



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

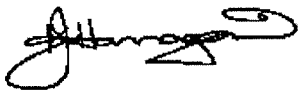
MINUTES

**Tjulyuru Cultural and Civic Centre
Warburton Community**

**25 September 2019
at
1.00 pm**

SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.

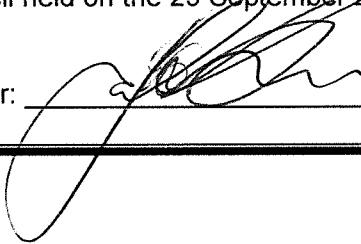


Chief Executive Officer

Date: 25-9-2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 25 September 2019.

Presiding Member: _____



Date: 23/10/19

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 pm.

2. ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed members of the public to the gallery.

3. ATTENDANCE

3.1 PRESENT

| | | |
|---------------------------|--|---|
| Elected Members: | President Deputy President Councillor Councillor Councillor | D McLean P Thomas (by telephone) D Frazer L West J Frazer |
| Staff: | CEO DCEO | K Hannagan K Fisher |
| Guests: | Nil | |
| Members of Public: | There were 3 members of the public in attendance at the commencement of the meeting. | |

3.2 APOLOGIES

Cr. A Jones

3.3 APPROVED LEAVE OF ABSENCE

- 3.3.1 Cr A Bates has submitted a request for leave of absence for today's Ordinary Meeting of Council.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council in accordance with Section 2.25 (1) of the Local Government Act 1995 grants leave of absence to Cr A Bates for the remainder of today's Ordinary Council meeting.

Carried: 5/0

- 3.3.2 Cr A Jones has submitted a request for leave of absence for 23 October 2019 Ordinary Meeting of Council.

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr D Frazer

That Council in accordance with Section 2.25 (1) of the Local Government Act 1995 grants leave of absence to Cr A Jones for the 23 October 2019 Ordinary Council meeting.

Carried: 5/0

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under *Section 5.68 or Section 5.69 of the Local Government Act 1995*.

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor, or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.

5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act*, with or without conditions.

Declarations of Interest provided:

| Item Number/ Name | Type of Interest | Nature/Extent of Interest |
|----------------------|------------------|---------------------------|
| | | |
| | | |

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**
8. **PETITIONS, DEPUTATIONS, PRESENTATIONS**
 - 8.1 **PETITIONS**
 - 8.2 **DEPUTATIONS**
 - 8.3 **PRESENTATIONS**
9. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 9.1 **MINUTES OF ORDINARY MEETING OF COUNCIL (ATT 9.1)**

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 28 August 2019 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.

Carried: 5/0

10. CEO REPORTS

10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

| | |
|--------------------------------------|--|
| FILE REFERENCE: | GV.05 |
| AUTHOR'S NAME AND POSITION: | Kevin Hannagan Chief Executive Officer |
| NAME OF APPLICANT/RESPONDENT: | Not Applicable |
| DATE REPORT WRITTEN: | 19 September 2019 |
| DISCLOSURE OF INTERESTS: | The author has no financial, proximity or impartiality interest in the proposal. |

Summary

The purpose of this agenda item is to report back to Council on the progress of the implementation of Council resolutions.

Background

The best practice in governance supports the regular review of Council decisions to ensure that they are actioned and implemented in a timely manner.

Comment

Wherever possible, Council decisions are implemented as soon as practicable after a Council meeting. However, there are projects or circumstances that mean some decisions take longer to action than others.

Ongoing monthly reports will show the status of Council Resolutions that have not been actioned.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

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

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.”

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. The decision to have the report in the Council's monthly agenda is entirely Council's prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council 'speaks by resolution'.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 10.1 - Council Resolutions - Status Report

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council notes the attached Council Resolutions – Status as at August 2019 (Attachment 10.1) and this report.

Carried: 5/0

10.2 ATTENDANCE BY TELEPHONE CR THOMAS

| | |
|------------------------------------|---|
| FILE REFERENCE: | GV.00 |
| AUTHOR'S NAME AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 18 September 2019 |
| DISCLOSURE OF INTERESTS: | The author has no financial, proximity or impartiality interests in the proposal. |

Summary

For Council to consider a request from Cr Thomas to attend the next Ordinary meeting of Council by telephone.

