



Shire of **Ngaanyatjaraku**  
ON A JOURNEY

**Minutes of Ordinary Council Meeting  
Held at Warburton  
25<sup>th</sup> October 2017 at 1.00pm**

**SHIRE OF NGAANYATJARRAKU**  
**ORDINARY COUNCIL MEETING**  
**25 October 2017**

**A G E N D A**

1. **DECLARATION OF OPENING**
2. **ELECTION OF SHIRE PRESIDENT**
3. **ELECTION OF DEPUTY PRESIDENT**
4. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
5. **DECLARATION OF MEMBERS' AND OFFICERS' INTERESTS**
6. **QUESTION TIME**
7. **PRESENTATIONS / PETITIONS / DEPUTATIONS**
8. **CONFIRMATION OF MINUTES**
9. **REPORTS BY THE CHIEF EXECUTIVE OFFICER**

Ordinary Council Meeting 31<sup>st</sup> August 2017

- |                   |   |
|-------------------|---|
| Report No. 054-17 | Accounts paid & payable   |
| Report No. 055-17 | Financial Reports for the periods ending 31 July 31 to 30 Sept 2017 |
| Report No. 056-17 | Council Investments as at 20 <sup>th</sup> October 2017             |
| Report No. 057-17 | Review of Depreciation Rates  |
| Report No. 058-17 | Annual Delegations Register Review                                  |
| Report No. 059-17 | AASB24 – Related Party Disclosures                                  |
| Report No. 060-17 | New Council Policy – Use of Common Seal                             |

Report No. 061-17 Administrative Compliance with the LGA 1995

Report No. 062-17 Action Report – Environmental Health & Building Services

**LATE ITEMS / MATTERS OF URGENT BUSINESS**

**MATTERS FOR THE INFORMATION OF MEMBERS**

**CLOSURE OF MEETING BY SHIRE PRESIDENT**

**MINUTES OF ORDINARY COUNCIL MEETING  
HELD ON 25<sup>th</sup> OCTOBER 2017 AT 1.00PM (WST)  
IN THE SHIRE OF NGAANYATJARRAKU MEETING ROOM**

Prior to the meeting Mr. Alwyn Bates, Mr. Andrew Jones, Mrs. Beverley Thomas and Ms. Debra Frazer completed the declarations/oaths of office and were sworn in as Councillors for the Shire of Ngaanyatjarraku.

The Chief Executive Officer Mr. Chris Paget assumed the Chair, welcomed everyone and declared the meeting open at 1.00pm.

**PRESENT** Cr. J.D. McLean (Outgoing President)  
Cr. P. Thomas (Outgoing Deputy President)  
Cr. B. Thomas  
Cr. A. Bates  
Cr. L. West  
Cr. J. Frazer  
Cr. D. Frazer

Mr. Chris Paget - Chief Executive Officer

**APOLOGIES**

Cr. A. Jones

**QUESTION TIME**

No questions

**LEAVE OF ABSENCE**

Nil

**ELECTION OF PRESIDENT**

The Chief Executive Officer advised the meeting that the first items of business are required to be the election of the Council's President and Deputy President. He advised that one nomination in writing had been received from Cr. John Damian McLean for the office of President. Mr. Paget called for any further nominations; as none were forthcoming, he declared Cr. McLean elected unopposed as Shire President for a further two year term until October 2019.

Cr. McLean made the Declaration of Office in the presence of the Chief Executive Officer, and took the chair of the meeting at 8.36am.

**ELECTION OF DEPUTY PRESIDENT**

The President advised Council that one nomination had been received for the position of Deputy President, this being from Cr. Preston Thomas. Cr. McLean called for any further nominations; no further nominations were received and therefore he declared Cr. Preston Thomas as Deputy Shire President until October 2019 pursuant to Section 2.15 of the *Local Government Act 1995*.

