



Ordinary Council Meeting

Minutes

31 March 2016

Bunbury-Harvey Regional Council

Old Railway Station Complex

Carmody Place

Bunbury WA 6230

Western Australia

Correspondence to:

Post Office Box 21

Bunbury WA 6231

Ordinary Council Meeting Declaration of Opening

The Chairman declared the meeting open at **4:00pm**.

These Minutes are confirmed as being true and correct by Council – **RESOLUTION: OC81023-1389**

Cr Judy Jones
Chairman

Mr Tony Battersby
Chief Executive Officer

Minutes 31 March 2016

Council Members:

Member Name	Representing
Cr Judy Jones	City of Bunbury
Cr Jaysen Miguel	City of Bunbury
Cr Murray Cook	City of Bunbury
Cr Peter Monagle	Shire of Harvey
Cr Bill Adams	Shire of Harvey

Ex-officio Members (non-voting):

Member Name	Representing
Mr Tony Battersby	Chief Executive Officer (BHRC)
Mr Michael Parker	Chief Executive Officer (Shire Of Harvey)

Support Staff:

Name	Title
Ms Martinette Pieterse (minute taker)	Secretary
Chris Welham	Accountant

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ATTACHMENTS:

Attachment 1 - Draft Compliance Audit Report 2015

Attachment 2 - Draft Code of Conduct Policy

Attachment 3 - Draft Delegated Authority Policy

Attachment 4 - Draft Drug and Alcohol Policy

Attachment 5 - Trash and Treasure Shop Report and Recommendations

Attachment 6 - Draft Strategic Community Plan

Attachment 7 - Complaints Management Work Procedure/Instruction

Attachment 8 - Induction Work Procedure/Instruction

Attachment 9 - Updated Projects 2015-2016 Report

1. **Attendances**

Council Members:

Member Name	Representing
Cr Judy Jones	City of Bunbury
Cr Jaysen Miguel	City of Bunbury
Cr Murray Cook	City of Bunbury
Cr Peter Monagle	Shire of Harvey
Cr Bill Adams	Shire of Harvey

Ex-officio Members (non-voting):

Member Name	Representing
Mr Tony Battersby	Chief Executive Officer (BHRC)
Mr Gavin Harris	Director Works and Services (City of Bunbury)

Support Staff:

Name	Title
Chris Welham	Accountant

1.1 **Apologies**

Mr Michael Parker (CEO – Shire of Harvey)
Mr Andrew Brien (CEO - City of Bunbury)
Miss Martinette Pieterse (Secretary)

* Cr Adams apologised to Cr Cook for comments he made when council discussed Smoking in the Workplace Policy.

1.2 **Approved Leave of Absence**

Nil

2. **Public Question Time**

Nil

3. **Summary of Response to previous Questions taken on notice**

Nil

4. **Applications for Leave of absence**

Nil

5. Confirmation of Minutes

Council Decision: **Moved:** Cr Bill Adams **Seconded:** Cr Murray Cook

The minutes of the Ordinary meeting of Council held on 25 February 2016, are confirmed as a true and accurate record.

CARRIED

5/0

RESOLUTION: OC81023-1380

6. Petitions and Memorials

Nil

7. Declarations of Interests

Cr Bill Adams declared his interest with relationship (father/son) with Russell Adams, who's employed by the BHRC.

8. Announcements (by the presiding member without discussion)

Nil

9. Reports of Committees

Nil

10. Business of Previous Meeting

Nil

11. Reports of Officers

11.1 Financial Statements for the period ending 29 February 2016

Reporting Officer: Chris Welham, Accountant

File Number:

Attachments: Appendices 1 to 8

Summary

The following comments are provided on the key elements of Council's financial performance.