Background

Cr P Thomas has advised that he may not be able to attend the next ordinary meeting of Council in person and has requested Council approval to attend by telephone if necessary.

Comment

In accordance with Regulation 14A (2) Cr Thomas has attended the July and August meetings by telephone for the 2019/20 financial year.

Statutory Environment

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (a) *the matters to be dealt with at ordinary or at special meetings of councils; and*
 - (b) *the functions of committees or types of committee; and*
- (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means;*

Local Government (Administration) Regulations 1996

14A. Attendance by telephone etc. (Act s. 5.25 (1) (ba))

- (1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*
- (a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*
 - (b) *the person is in a suitable place; and*
 - (c) *the council has approved* of the arrangement.*
- (2) *A council cannot give approval under sub-regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.*

(3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*

(4) *In this regulation —*

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

(a) *in a townsite or other residential area; and*

(b) *150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;*

townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

** Absolute majority required.*

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

Financial Implications

There are no known financial implications.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

Not applicable

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That Council approves Cr P Thomas request to attend the next Ordinary Meeting of Council by telephone if necessary.

Carried: 5/0

10.3 2019/20 BUDGET

| | |
|------------------------------------|---|
| FILE REFERENCE: | FM.05 |
| AUTHOR'S NAME AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 4 September 2019 |
| DISCLOSURE OF INTERESTS: | The author has no financial, proximity or impartiality interests in the proposal. |

Summary

The Statutory Form of the Budget was adopted at the August Council meeting. The dates for payment of rates need amending to comply with the Local Government Act 1995.

Background

The dates for payment of rates were provided by the Shire's Business Process Management Provider as they manage the Shire's rating. The dates provided were not checked for compliance with the Local Government Act.

Comment

The instalment payment dates were not payable at intervals of more than 2 months apart.

Statutory Environment

Local Government Act 1995

6.50. *Rates or service charges due and payable*

- (1) *Subject to —*
 - (a) *subsections (2) and (3); and*
 - (b) *any concession granted under section 6.47; and*
 - (c) *the Rates and Charges (Rebates and Deferments) Act 1992,*
a rate or service charge becomes due and payable on such date as is determined by the local government.
- (2) *The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.*
- (3) *Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.*

Financial Implications

Not applicable if this report is adopted.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Not applicable

Attachments

Not applicable

Voting Requirement

Absolute majority Required

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council rescinds Resolution 2 of Item 10.5 adopted at the Council Meeting of 28 August 2019.

Carried: 5/0

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council offer the following options for the payment of rates by instalments:

Option 1 (Full Payment)

Full amount of rates and charges including arrears, to be paid on or before 1 November 2019 or 35 days after the date of service appearing on the rate notice whichever is the later.

Option 2 (Two Instalments)

First instalment to be made on or before 1 November 2019 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges; and

Second instalment to be made on or before 2 January 2020.

Option 3 (Four Instalments)

First instalment to be made on or before 1 November 2019 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and one quarter of the current rates and service charges;

Second instalment to be made on or before 2 January 2020;

Third instalment to be made on or before 3 March 2020; and

Fourth instalment to be made on or before 4 May 2020.

Carried: 5/0

10.4 REVIEW OF RISK MANAGEMENT POLICY

| | |
|------------------------------------|---|
| FILE REFERENCE: | RM.00 & CM.14 |
| AUTHOR'S NAME AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 5 September 2019 |
| DISCLOSURE OF INTERESTS: | The author has no financial, proximity or impartiality interests in the proposal. |

Summary

For Council to amend its existing Risk Management Policy, CS2.22 following a change to the new standard AS/NZS ISO 31000:2018.

Background

The original policy relating to risk management was adopted by Council in 2017. In February 2018, AS/NZS ISO 31000:2018 Risk Management Guidelines was released, requiring the existing Risk Management Policy to be updated to align with the new standard. The reviewed draft policy is presented to Council for consideration for adoption.

