Law (#7)

The Extractive Local Law regulates and manages the establishment and operations of Extractive Industries within the district, including Licensing requirements, applications, limitations, obligations, prohibitions, offences and penalties.

This is another Local Law that has not been extensively applied in the approval and regulation of extractive industries, and to a large degree applies a duplication or multi-layered approval process as an extractive industry use is also subject to statutory approval under the Shire of Brookton Local Planning Scheme No.4. This duplication of approval is viewed by many as just bureaucratic red tape that often leads to unnecessary cost and frustration.

#### Health Local Laws 2000 (#10)

This Local Law relates to the management and enforcement of health provisions including sanitation, housing, waste food, general refuse, nuisances, animals, pest control, infectious disease, lodging houses, offensive trades, offences, penalties, forms and fees.

Integral to the health and wellbeing of the local community and visitors, the Health Local Law is from time to time exercised by the Shire Administration in conjunction with the *Health Act 2016* and *Food Act 2008*.

#### By-law relating to the establishment, maintenance and equipment of Bush Fire Brigades (#11)

This Local Law involves the establishment of Brigades, Appointment, Powers and Duties of Officers, administration responsibilities and financial implications, Brigade enrolment and Register of Officers form templates.

As required under the *Bush Fires Act 1954*, the Council is compelled to have a Local Law to regulate the establishment and operations of local Brigades.

### **Other potential Local Laws – for consideration**

Many other Local Governments have a Local Law that addresses the following:

- Standing Orders Local Law – Provides statutory meeting protocols for Council and Committee meetings.
- Cats Local Law – Involves the regulation of registration keeping of cats as domestic pets.
- Fencing Local Law – Usual prescribes the standards of fences in different land use zones and compliments the *Dividing Fences Act, 1961*.
- Parking Local Law – Applies to regulating vehicle parking and service/loading zones with the ability to prescribe standards, charge, and apply limits and penalties.
- Fire Hazards and Precautions Local Law – This Local Law presents as another statutory instrument to enforce mandatory actions for fire prevention and enhancement of community safety.
- Vehicles – Off Road Areas Local Law – Mostly this Local Law is applied by Local Governments with coastline where off road vehicles are used in fragile and unstable dunes systems and important high conservation and biodiversity areas and affords regulation and control.
- Swimming Pools Local Law – This Local Law applies more stringent regulation and enforcement with penalties in relation to swimming pool safety that extends above the *Building Act 2011* and subsidiary legislation.

### **Consultation:**

This matter has been reviewed by the CEO, various Officers and now the Audit and Risk Committee to afford direction to Council on reviewing and amending its Local Laws.

### **Statutory Environment:**

Pursuant to Section 3.12 of the Act the following statutory procedure applies to amending, repealing or creating a new local law:

#### *3.12. Procedure for making local laws*

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to —*
  - (a) give local public notice stating that —*
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

(iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*and*

(b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

(c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

[(3a) *deleted*]

(4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Absolute majority required.*

(5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

(6) *After the local law has been published in the Gazette the local government is to give local public notice —*

*(a) stating the title of the local law; and*

*(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*

*(c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

(8) *In this section —*

***making*** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

Accompanying, Regulation 3 of the Local Government (Functions and General) Regulations 1996 provides that:

*“for the purpose of section 3.12 of the Act, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that;*

*a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*

*b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.”*

### **Relevant Plans and Policy:**

The Council has adopted its Standing Orders Local Law 2000 as a policy due to administrative oversight

in this law not having been gazetted. Identification of this occurred in 2016 and since has been enacted in the same manner as a Local Law, although there is not the statutory enforcement under the policy framework. Accordingly, the Audit and Risk Committee and Council need to seriously entertain the merit of preparing a new Standing Orders Local Law.

#### Financial Implications:

It is estimated that this review process will cost approximately \$5,000 in Officer time and Advertising costs that has been be allocated in the 2020-21 draft annual budget.

#### Risk Assessment:

The risk in relation to this matter is assessed as 'High' on the basis that the review is a legislated requirement and some of Local Laws are not contemporary or needed. Additionally, the Standing Orders Local Law as a policy is not ideal.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

#### Community & Strategic Objectives:

This item relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the amended Policy supports the following Business Unit and Functions:

1. *Governance*
  - 1.8 *Review Local Laws*

#### Comment

The purpose of this review is to update and modernise the Shire of Brookton Local Laws to ensure the

provision of orderly governance within the district. Fundamentally, it is deemed good 'house-keeping' in ensuring relevant and currency of the local regulatory framework.