1. Statement of Comprehensive Income (**attached** at Appendix 1)
 - a. Year-to-date Financial Performance to 29 February 2016

	ACTUAL	BUDGET	VARIANCE	
Year-to-date income	2,232,816	2,248,448	(15,632)	<i>unfavourable</i>
Year-to-date expenditure	1,941,611	1,980,086	38,475	<i>favourable</i>
Year-to-date operating surplus	291,205	268,362	22,843	<i>favourable</i>

2. Capital Works (**attached** at Appendix 4)

• Year-to-date capital expenditure	312,110	312,110	0
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3. Balance Sheet (**attached** at Appendix 5)

• Current Assets of \$7,342,667 includes:	Actual
○ Cash and Cash Equivalents	6,941,988
○ Trade and Other Receivables	398,878
○ Inventories	1,801
• Current Liabilities of \$170,518 includes:	
○ Trade and Other Payables	89,774
○ Provisions	80,744
• Working Capital (Current Assets <i>less</i> Current Liabilities) is	7,172,149
• Equity (Total Assets <i>less</i> Total Liabilities) is	10,011,554
• Reserves of \$5,540,016 includes:	
○ Plant and Infrastructure Reserve	328,989
○ Site Post Closure Rehabilitation Reserve	3,070,581
○ Waste Minimisation Reserve	618,752
○ Stanley Road Lined Cell Construction Reserve	523,611
○ Site Acquisition and Investigation Reserve	998,083

4. Investments

• Total of \$6,854,336 includes:	
○ ANZ Banking Group	2,765,742
○ Commonwealth Bank	766,674
○ National Australia Bank	3,321,920

Background

A financial management report is provided to Councillors on a monthly basis which includes the following summaries:

- Statement of Comprehensive Income (**attached** at Appendix 1)
- Banksia Road Operations (**attached** at Appendix 2)
- Statement of Financial Activity (**attached** at Appendix 3)
- Capital Works Expenditure Summary (**attached** at Appendix 4)
- Balance Sheet Summary (**attached** at Appendix 5)
- Statement of Net Current Assets (**attached** at Appendix 6)
- Fees and Charges Summary (**attached** at Appendix 7)
- Debtors Report (**attached** at Appendix 8)

Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (Attached at Appendix 3) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

At the Council Meeting on 16 July 2015, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$15,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2015/16.

Officer Comment

The Budget review as adopted at the 25 February Meeting of Council has been applied to the February Financial Statements. There are no significant variances identified in the Statement of Comprehensive Income and the Statement of Financial Activity.

Banksia Road operations have a deficit of \$43,134 compared to a deficit year-to-date budget of \$29,579. The forecast to 30 June 2016 is an operating surplus of \$15,348. The CEO advises that compost sales are expected to increase during the autumn and winter months towards the end of the financial year.

Officer Recommendation

Council Decision: **Moved:** Cr Jaysen Miguel **Seconded:** Cr Murray Cook

That the Financial Statements for the period ending 29 February 2016 be received.

CARRIED

5/0

RESOLUTION: OC81023-1381

11.2 Summary of Accounts paid for February 2016

Reporting Officer: Chris Welham, Accountant

File Number:

Attachments:

Summary

Section 13 (2) of Government (Financial Management) Regulations 1996 require that where Local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing detail for each account paid since such list was prepared. This item is presented to Council to advice of payments made for February 2016.

Background

As noted above

Officer Comment

The attachment details all payments made for February 2016.

Consultation

Nil

Financial Implications

As per the declaration within the schedule summary, the accounts have been checked and are fully supported by vouchers and invoices and which have been duly certified as to the receipt of goods and the rendition of service and as to prices, computations and costings. Sufficient allocations are contained within the 2015/2016 budget to cover payment of the accounts.

Statutory Environment

Sections 12 and 13 of the Local Government (Financial Management) Regulations 1996 Apply.

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

Council Decision: **Moved:** Cr Peter Monagle **Seconded:** Cr Bill Adams

That the attached summary of accounts paid for February 2016 be received.