Comment

Moore Stephens have prepared the attached draft policy as part of the risk management service included within the Statutory Compliance Services tender awarded. On the 3rd September 2019, Ms Tanya Browning (Moore Stephens representative) met with the CEO in Laverton, where a revised policy was discussed. The feedback provided from the meeting has resulted in the attached policy, which has been developed to be succinct, clear, and conform to the new standard.

The policy states a Risk Management Strategy is to be maintained and implemented utilising the Principles, Framework and Process as defined within the standard. A draft Strategy has been developed by Moore Stephens in consultation with the Shire, aligned with the draft risk management policy, and considers the context of the Shire. The draft Strategy is also being presented to the Council at this meeting as Item 10.5. By providing the necessary guidance and direction to be followed by the Shire in its risk management activities, the draft Strategy will support the attached draft risk management policy and provide the level of detail required relating to how the Shire will progress with risk management activities.

Statutory Environment

Regulation 17.1 of the Local Government (Audit) Regulations 1996 requires the CEO to monitor the appropriateness and effectiveness of systems and procedures in regard to risk management, internal controls and legislative compliance.

Financial Implications

Provision is included in the 2019/20 Adopted Budget for Moore Stephens to deliver Statutory Compliance Services, including risk management, in line with the awarded tender.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

The Chief Executive Officer and executive team plays a key role in the establishment and development of an effective risk management framework. To ensure the successful delivery of the Strategic Planning objectives, the strategy requires ongoing monitoring and revision for alignment to the Plan for the Future.

One role of the audit committee is to monitor identified strategic high-level risks and their treatment solutions to ensure the community receives the services delivered effectively as outlined within the Plan for the Future.

Monitoring and reviewing activities will continue to provide evidence of the appropriateness and effectiveness of systems and procedures in regard to risk management, internal control and legislative compliance, as required by the Local Government (Audit) Regulations 1996. The Risk Management Strategy will provide direction for the implementation of risk management activities.

Strategic references within the Shire of Ngaanyatjarraku's Integrated Strategic Plan 2018-2028 demonstrate connections between services and the desired outcomes and community vision for the Shire, particularly in relation to Governance services.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Council Policy, CS2.22, Risk Management

Attachments

Attachment 10.4 - Amended Policy CS2.22, Risk Management.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr D Frazer

That Council adopt the amended Risk Management Policy CS2.22 as per Attachment 10.4.

Carried: 5/0

10.5 REVIEW OF RISK MANAGEMENT FRAMEWORK

| | |
|------------------------------------|---|
| FILE REFERENCE: | RM.00 & CM.14 |
| AUTHOR'S NAME AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 9 September 2019 |
| DISCLOSURE OF INTERESTS: | The author has no financial, proximity or impartiality interests in the proposal. |

Summary

For Council to amend its existing Risk Management Framework following a change to the new standard AS/NZS ISO 31000:2018.

Background

The original Risk Management Framework was adopted by Council in 2017. In February 2018, AS/NZS ISO 31000:2018 Risk Management Guidelines was released, requiring the existing Risk Management Framework to be updated to align with the new standard. The reviewed draft Framework is presented to Council for consideration for adoption.

Comment

The policy states that a Risk Management Strategy is to be maintained and implemented utilising the Principles, Framework and Process as defined within the standard. A draft Strategy has been developed by Moore Stephens in consultation with the Shire, which has resulted from discussions with the CEO. The Strategy has considered the context of the Shire and conforms to the requirements of the standard by providing the necessary guidance and direction to be followed by the Shire in its risk management activities and is aligned with the risk management policy.

Statutory Environment

Regulation 17.1 of the Local Government (Audit) Regulations 1996 will requires the CEO to monitor the appropriateness and effectiveness of systems and procedures in regard to risk management, internal controls and legislative compliance.

Financial Implications

Provision is included in the 2019/20 Adopted Budget for Moore Stephens to deliver Statutory Compliance Services, including risk management, in line with the awarded tender.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

The Chief Executive Officer and executive team plays a key role in the establishment and development of an effective risk management framework. To ensure the successful delivery of the Strategic Planning objectives, the strategy requires ongoing monitoring and revision for alignment to the Plan for the Future.