**DECLARATION OF MEMBERS' AND OFFICERS' INTERESTS**

Nil

**CONFIRMATION OF MINUTES**

Ordinary Council meeting 31<sup>st</sup> August 2017

**MOVED Cr. West, seconded Cr. P. Thomas, that the minutes of the Ordinary Council meeting held on 31<sup>st</sup> August 2017 be confirmed as a true and accurate record of the proceedings of that meeting.**

**CARRIED 6/0**

**REPORTS BY THE CHIEF EXECUTIVE OFFICER**

**REPORT NO: 054-17      TO:    ORDINARY COUNCIL MEETING 25th OCTOBER 2017**  
**SUBJECT:    ACCOUNTS PAID AND PAYABLE**

<b>DATE:</b>	31 August 2017
<b>PROONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Chris Paget, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	CM.00
<b>DECLARATION OF INTERESTS:</b>	Nil

**BACKGROUND**

In accordance with Financial Management Regulations 12 & 13, a list of all accounts paid or payable shall be presented to Council (Refer to Accounts for Payment attached).

Council is requested to confirm the payment of accounts listed in the Accounts for Payment. **(See attachments)**

**STATUTORY ENVIRONMENT**

Financial Management Regulations 12 and 13.

In accordance with Financial Management Regulations 12 & 13, a list of all accounts paid or payable shall be presented to Council (Refer to Accounts for Payment attached).

Council is requested to confirm the payment of accounts listed in the Accounts for Payment. **(See attachments)**

**RECOMMENDATION**

That Council payment of accounts amounting to \$855,374.45 for period ending 31<sup>st</sup> July, \$1,061,755.62 for period ending 31<sup>st</sup> August and \$549,631.60 for period ending 30<sup>th</sup> September 2017 be received and noted.

**VOTING REQUIREMENTS**

Simple majority

**MOVED Cr. A. Bates, seconded Cr. P. Thomas, that the recommendation contained within report 054-17 be adopted.**

**#054-17**

**RESOLUTION**

*That Council payment of accounts amounting to \$855,374.45 for period ending 31<sup>st</sup> July, \$1,061,755.62 for period ending 31<sup>st</sup> August and \$549,631.60 for period ending 30<sup>th</sup> September 2017 be received and noted.*

**CARRIED 7/0**

**REPORT NO: 055-17**      **TO: ORDINARY COUNCIL MEETING 25th OCTOBER 2017**  
**SUBJECT: FINANCIAL STATEMENTS FOR PERIOD ENDED 30<sup>th</sup> SEPTEMBER 2017**

<b>DATE:</b>	25 October 2017
<b>PROPONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Chris Paget, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	CM.00
<b>DECLARATION OF INTERESTS:</b>	Nil

### **BACKGROUND**

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires the following in relation to the Financial Activity Statement:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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.
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (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 to 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;
  - (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;
  - (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 to the Council –
    - (i) at the next ordinary meeting of the Council following the end of the month to which the Statement relates; or
    - (ii) if the Statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the Council after that meeting;
  - 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 AAS 5, to be used in Statements of Financial Activity for reporting material variances.
- (6) In this regulation –
- “**committed assets**” means revenue unspent but set aside under the annual budget for a specific purpose;
- “**restricted assets**” has the same meaning as in AAS 27.

## **STATUTORY ENVIRONMENT**

Section 6.4 *Local Government Act 1995* and Financial Management Regulation 34.

## **RECOMMENDATION**

That the financial activity statements and reports for the quarter ending 30<sup>th</sup> September 2017 be received and confirmed.

## **VOTING REQUIREMENTS**

Simple majority

**MOVED Cr. D. Frazer, seconded Cr. West, that the recommendation contained within report 055-17 be adopted.**

#055-17

## **RESOLUTION**

*That the financial activity statements and reports for the quarter ending 30<sup>th</sup> September 2017 be received and confirmed.*

**CARRIED 7/0**

**REPORT NO: 056-17** TO: ORDINARY COUNCIL MEETING 25th OCTOBER 2017  
**SUBJECT: COUNCIL INVESTMENTS AS AT 20<sup>th</sup> OCTOBER 2017**

<b>DATE:</b>	25 October 2017
<b>PROPONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Chris Paget, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	FM.04
<b>DECLARATION OF INTERESTS:</b>	Nil

### BACKGROUND

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits
- Commercial Bills
- Government bonds
- Other Short-term Authorised Investments

Council funds are to be invested with the following financial institutions.

- Major banks
- Bonds Issued by Government and/ or Government Authorities.