With this said, the Officer's view is the following should be considered by the Audit and Risk Committee for endorsement by Council:

<b>Local Law</b>	<b>Comment</b>	<b>Recommendation</b>
<b>Local Government Amendment Property Local Law 2013 (#1 and #5)</b>	Assessed as adequate for the purpose it serves and does not warrant further amendment, just consolidation being checked.	Include in review with #5 being repealed.
<b>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012 (#2)</b>	This Local Law appears a little outdated and may require minor amendment with parking of commercial vehicles and trading in thoroughfares.	Include in review with possible amendment.
<b>Dogs Amendment Local Law 2012 (#3 and #9)</b>	It is suggested this Local Law be amended to finalise consolidation and take into consideration new legislation being introduced concerning puppy farming.	Include in the review with #9 being repealed.
<b>Cemeteries Amendment Local Law 2012 (#4 and #8)</b>	Assessed as adequate for the purpose it serves and does not warrant further amendment, just consolidation being checked.	Include in the review with #8 being repealed.
<b>Pest Plants Local Laws (#6, #12 and #13)</b>	Assessed as adequate for the purpose it serves and does not warrant further amendment, just repeal of version #12 and #13.	Include in the review with #12 and #13 being repealed.
<b>Extractive Industries Local Law (#7)</b>	Assessed as duplication with Local Planning Scheme No.4 – prepare Extractive Industry Local Planning Policy and repeal Local Law.	Include in the review for this Local Law to be repealed.
<b>Health Local Laws 2000 (#10)</b>	As a result of COVID-19 and the need to prepare Local Health Plan it is suggested this Local Law be included in review process to ensure the provisions are contemporary and relevant to meet current health requirements.	Include in the review with possible amendment.
<b>By-law relating to the establishment, maintenance and equipment of Bush Fire Brigades 1993 (#11)</b>	The date of gazettal and reference to 'Shire Clerk' for example suggests this Local Law is outdated. Incorporation of this Local Law in the review process will ensure it is contemporarily aligns to the current circumstance of Bush Fire in an age where Climate Change is occurring and local volunteer fire brigades need to be well resourced and supported in the performance of their functions.	Include in the review with possible amendment.
<b>Standing Orders Local Law</b>	As mention in the Risk Management section of this report, there is currently no legitimate Local Law for Council Meeting protocols. This is problematic as the	Include in the review for introduction of a possible new Local Law.



	meeting conduct and recording needs to reflect respectful and professional forums in the public interest. The lack of a statutory framework leaves the Council and Committee meetings exposed to denigration of a less than desirable standard.	
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It should be noted that Audit and Risk Committee may wish to include additional Local Laws or exclude some Local Laws. Furthermore, the progression for some Local Laws may be viewed as a priority to others.

### **OFFICER RECOMMENDATION**

That the Audit and Risk Committee recommends that Council:

1. Pursuant to Section 3.12 of the Local Government Act, 1995 and Regulation 3 of the Local Government (Functions and General) Regulations, 1996 initiate a review of its Local Laws as detailed in the following Table 1 for the purpose of either amending, repealing or making a new local law:

Table 1

Local Law	Purpose	Effect	Action
Local Government Amendment Property Local Law 2013 (Consolidated) and Local Government Property Local Law 2012	Relates to use of property owned or managed by the Shire of Brookton and unvested facilities.	Procedures for making a determination regarding Local Government property, signage requirements, allowed activities, permit requirements and application process, Policy implications, behaviour on and interference with Local Government Property, objections, reviews, prohibitions, penalties, fee's, compliance and enforcement.	Amend
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012	Relates to use and management of Thoroughfares and Public Places	Prohibitions, permits, permissions, obligations, signage, vehicle parking and access, animals, vegetation, fire hazard management, trading requirements and restrictions, outdoor eating facilities, notices, fee's, penalties and enforcement.	Amend
Dogs Amendment Local Law 2012 and Dogs Local Law 2001	Regulates the control and management of dogs.	Impounding, requirements and limitations on the keeping of, approval of kennel establishments, exercising of dogs in public places, offences and enforcement.	Amend
Cemeteries Amendment Local Law 2012 and Brookton Public Cemetery 2002	Regulates use and management of the Brookton Cemetery.	Powers and functions, application for Funerals, Funeral Director requirements, Funeral and Burial restrictions, requirements for Memorials and other works, offences and penalties.	Amend  Repeal
Pest Plants Local Law 2012 and Pest and Plants Local Law 1990 and Pest and Plants Local Law 1982	Relates to the management of Pest Plants within the district.	Serving of notice to destroy, eradication or control of Caltrop, Afghan Thistle and Sorrell, penalties for failure to comply, recovery of expenses and Pest Plant Notice Form template.	Amend  Repeal  Repeal