One role of the audit committee is to monitor identified strategic high-level risks and their treatment solutions to ensure the community receives the services delivered effectively as outlined within the Plan for the Future.

Monitoring and reviewing activities will continue to provide evidence of the appropriateness and effectiveness of systems and procedures in regard to risk management, internal control and legislative compliance, as required by the Local Government (Audit) Regulations 1996. The Risk Management Strategy will provide direction for the implementation of risk management activities.

Strategic references within the Shire of Ngaanyatjarraku Integrated Strategic Plan 2018-2028 demonstrate connections between services and the desired outcomes and community vision for the Shire, particularly in relation to Governance services.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Council Policy, CS2.22, Risk Management

Attachments

Attachment 10.5 – Revised Risk Management Framework

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr J Frazer

That Council endorses the revised Risk Management Framework as per Attachment 10.5.

Carried: 5/0

10.6 REPORT OF THE RETURNING OFFICER ELECTION 2019

| | |
|------------------------------------|---|
| FILE REFERENCE: | GV.07 |
| AUTHOR'S NAME AND POSITION: | Kevin Hannagan Returning Officer |
| DATE REPORT WRITTEN: | 13 September 2019 |
| DISCLOSURE OF INTERESTS: | The author has no financial, proximity or impartiality interests in the proposal. |

Summary

This report is to brief elected members on the conduct of the election due to be held on 19 October 2019 and to provide an overview of statistics that relate to the election.

Background

The Shire is constituted of one District with 8 Councillors. The 2019 election consisted of the following vacancies:

- 1 Extraordinary; and
- 4 Ordinary.

Nominations closed at 4pm on Thursday 12 September 2019.

Comment

At the closing of nominations there were five nominations for 5 vacancies, as such all candidates were declared elected unopposed.

Therefore, the following people are elected as councillors for the Shire of Ngaanyatjarraku. The councillor will hold office until the date set out next to his or her name.

| <u>Name</u> | <u>Expiry of term</u> |
|----------------------|-----------------------|
| Porter, Julie | 16 October 2021* |
| McLean, John Damian | 21 October 2023 |
| Thomas, Preston Neil | 21 October 2023 |
| Frazer, Joylene | 21 October 2023 |
| West, Lalla | 21 October 2023 |

*indicates an extraordinary vacancy

Each successful candidate of the election is required to make a declaration before they can act in the capacity of an elector councillor. This is sometimes called a "swearing in" ceremony and takes place before the first council meeting following the election. A Special Meeting will be conducted prior to the Ordinary Council meeting scheduled for 1pm Wednesday 23 October 2019, at the Tjulyuru Cultural and Civic Centre, Warburton Community.

Statutory Environment

For this election the Chief Executive Officer acted as returning officer. The election was conducted on the basis of electors voting in person. Part 4 of the Local Government Act 1995 and Local Government (Elections) Regulations 1997 specify the way local government elections are to be conducted.

Financial Implications

The Budget for conducting the election was \$7,000 and the total cost of conducting the election this year was approximately \$2,500 for advertising in accordance with Electoral legislation plus officer time.

Strategic Implications

Not applicable.

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Council Policy, CP1.17, Council Election Caretaker Period

Attachments

Not Applicable

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr J Frazer

That Council Notes the Returning Officers Report on the conduct of the 2019 Ordinary Election.

Carried: 5/0

10.7 DISABILITY ACCESS AND INCLUSION PLAN 2019-2022

| | |
|--|--|
| FILE REFERENCE: | PL.09 |
| AUTHOR'S NAME AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 13 September 2019 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author and the authorising officer have no financial, proximity or impartiality interests in the proposal. |

Summary

For Council to be advised of the Department of Communities advice that the Shires DAIP 2019-2022 meets the requirements of the Disability Services Act 1993.

Background

The Disability Services Act 1993 requires local authorities to produce a Disability Access and Inclusion Plan (DAIP). These plans must be lodged with the Disability Services Commission for 5-year periods. The current Shire of Ngaanyatjaraku DAIP expired in 2017. This DAIP will assist the Shire in achieving compliance with the Disability Services Act 1993.