CARRIED
5/0

RESOLUTION: OC81023-1382

11.3 DRAFT Compliance Audit Return 2015

Reporting Officer: Tony Battersby, Chief Executive Officer

File Number:

Attachments: **Attachment 1:** Draft Compliance Audit Return 2015

Précis

Regulation 14 of the Local Government (Audit) Regulations 1996 requires that a local government carry out a compliance audit for the period 1 January to 31 December of each year. This report is presented to Council for consideration of the Compliance Audit for the period 1 January 2015 to 31 December 2015.

Background

Regulation 14 of the Local Government (Audit) Regulations 1996 requires that a local government carry out a compliance audit for the period 1 January to 31 December of each year. After carrying out a Compliance Audit the local government is to prepare a Compliance Audit Return (CAR) in a form approved by the Minister.

The CAR is required to be submitted to the Executive Director by 31 March of each year. The form of CAR approved by the Minister for the 2015 CAR is via completion of an online form on the Department of Local Government and Regional Developments (DLGRD) website. The CEO has completed the return (Attachment 11.3A) and the report is provided for Council's information.

Officer Comment

Notes are included in the attached Compliance Audit Return.

Consultation

Nil

Financial Implications

Nil

Statutory Environment

Regulation 14 of the Local Government (Audit) Regulations 1996 apply require the Local Government to complete a Compliance Audit Return each year.

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Simple Majority

Council Decision: **Moved:** Cr Jaysen Miguel **Seconded:** Cr Bill Adams

That the Compliance Audit for 2015 to be received and Council request the Chief Executive Officer and Chairman to sign the Compliance Audit Return and forward the return to the Department of Local Government.

CARRIED
5/0

RESOLUTION: OC81023-1383

11.4 DRAFT – Code of Conduct

Reporting Officer: Tony Battersby, Chief Executive Officer
File Number: -
Attachments: **Attachment 2:** Draft Code of Conduct Policy

Précis

The intent of this policy is in accordance with section 5.103 of the *Local Government Act 1995*, every local government is to prepare or adopt a code of conduct to be observed by Elected Members, Committee Members and Employees.

The Bunbury Harvey Regional Council (BHRC) Code of Conduct (the Code) has been prepared for this purpose and ensures the roles and responsibilities of Elected Members, Committee Members and Employees are understood and respected. The Code of Conduct applies to every Elected

Member, Committee Member and employee of the BHRC, whom must comply with the applicable provisions of this Code of Conduct. This Code does not override or affect those provisions or requirements.

The Code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007*, *Local Government (Administration) Regulations 1996* and other legislation that affect Elected Members, Committee Members and Employees in performing their roles and duties.

If any part of this Code of Conduct in any way conflicts with any provisions of the *Local Government Act 1995* as amended, or any regulations made there under or with any specific policy or decision of Council then, the latter shall prevail if such part cannot be read above so as to confirm with the Act, regulation or policy.

Background

The BHRC has not previously adopted a Code of Conduct Policy and has previously unofficially utilised the City of Bunbury Code of Conduct Policy for the BHRC.

Consultation

Nil

Financial Implications

Nil

Statutory Environment

- Local Government Act 1995
- Local Government (Rules of Conduct) Regulations 2007
- Local Government (Administration) Regulations 1996
- Public Interest Disclosure Act 2003
- Corruption and Crime Commission Act 2003
- Equal Opportunity Act 1984
- Statutory Corporations (Liability of Directors) Act 1996

Strategic Implications

Nil

Policy Implication

Discussed in the body of the Report.

Voting Requirement

Simple Majority

Officer Recommendation

Council Decision:

Moved: Cr Peter Monagle

Seconded: Cr Bill Adams

That Council adopt the Code of Conduct Policy as detailed in attachment.

CARRIED

5/0

RESOLUTION: OC81023-1384

11.5 DRAFT – Delegated Authority

Reporting Officer: Tony Battersby, Chief Executive Officer
File Number: -
Attachments: **Attachment 3:** Draft Delegated Authority Policy

Précis

In accordance with the *Local Government Act 1995* (the Act) Section 5.42, a local government may delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act.