### COUNCIL INVESTMENTS AS AT 20 OCTOBER 2017

Institution	Amount Invested	Investment type	Assets Repl./Acq./Devp. Reserve Fund	Cultural Centre Reserve Fund	Municipal Account
Westpac Banking Corporation		Term deposit	\$830,071.20	\$6,607.83	
Westpac Banking Corporation		Operating a/c			\$3,116,113.78
<b>TOTAL INVESTMENTS</b>	<b>\$3,952,792.81</b>		<b>\$830,071.20</b>	<b>\$6,607.83</b>	<b>\$3,116,113.78</b>

### RECOMMENDATION

That the report on Council investments as at 20<sup>th</sup> October 2017 be received and noted.

### VOTING REQUIREMENTS

Simple majority

**MOVED Cr. Bates seconded Cr. West, that the recommendation contained within report 056-17 be adopted.**

**#056-17**

**RESOLUTION**

*That the report on Council investments as at 22<sup>nd</sup> March 2018 be received and noted.*

**CARRIED 7/0**

**REPORT NO: 057-17**      **TO: ORDINARY COUNCIL MEETING 25th OCTOBER 2017**  
**SUBJECT: REVIEW OF DEPRECIATION RATES**

<b>DATE:</b>	25 October 2017
<b>PROPONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Kevin Hannagan, Acting Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	FM.10
<b>DECLARATION OF INTERESTS:</b>	Nil

### **PURPOSE**

For Council to note changes to the Shire's depreciation rates in accordance with Fair Value Legislation.

### **BACKGROUND**

In September 2011, the Australian Accounting Standards Board issued accounting standard AASB 13 Fair Value Measurement, which sets out a framework for measuring fair value.

In 2013, the Local Government (Financial Management) Regulation 1996 were amended to required local governments in Western Australia to report the fair value of the non-current assets at June 30 of each year. Up until then local government had the choice of valuation methodologies with most of local governments choosing to report the value of their asset based on historical cost.

The Shire completed its Fair Valuations effective 30 June 2015 and the Annual Financial Statements reflected the new valuations, that were substantially higher than was reported in previous financial years.

In accordance with the Accounting Standards (AASB116) the Shire is also required to review its Depreciation Rates and the new rates applied commencing the 2015/16 Financial Year End.

This report is to brief Councillors on changes to be applied in accordance with the Accounting Standards.

### **STATUTORY IMPLICATIONS**

All local governments in Western Australia are required to prepare financial statements in accordance with the Local Government Act 1995, Local Government (Financial Management) Regulations 1996, AASBs and Australian Interpretations.

Section 6.4(2) of the Local Government Act 1995 provides that the financial report is to:

- (a) be prepared and presented in the manner and form prescribed; and
- (b) contain the prescribed information.

Section 17A of the Regulations states that:

- (2) Subject to sub regulation (3), the value of an asset shown in a local government's financial reports must be the fair value of the asset.
- (3) A local government must show in each financial report:
  - (a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and
  - (b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government:
    - (i) that are plant and equipment; and
    - (ii) that are:
      - (I) land and buildings; or
      - (II) infrastructure; and
  - (c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.

## **POLICY IMPLICATIONS**

The calculation of depreciation is set in accordance with Australian Accounting Standard AASB116.

## **FINANCIAL IMPLICATIONS**

There will be a slight increase in depreciation charges of 3% which is mainly due to the increase in valuations, offset by more realistic (lower) depreciation rates. Depreciation is a 'non-cash' item and as such will not impact the Shire's cash position. However, the Shire must be aware of the relationship between asset management and financial reporting which is increasingly important now that local governments are required to report 3 asset sustainability ratios in their Annual Financial Statements.

## **STRATEGIC IMPLICATIONS**

### **Strategic Community Plan**

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

## **COMMUNITY CONSULTATION**

Not required.

## **COMMENT**

AASB 116 deals with the prescribed accounting treatment for property, plant and equipment so that

users of an entities financial statements can discern information about an entity's investment in its property, plant and equipment and the changes in such an investment over time.

When a non-current asset is over the materiality threshold (and available for use) it is classified and posted to the Statement of Financial Position. From this time forward the asset is depreciated and an expense recorded in the Statement of Comprehensive Income.