Comment

At the Shire's Ordinary Council Meeting of 28 August 2019, the following was resolved:

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That Council:

- 1. adopts the Disability Access & Inclusion Plan 2019-2022 as per Attachment 10.4;**
- 2. requests the plan to be lodged with the Disability Services Commission; and**
- 3. develop a DAIP implementation plan.**

Carried: 5/0

Attachment 10.7 contains a copy of letter from the Department of Communities advice that the Shires DAIP 2019-2022 meets the requirements of the Disability Services Act 1993.

Statutory Environment

Disability Services Act 1993

Disability Services Regulations 2004

Financial Implications

The cost of developing, giving public notice of the draft plan and inviting submissions is accommodated within the current budget.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

Without this DAIP the Shire does not adhere to the requirements outlined in the Disability Services Act 1993. This non-compliance may contribute towards possible financial, reputational and compliance risk for the Shire.

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 10.7 – letter from the Department of Communities.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr P Thomas

That Council notes Attachment 10.7 – letter from the Department of Communities advising that the Shires DAIP 2019-2022 meets the requirements of the Disability Services Act 1993.

Carried: 5/0

11 DEPUTY CEO REPORTS

11.1 PAYMENTS LISTING, AUGUST 2019

| | |
|--|--|
| FILE REFERENCE: | FM.07 |
| AUTHOR'S NAME AND POSITION: | Kerry Fisher Deputy Chief Executive Officer |
| AUTHORISING OFFICER AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 9 September 2019 |
| DISCLOSURE OF INTERESTS: | Nil |

Summary

For Council to confirm the payment of accounts listed in the attached Accounts for Payment.

Background

In accordance with the Local Government (Financial Management) Regulations 1996 the Chief Executive Officer is required to present a list of payments to the Council at the next ordinary meeting of the council after the list is prepared.

Comment

The payments made are consistent with previous months.

Statutory Environment

Local Government (Financial Management) Regulations 1996

S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the 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 for each account paid since the last such list was prepared —

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*
- (2) A list of accounts for approval to be paid is to be prepared each month showing-*
 - (a) for each account which requires council authorisation in that month —*
 - (i) the payee's name; and*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction;*
 - and*
 - (b) the date of the meeting of the council to which the list is to be presented.*
- (3) A list prepared under subregulation (1) or (2) is to be —*
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared;*
 - and*
 - (b) recorded in the minutes of that meeting.*

Financial Implications

The Shire makes annual budget allocations for payment of accounts.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 11.1 – Payment Listings

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council receives the Payment Listing, August 2019 totaling payments of \$1,013,485.35 as per Attachment 11.1.

Carried: 5/0

11.2 COUNCIL INVESTMENTS

| | |
|--|--|
| FILE REFERENCE: | FM.04 |
| AUTHOR'S NAME AND POSITION: | Kerry Fisher Deputy Chief Executive Officer |
| AUTHORISING OFFICER AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 20 September 2019 |
| DISCLOSURE OF INTERESTS: | The author and the authorising officer have no financial, proximity or impartiality interests in the proposal. |

Summary

For Council to be advised of the Shires Municipal Account and Investments as attached.

Background

To invest the Shire of Ngaanyatjarraku surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

Comment

Preservation of capital is to be the principal objective with consideration given to liquidity, cash flow requirements and return on investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Shire's risk tolerance. Any additional target set by the Shire will also consider the risk limitation and prudent investment principles.

Statutory Environment

Local Government Act 1995

Section 6.14 Power to Invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may—*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b) deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*

- (d) provide for the application of investment earnings; and
- (e) generally, provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. *Investments, control procedures for*
- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
 - (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*
- 19C. *Investment of money, restrictions on (Act s. 6.14(2)(a))*
- (1) *In this regulation —*
 - authorised institution means —*
 - (a) *an authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
 - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
 - foreign currency means a currency except the currency of Australia.*
 - (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 3 years;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.*

Financial Implications

Not applicable.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Corporate Policy CS2.7 Investments.

Attachments

Attachment 11.2 – Westpac screen prints of Municipal and Investment Accounts, NAB and CBA documents for Term Deposits

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That the report on Council Investments as at 20 September 2019 be received.