Extractive Industries Local Law 2011	Regulates and manages the establishment and operations of Extractive Industries on private land within the district.	Licensing requirements, applications, limitations, obligations, prohibitions, offences and penalties.	Repeal
Health Local Laws 2000	Relates to the management and enforcement of public health provisions.	Sanitation, housing, waste food, general refuse, nuisances, animals, pest control, infectious disease, lodging houses, offensive trades, offences, penalties, forms and fees.	Amend
By-law relating to the establishment, maintenance and equipment of Bush Fire Brigades 1993.	Establishment of Brigades.	Appointment, powers and duties of officers, administration responsibilities and financial implications, Brigade enrolments and register of Officer form templates.	Amend
Standing Orders Local Law	Provide rules and guidelines for conduct of Council and Committee meetings, and meetings of electors.	Better decision-making by the Council and committees, orderly conduct of meetings dealing with Council business, better understanding of the process of conducting meetings and the more efficient and effective use of time at meetings.	New

2. Upon satisfactory drafting or redrafting of the Local Laws as prescribed in Table 1 to the satisfaction of the Audit and Risk Committee, proceed with the procedure for making Local Laws in accordance 3.12(3) of the Local Government Act, 1995.

(Simple majority vote required)

## AUDIT AND RISK RESOLUTION

MOVED Cr Crute      SECONDED Cr Macnab

That the Audit and Risk Committee recommends that Council:

1. Pursuant to Section 3.12 of the Local Government Act, 1995 and Regulation 3 of the Local Government (Functions and General) Regulations, 1996 initiate a review of its Local Laws as detailed in the following Table 1 for the purpose of either amending, repealing or making a new local law:

Table 1

Local Law	Purpose	Effect	Action
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Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012	Relates to use and management of Thoroughfares and Public Places	Prohibitions, permits, permissions, obligations, signage, vehicle parking and access, animals, vegetation, fire hazard management, trading requirements and restrictions, outdoor eating facilities, notices, fee's, penalties and enforcement.	Amend
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Pest Plants Local Law 2012 and Pest and Plants Local Law 1990 and Pest and Plants Local Law 1982	Relates to the management of Pest Plants within the district.	Serving of notice to destroy, eradication or control of Caltrop, Afghan Thistle and Sorrell, penalties for failure to comply, recovery of expenses and Pest Plant Notice Form template.	Amend  Repeal  Repeal
Extractive Industries Local Law 2011	Regulates and manages the establishment and operations of Extractive Industries on private land within the district.	Licensing requirements, applications, limitations, obligations, prohibitions, offences and penalties.	Repeal
Health Local Laws 2000	Relates to the	Sanitation, housing, waste food, general	Amend

	<i>management and enforcement of public health provisions.</i>	<i>refuse, nuisances, animals, pest control, infectious disease, lodging houses, offensive trades, offences, penalties, forms and fees.</i>	
<i>By-law relating to the establishment, maintenance and equipment of Bush Fire Brigades 1993.</i>	<i>Establishment of Brigades.</i>	<i>Appointment, powers and duties of officers, administration responsibilities and financial implications, Brigade enrolments and register of Officer form templates.</i>	<i>Amend</i>
<i>Standing Orders Local Law</i>	<i>Provide rules and guidelines for conduct of Council and Committee meetings, and meetings of electors.</i>	<i>Better decision-making by the Council and committees, orderly conduct of meetings dealing with Council business, better understanding of the process of conducting meetings and the more efficient and effective use of time at meetings.</i>	<i>New</i>

2. Upon satisfactory drafting or redrafting of the Local Laws as prescribed in Table 1 to the satisfaction of the Audit and Risk Committee, proceed with the procedure for making Local Laws in accordance 3.12(3) of the Local Government Act, 1995.

**CARRIED BY SIMPLE MAJORITY VOTE 4/0**

**Attachments** – provided under separate cover

- Attachment 8.07.20A** – Local Law #1 & #5 – Local Government Property Local Law  
**Attachment 8.07.20B** – Local Law #2 – Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012  
**Attachment 8.07.20C** – Local Law #3 & #9 – Dog Local Law  
**Attachment 8.07.20D** – Local Law #4 & #8 – Cemeteries Local Law  
**Attachment 8.07.20E** – Local Law #6, #12 and #13 – Pest Plants Local Law  
**Attachment 8.07.20F** – Local Law #7 – Extractive Industries Local Law  
**Attachment 8.07.20G** – Local Law #10 – Health Local Laws 2000  
**Attachment 8.07.20H** – Local Law #11 – By-law relating to the establishment, maintenance and equipment of Bush Fire Brigades  
**Attachment 8.07.20I** – Standing Orders Policy

**9.07.20 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10.07.20 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**11.07.20 CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 3.35pm.