Depreciation is therefore the journaling of a past cost (or variation) and does not result in a cash payment. For this reason, depreciation is termed a non-cash expense.

- Depreciation is the systematic allocation of the depreciable amount of an asset over its useful.
- Useful life is the period over which an asset is expected to be available for use by the local government (not necessarily its economic useful life).
- The depreciable amount is the cost of an asset, less its residual value.
- The residual value is the estimated amount that an entity would currently obtain from disposal of the asset if the asset were already of the age and in the condition expected at the end of its useful life.

Using data from the Fair Valuation Reports the following Depreciation Rate calculations are to be used for the 2015/16 Financial Year onwards:

Asset Class	Synergy Fair Value (1/7/15)	Residual Value	Expected Useful Life (average)	Depreciation % (Straight Line)	Depreciation (Average p.a.)
Land & Buildings	\$ 7,346,751	\$ -	50	2.00%	\$ 146,935
Furniture & Equipment	\$ 35,664	\$ -	4	25.00%	\$ 8,916
Plant & Equipment	\$ 1,288,494	\$ 386,548	4	17.50%	\$ 225,486
Infrastructure, Formation	\$ 72,814,970	\$ 72,814,970	Ad infinitum	0.00%	\$ -
Infrastructure, Pavement	\$ 22,782,238	\$ 7,562,844	15	4.32%	\$ 985,170
Infrastructure, Seal	\$ 1,272,617	\$ 665,622	11	4.30%	\$ 54,772
Infrastructure, Kerb	\$ 314,280	\$ 130,320	12	4.94%	\$ 15,527
Infrastructure, Drainage	\$ 9,040	\$ 5,424	13	3.16%	\$ 286
Infrastructure, Recreation	\$ 118,118	\$ -	50	2.00%	\$ 2,362
					<u>\$ 1,439,455</u>

## ATTACHMENTS

Nil

## VOTING REQUIREMENT

Simple Majority

## OFFICER'S RECOMMENDATION

That Council:

- (a) notes the above report. and
- (b) instructs the Chief Executive Officer to update the Shire's Financial Accounting Reports effective from the 2015/16 Financial Year.

### **VOTING REQUIREMENTS**

Absolute majority required

**MOVED Cr. P. Thomas, seconded Cr. Bates, that the recommendation contained within report 057-17 be adopted.**

**#057-17**

### **RESOLUTION**

***That Council:***

- (a) notes the above report. and***
- (b) instructs the Chief Executive Officer to update the Shire's Financial Accounting Reports effective from the 2015/16 Financial Year.***

**CARRIED BY AN ABSOLUTE MAJORITY 7/0**

**REPORT NO: 058-17** TO: ORDINARY COUNCIL MEETING 25th OCTOBER 2017  
**SUBJECT: ANNUAL DELEGATION REGISTER REVIEW**

<b>DATE:</b>	27 September 2017
<b>PROPONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Kevin Hannagan, Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	CM.14
<b>DECLARATION OF INTERESTS:</b>	The CEO has an interest as the majority of delegations affect the CEO

### **PURPOSE**

For Council to consider the Annual Review of Delegations to the Chief Executive Officer.

### **BACKGROUND**

The Shire's Delegation Register has been unchanged in many years and does not reflect contemporary delegations or compliance with legislation. As such a comprehensive review was undertaken in consultation with the Shire legal representative McLeods, Barristers and Solicitors.

### **STATUTORY IMPLICATIONS**

Local Government Act 1995, Building Act 2011 and Food Act 2008 various Sections.

In particular:

The Local Government Act 1995

Section 5.42, Delegation of some powers and duties to CEO

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The costs associated with the comprehensive review were allowed in the Annual Budget.

## **STRATEGIC IMPLICATIONS**

### **Strategic Community Plan**

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

## **COMMUNITY CONSULTATION**

Community consultation is not required.

## **COMMENT**

Shire Staff have undertaken a comprehensive review of the Delegation Register to ensure it is compliant with relevant legislation.

### **What a delegation register should contain**

As a starting point, a delegations register should clearly distinguish between -

- (1) each of the delegations by the Council to the CEO; and
- (2) each of the delegations made by the CEO to one or more Shire employees.