Carried: 5/0

11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIODS ENDED JULY & AUGUST 2019

| | |
|--|--|
| FILE REFERENCE: | FM.10 |
| AUTHOR'S NAME AND POSITION: | Kerry Fisher Deputy Chief Executive Officer |
| AUTHORISING OFFICER AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 19 September 2019 |
| DISCLOSURE OF INTERESTS: | The author and the authorising officer have no financial, proximity or impartiality interests in the proposal. |

Summary

For Council to receive the monthly financial reports for July 2019 and August 2019.

Background

Council is to prepare monthly financial reports as required by the Local Government (Financial Management Regulations) 1996.

Council has resolved that details and explanations of the material variances reflected on the Statement of Financial Activity are provided as required by Local Government (Financial Management) Regulation 34(1) (d). The attached statements include details of variances between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold of 10% (refer last page of statements). These materiality levels have been applied in the preparation of this report.

Comment

Comments in relation to budget to actual variances are included as notes (last page) in the Financial Reports attached. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred. No variances have been included for July 2019 as this was prior to budget adoption. Depreciation is yet to be run for 2019-20, awaiting the finalisation of the audit of the 2018/19 Annual Financial Statements.

Statutory Environment

Local Government Act 1995

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
 - (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.

Local Government (Financial Management) Regulations 1996.

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —
committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Financial Implications

Monthly financial reporting is a primary financial management and control process. It provides the Council with the ability to oversee the Shire's financial performance against budgeted targets.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11 - Monthly Financial Reports July 2019 and August 2019.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council receives the monthly financial reports for July and August 2019.

Carried: 5/0

12. EHO & BUILDING SERVICES REPORTS

12.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

| | |
|--|--|
| FILE REFERENCE: | EM.00 |
| AUTHOR'S NAME AND POSITION: | Phil Swain Principal EHO & Building Officer |
| AUTHORISING OFFICER AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 13 September 2019 |
| DISCLOSURE OF INTERESTS: | The author and the authorising officer have no financial, proximity or impartiality interests in the proposal. |

Summary

To inform Council of Environmental Health program & Building Services activities and actions for the preceding month.

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 12.1 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr J Frazer

That Council receives the Action Report, EHO / Building Services for August – September (part) 2019.

Carried: 5/0

13. EARLY YEARS PROGRAM REPORTS

14. WORKS ENGINEERING REPORTS

14.1 NATIONAL ASSET MANAGEMENT ASSESSMENT FRAMEWORK (NAMAF) – Phase 2

| | |
|--|---|
| FILE REFERENCE: | CM.14 |
| AUTHORISING OFFICER AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 4 September 2019 |
| DISCLOSURE OF INTERESTS: | The authorising officer have no financial, proximity or impartiality interests in the proposal. |

Summary

For Council to note an update on progressing recommendations from the NAMAF Phase 2 report.

Background

At the February 2018 Ordinary Council meeting the following was adopted:

MOVED Cr. Bates, seconded Cr. P. Thomas, that the recommendation contained within report 007-18 be adopted.

#007-18

RESOLUTION:

That Council notes the attached National Asset Management Assessment Framework, Phase 2 report and the Shires progress in compliance with the Department for Local Government Sport and Cultural Industries' project.

CARRIED 6/0

Comment

The following recommendations were contained in the Report:

4. Conclusions and Recommendations

The outcome from this phase of the project is that the Shire has a standard condition rating table for all asset types and the process to collect better information on the infrastructure assets to make informed decisions about future funding priorities for roads.

The condition assessment information will allow the Shire to develop a planned maintenance, refurbishment and renewals program for the roads.

The recommendations for the next steps in the asset management maturity journey for the Shire are:

- *Plan and complete the condition assessments for the remaining roads and pavements*
- *Prepare costing and scheduling of the defects and rectification works*
- *Develop a costed Planned Works Plan*
- *Develop a costed Refurbishment and Renewals Plan*
- *Update the Long Term Financial Plan and the Asset Management Plan with the updated condition data and funding requirements.*

Progress has not been made on implementing these recommendations as the Shire has not previously had the resources to do so.