All delegations made by the Council must be by absolute majority decision.

Limits on delegation to the CEO:

- Any power or duty that requires a decision of an absolute majority decision or 75% majority if local government
- Accepting a tender which exceeds an amount determined by the local government
- Appointing an auditor
- Acquiring or disposing of any property valued at an amount determined by the local government
- Any of the local government's powers under Section 5.98, 5.98A, 5.99 or 5.99A of the *Local Government Act 1995*
- Borrowing money on behalf of the local government
- Hearing, determining an objection of a kind referred to in Section 9.5
- The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government
- Any power or duty that requires the approval of the Minister or Governor.

The CEO may delegate any of his powers to another employee with or without further conditions in accordance with the Act, subject to any conditions imposed by the local government on its delegation to the CEO. All delegations must be in writing. Subsection 5.44 (3) (b) of the Act does not limit the CEO's power to impose conditions or further conditions on a delegation under this section. A register of delegations relevant to the CEO and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the ACT requires them to keep necessary records to the exercise of power or discharge of the duty. The written record is to contain:

- How the person exercised the power or discharged the duty
- When the person exercised the power or discharged the duty
- The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Background

The BHRC has not previously adopted a Delegated Authority Policy and has previously unofficially utilised the City of Bunbury Delegated Authority Policy for the BHRC.

Consultation

Nil

Financial Implications

Nil

Statutory Environment

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996
- Trustees Act 1962
- Local Government (Functions and General) Regulations 1996

Strategic Implications

Nil

Policy Implication

Discussed in the body of the Report.

Voting Requirement

Absolute Majority

Officer Recommendation

Council Decision: **Moved:** Cr Bill Adams **Seconded:** Cr Murray Cook

That Council adopt the Delegated Authority Policy as detailed in attachment.

CARRIED

5/0

RESOLUTION: OC81023-1385

11.6 DRAFT – Drug and Alcohol Policy

Reporting Officer: Tony Battersby, Chief Executive Officer
File Number: -
Attachments: **Attachment 4:** Draft Drug and Alcohol Policy

Précis

Bunbury Harvey Regional Council (BHRC) recognises that the inappropriate use of drugs and/or alcohol can affect a workers performance and can jeopardise their own health, safety and wellbeing, as well as that of others around them.

BHRC is committed to meeting its obligations in accordance with the *Occupational Safety & Health Act 1984* and accepts responsibility for providing a safe working environment in which the employee is not exposed to hazards.

The purpose of this policy is to ensure a safe workplace free from the effects of drugs and alcohol and is directed towards the welfare of the individual and the safety and health of other people in the workplace.

Although disciplinary action may be necessary, the focus is on preventative measures such as utilising the Employee Assistance Program, counselling options and information sessions.

A range of factors, both at the workplace and in peoples personal lives, impact on the ability to work safely. The use of alcohol and/or other drugs may only be one of them.

Alcohol and other drugs usage becomes an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired, leading to increased risk of injury or incidents to themselves or others.

Co-workers may be placed in difficult situations, expected to cover unsafe work practices or faced with reporting a fellow worker.

For employers, alcohol and other drugs can cause a range of problems. In some cases, their use may lead to loss of life, injury and damage to plant or equipment. Employers have a general 'duty of care' obligation to ensure that, as far as practicable, workers are not exposed to hazards and risks that could arise from workers being impaired by alcohol and/or other drugs and, where they may arise, address them through a systematic risk management process.

Workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace and all employees should present themselves' for work and remain, while at work, capable of performing their work duties safely. The consumption of alcohol and illicit drugs while at work is therefore unacceptable, except in relation to any authorised and responsible use of alcohol at the workplace social functions. *QMS F-018 CEO Approval (Alcohol Consumption)* will need to be filled out and signed by the CEO prior to the function.