### **Delegations by the Council to the CEO**

In relation to each delegation by the Council to the CEO, the Delegations Register should -

- (1) identify the specific power or duty that is being delegated;
- (2) identify the section (or the subsection, paragraph etc) of the Local Government Act 1995 (LG Act) or other legislation that gives the specific power or duty to the Council;
- (3) identify the section of the LG Act, or other relevant legislation, under which the power or duty is being delegated (such as section 5.42);
- (4) identify the date and item number of the Council resolution that delegates that power or duty to the CEO; and
- (5) identify each of the conditions (if any) that are to apply to the delegation.

### **Delegations by the CEO to other employees**

In relation to each delegation by the CEO to one or more employees of the Shire, the Delegations Register should –

- (1) identify the specific power or duty that is being delegated;

- (2) identify the source of the specific power or duty that is exercisable by the CEO by either-
  - (a) the section (or subsection or paragraph) of the LG Act or other legislation that gives the power or duty to the CEO; and
  - (b) the delegation by the Council of that power or duty to the CEO;
- (3) identify the section of the LG Act or other legislation under which the power or duty is being delegated (if under the LG Act, this would generally be section 5.44);
- (4) identify the date that the CEO delegated the power or duty;
- (5) identify each employee (or the position filled by each employee) to whom the power or duty has been delegated; and
- (6) identify each of the conditions (if any) that are to apply to the delegation.

### **Register Format**

The format of the register has also been amended as it more clearly identifies the function delegated, the statutory basis for that function/power and the provision pursuant to which it is delegated. At present the form of the delegation register does not clearly distinguish between the statutory power delegated and the provision pursuant to which it is delegated (both being referred to under 'References' if at all), however it is noted that some of the later delegations are recorded in a form similar to that set out above (e.g. Delegation No. 21).

It is also recommended that the delegation register be divided into sections according to the legislation the relevant delegation is made under. Thus, for instance, all delegations under the Building Act 2011 would be collated in a single section of the register rather than appearing at different places throughout the register, as is presently the case.

### **Acting through an officer**

In some instances it is recommended that a delegation be removed from the delegation register as the Shire may perform the relevant function simply by "acting through" an officer, rendering any delegation of the function unnecessary.

Section 5.45 of the LG Act states that in relation to delegations, nothing prevents a 'local government from performing any of its functions by acting through a person other than the CEO' or 'a CEO from performing any of his or her functions by acting through another person'. Whilst the Act does not specifically define the meaning of the term 'acting through', it is generally possible for a local government to 'act through' where there is no discretion to be exercised in carrying out a function. Where discretion is required to be exercised then delegation of the decision-making authority would be required.

### **CEO Delegations**

Where a delegation is sub-delegated, this should be recorded in the delegation item itself in the format used in Attachment 2, rather than separately in the section entitled "Delegations Re-

Assigned by Chief Executive Officer" that currently appears at the rear of the delegation register. However, where authority is specifically vested in the CEO by legislation then that may be recorded separately as a delegation in the "CEO to Employees" section of the Delegation Register. Additionally, the terminology used in the register should refer to delegations being sub-delegated rather than "re-assigned", given the original delegation remains in effect. The record of sub-delegation should also reference the power of delegation (e.g. s. 5.44 under LG Act) as well as the specific statutory power(s) (with reference to the relevant provisions) delegated. At present there is only reference to the "title of delegation", which is insufficiently clear and in some cases uses terminology inconsistent with the original delegation.

### **Additional delegations**

In reviewing its delegation register the Shire may additionally wish to consider adopting new delegations. There are many considerations to which the Shire should have regard in determining whether to delegate a statutory power or duty. The principal consideration is whether delegation of a power or duty will improve the efficiency of the Shire's operations, whilst leaving higher level policy decisions to the Council. Delegation is generally appropriate for duties and powers that are operational in nature, but nonetheless require the exercise of some discretion. Whilst it is for the Shire to determine what additional statutory powers may be suitable for delegation, it is suggested that the following items be considered as potential delegations (noting that some of the functions listed may still be performed by the local government 'acting through' its officers and also that the list of potential delegations is not intended to be exhaustive):