The report to Council last month of projects to be undertaken by the Works Engineer will contribute to progressing these recommendations.

Statutory Environment

Council's minimum obligations relating to planning for the future (IPR) are listed in S5.56 (1) of the Local Government Act 1995.

Financial Implications

A budget for the Works Engineer and the projects to be undertaken are included in the adopted 2019/20 Shire Budget.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.2, Travel the Land

Strategy: 1.2.1, Good Roads

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter

Attachments

Not applicable

Voting Requirement

Simple Majority Required.

Cr D Frazer left the Chamber at 1.21pm

As the meeting did not have a quorum, members waited for Cr Frazer to return from the restroom.

Cr D Frazer returned to the Chamber at 1.24pm

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council notes this update report on progressing recommendations contained in the NAMA Phase 2 report.

Carried: 5/0

14.2 ACTION REPORT – WORKS ENGINEER

| | |
|--|--|
| FILE REFERENCE: | RD.00 |
| AUTHOR'S NAME AND POSITION: | Peter Kerp Works Engineer |
| AUTHORISING OFFICER AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 9 September 2019 |
| DISCLOSURE OF INTERESTS: | The author and the authorising officer have no financial, proximity or impartiality interests in the proposal. |

Summary

To inform Council of Works Engineering activities and actions for the preceding month.

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.2, Travel the Land

Strategy: 1.2.1, Good Roads

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 14.2 – Action Report, Works Engineering

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council receives the Action Report, Works Engineering for August 2019.

Carried: 5/0

14.3 REQUEST TO MRWA FOR ADDITION TO ROADS 2030 STRATEGY

| | |
|--|--|
| FILE REFERENCE: | RD.00 |
| AUTHOR'S NAME AND POSITION: | Peter Kerp Works Engineer |
| AUTHORISING OFFICER AND POSITION: | Kevin Hannagan Chief Executive Officer |
| DATE REPORT WRITTEN: | 14 September 2019 |
| DISCLOSURE OF INTERESTS: | The author and the authorising officer have no financial, proximity or impartiality interests in the proposal. |

Summary

For Council to make request to Main Roads WA to consider amendment of the Roads 2030 Strategy to include the Jameson Wanarn Road.

Background

The Jameson Wanarn road now forms part of a strategic road route connecting Wingellina, Blackstone and Jameson to the Great Central Road which is to be sealed in future years. The Shire has recently invested \$4,000,000 in upgrades to the road to support better access for the above communities and facilitate general supplies and fuel to the Jameson Community and two mining camps in the final stages of exploration (Jameson West Musgrave Project Pre-Feasibility Study and Development ready, and Wingellina Nickel-Cobalt Project).

Comment

The process for consideration of inclusion in the Roads 2030 State Strategy is for the Shire's request to be supported by the Goldfields Regional Road Group and forwarded to WALGA and MRWA for approval.

Statutory Environment

Not applicable

Financial Implications

The inclusion of the road in the Roads 2030 Strategy will enable the Shire to make funding application for capital upgrade of the road within the Shires annual allocated funding from the Regional Road Group from MRWA.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.2, Travel the Land

Strategy: 1.2.1, Good Roads

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 14.3 – Proforma submission for inclusion in Roads 2030 Strategy.

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council endorses the Attachment 14.3 – Proforma submission for inclusion in Roads 2030 Strategy to be submitted to the Goldfields Regional Roads Group for support as per this report.

Carried: 5/0

Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

Financial Implications

The Shire makes annual budget allocations for Business Management Processing Services.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter

Attachments

Not applicable

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council;

- 1. approves the extension of Contract T01 15/16 Business Management Processing Services to IT Vision Australia Pty Ltd, Kirin Centre, 15 Ogilvie Road, Applecross WA 6153 for a further one-year term for Business Management Processing Services associated with the 2019/20 Financial Year End as outlined in this report; and**
- 2. authorises the Chief Executive Officer to administer the contract including future contract extensions.**

Carried: 5/0

16. CONFIDENTIAL MATTERS

17. NEXT MEETING

Scheduled for Wednesday, 23 October 2019 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

18. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 1.32 pm.