Where a worker's capacity to work safely may be impaired, including impairment by alcohol and/or other drugs, BHRC will ensure the worker is not in a position of personal risk and does not present a hazard or risk to the safety and health of others.

The focus at the workplace will be on occupational safety and health management rather than more general concerns about personal health. It will not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.

This policy outlines the short term and long term impact of alcohol and drugs on the individual and team trust, respect, and performance. You will learn what your responsibilities are and what duty of care BHRC has to our employees.

Background

The BHRC has not previously adopted a Drug and Alcohol Policy and has previously unofficially utilised the City of Bunbury Drug and Alcohol Policy for the BHRC employees.

Consultation

BHRC Employees

Financial Implications

The Drug and Alcohol Policy will have a financial impact to Council that will be covered under current and future Occupational Health and Safety budget. Total including purchase of initial testing equipment \$2,000.00.

Statutory Environment

- Local Government Act 1995
- Local Government Act (Functions and General) Regulations 1996
- Equal Opportunity Act 1984
- Freedom of Information Act 1992
- Misuse of Drugs Act 1981
- Road Traffic Act 1974
- Liquor Licensing Act 1988
- Workers' Compensation and Injury Management Act 1981
- Occupational Safety and Health Act 1984
- Occupational Safety and Health Regulations 1996
- AS 3547:1997 Breath Alcohol Testing Devices
- AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs of abuse in oral fluid
- AS 4308 – Recommended Practice for the Collection, Detection and Quantitation of Drugs of Abuse in Urine
- AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine

Strategic Implications

Nil

Policy Implication

Discussed in the body of the Report.

Voting Requirement

Simple Majority

Officer Recommendation

Council Decision: **Moved:** Cr Murray Cook **Seconded:** Cr Jaysen Miguel

That Council adopt the Drugs and Alcohol Policy as detailed in attachment, with the following amendments to the policy:

- Remove verbal notification for alcohol breach and only have three (3) strikes in the policy.
- Remove wording "**May Be**" from third strike in the alcohol and drug policy to read – **Third Breach a formal letter will be issued with notification that a final written warning has been issued and that the employee will at this time face dismissal.**
- Remove In-house testing from policy.

CARRIED

5/0

RESOLUTION: OC81023-1386

11.7 **BHRC Administration Office Requirements**

Reporting Officer: Tony Battersby, Chief Executive Officer
 File Number: -
 Attachment(s): Nil

Précis

This item is presented to Council for Council to consider the options and executive recommendation for the future needs of BHRC administration office requirements. There are multiple options available to Council from outright purchase of existing administration facility, lease suitable administration facility or purchase/constructed administration facility at Lot 45 Stanley Road Wellesley.

BHRC Administration Office Options			
	Cost	Positives	Negatives
(1) Purchase an Existing Office Complex	\$450,000 to \$550,000	Probability of being central to all Councils Modify or expand as required Asset to Council	Significant upfront cost
(2) Lease Office Complex	\$30,000 to \$40,000 Per annum	Probability of being central to all Councils Minimum upfront cost	No asset to show for associated leasing costs Limited modifications or expansion options
(3) Construct Office at Stanley Road	\$150,000	Central to operational activities Relatively low cost compared to option 1 Ample Parking Modify or expand as required	Twenty kilometres from Bunbury CBD Located in a nosier and dustier environment than options 1 & 2

Background

Currently lease Lot 5 Carmody Place Bunbury (Old Railway Station) off the City of Bunbury on a temporary pepper corn lease arrangement that expires on the 30 June 2016.

Officer Comment

The current lease agreement on Lot 5 Carmody Place has worked adequately for the short term transitional phase of the BHRC restructure. Long term Lot 5 Carmody Place would not be suitable for a number of reason and the current lease expires on the 30 June 2016 with the City of Bunbury's future intentions for the complex unknown.

All options explored individually had positives and negatives associated with them, with the outright purchase of an existing office complex being the most expensive option but dose come with the security of owning real estate. The lease option was the cheapest of all options but did come with no financial returns on the annual leasing costs and the lack of flexibility with modifications and expansion. The option of purchasing a second hand transportable office complex and having it transported and re-constructed on the Lot 45 Stanley Road site has the overall most positive outcomes of all options and has a relatively low cost compared to option one.

Consultation

Nil

Financial Implications

The Purchase/Construction of Administration Complex at Lot 45 Stanley Road Wellesley is provided for in current 2015/2016 budget \$150,000.00.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Simple Majority

*** Cr Murray Cook step out of meeting – 4:30pm**

Officer Recommendation

Council Decision: **Moved:** Cr Jaysen Miguel **Seconded:** Cr Peter Monagle

~~That Council approves the purchase/construction of BHRC Administration complex at Lot 45 Stanley Road Wellesley as per allocated funds in 2015/2016 annual budget \$150,000.00.~~

Council request for the calling of Tenders for the purchase and construction of Administration Complex, tender to include all services and infrastructure i.e. – parking, paving, retaining walls, septic system, power supply etc.

CARRIED

4/0

RESOLUTION: OC81023-1387

*** Cr Murray Cook return to meeting – 4:37pm**

12. General Business

12.1 Operational Update – March 2016

• **Stanley Road Expansion**

Closure and Post-Closure Management Plan was submitted to the DER prior to the closing date of 1 February 2016. **Awaiting DER response.**

Phase 2 – Hydrogeological works and Geotechnical Investigation commenced with additional groundwater monitoring bores completed. Quotation on final landfill cells designs works to be sourced early April 2016

- **Compost Site Relocation**
Currently completing Business Plan for Organics Facility which will include possible options for new site.
- **DER Draft – Environmental Standards for Composting**
DER has released consultation papers on Environmental Standards for Composting and Separation Distances between Industrial and Sensitive Land Uses.

A submission was submitted on behalf of the BHRC - *waiting on final standards and separation distance to be released.*

- **Tender for Hook Bin Truck**
Tenders have been requested through the WALGA preferred supplies panel for the purchase on one Hook Bin Truck, tenders close 5 November 2015. **Purchase order completed for Hino Hook Bin Truck, delivery has been re-scheduled to early March 2016 - Delivery re-scheduled to after Easter 2016**
- **Trash and Treasure Shop – Stanley Road**
Margaret, Emma, Libby and Tyler are conducting a tour of landfill/transfer station Trash and Treasure shops in Perth metro area. With the view of getting fresh ideas on shop set-ups and operations to revitalise the Stanley Road T and T shop and for the Education Officers to look at the possibilities of similar set-ups being introduced to other facilities with-in the Wellington Group of Councils.

Report and Recommendations attached – **Attachment 5**

- **BHRC Strategic Community Plan**
Workshop to discuss Strategic Plan scheduled 3pm 25 March 2016.

Revised BHRC Strategic Community Plan attached – **Attachment 6**

It is proposed that each Member Council will take back the BHRC Strategic Community Plan back to their individual Councils for comment and then the Plan will be adopted at the BHRC Ordinary Council meeting on the 28 April 2016.

- **Complaints Management – Work Procedure/Instruction**
The attached Complaints Management – Works Procedure/Instruction is for Council information – **Attachment 7**
- **Induction – Works Procedure/Instruction**
The attached Induction – Works Procedure/Instruction is for Council information – **Attachment 8**
- **Updated Projects 2015-2016 Report**
Councillor Information - **Attachment 9**
- **Staff Matters**
All staff performance reviews are currently being conducted; training matrix will be developed on completion.

Daniel Barker will be on annual leave from the 6 April to the 28 April 2016.

13. Confidential Reports

Nil

14. Notice of Motion

Nil

15. Next Meeting

To be held on Thursday 28 April 2016 at the Stanley Road Waste Management Facility Site Office, Australind, at 4:00pm. Invite Proxies to Stanley Road Facility.

16. Close of Meeting

The Presiding Member closed the meeting at 5:05pm.