(a) Local Government Act 1995

- (i) Power to declare a vehicle an abandoned vehicle wreck; remove and impound (s. 3.40A)
- (ii) Sell or dispose of confiscated goods and recover expenses (s. 3.47; 3.48)
- (iii) Close thoroughfare to vehicles (s. 3.50)
- (iv) Control of reserves vested in local government (s. 3.54)
- (v) Disposal of property (s. 3.58)
- (vi) Advertise position of senior employee (s. 5.37)

(b) Local Government (Uniform Local Provisions) Regulations 1996

- (i) Permission to obstruct thoroughfare (reg. 5, 6)
- (ii) Grant or refuse permission to have gate across thoroughfare (reg. 9)
- (iii) Determine if excavation in or land adjoining a public thoroughfare is dangerous and take action (reg. 11)

- (iv) Approve crossing from public thoroughfare to private land or private thoroughfare (reg. 12, 13)
- (v) Approve private works on, over or under public places (reg. 17)
- (c) Local Government (Functions and General) Regulations 1996
  - (i) Determine that unlikely there is more than one potential supplier of goods and services (reg. 11(2)(f))

Other written laws, which the Shire may wish to consider delegating statutory powers under include:

- (a) Planning and Development Act 2005 and Local planning scheme of Shire
- (b) Cat Act 2011
- (c) Dog Act 1976

It is not recommended to consider delegating any of these statutory powers now.

Attachment 1 provides specific comments in relation to individual delegations to be removed from the Delegation Register.

Attachment 2 contains a revised Delegation Register in compliance with relevant legislation.

## **ATTACHMENTS**

Attachment 1 – List of Delegations to be removed from register

Attachment 2 – Delegation Register 2017

## **VOTING REQUIREMENT**

Absolute Majority required

## **OFFICER'S RECOMMENDATION**

That Council:

1. notes the attached list of delegations to be removed from its 2016 Delegation Register and
2. adopts the Delegation Register 2017 as attached to this report.

**MOVED Cr. D. Frazer, seconded Cr. Bates, that the recommendation contained within report 058-17 be adopted.**

**#058-17**

**RESOLUTION**

***That Council:***

- 1. notes the attached list of delegations to be removed from its 2016 Delegation Register and***
- 2. adopts the Delegation Register 2017 as attached to this report.***

**CARRIED 7/0**

**REPORT NO: 059-17** TO: **ORDINARY COUNCIL MEETING 25th OCTOBER 2017**  
**SUBJECT: AASB124 – RELATED PARTY DISCLOSURES**

<b>DATE:</b>	27 September 2017
<b>PROPONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Kevin Hannagan, Acting Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	FM.10
<b>DECLARATION OF INTERESTS:</b>	The Author & Reporting Officer positions are subject to compliance with this report

### **PURPOSE**

For Council to be advised of the requirement to comply with Australian Accounting Standards Board 124 - Related Party Disclosures, effective Financial Year End 30 June 2017.

### **BACKGROUND**

All Local governments have been advised by their respective Departments of Local Government that Councils are required to comply with the requirements of AASB124 effective 30 June 2017.

The objective of this Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

### **STATUTORY IMPLICATIONS**

#### **Australian Accounting Standard AASB124**

Related Party Disclosures

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC IMPLICATIONS**

#### **Strategic Community Plan**

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

### **COMMUNITY CONSULTATION**

Not required.

### **COMMENT**

Shire Officers have sought advice from the Shire's Accounting Provider, Paxon Group on compliance with AASB124. Paxon Group have provided the Shire with Notes for completion of Related Parties requirements with AASB 124 (see Attachment 1) and a Related Party Disclosures Collection Form to be completed by affected Councillors and Officers.

Who should complete the Declaration?

All Councillors who served, Chief Executive Officer and Deputy Chief Executive Officer appointed staff during the 2016/17 FYE.

### **ATTACHMENTS**

Attachment 1 – Notes for completion of Related Parties requirements with AASB 124

Attachment 2 - AASB 124 Related Party Disclosures Collection Form

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

- (a) notes this report on compliance with AASB124, Related Party Disclosures, and
- (b) Councilors and relevant Officers will complete the attached declaration as required for inclusion in the FYE 2016/17 Annual Financial Statements.

**MOVED Cr. West, seconded Cr. J. Frazer, that the recommendation contained within report 059-17 be adopted.**

**#059-17**

### **RESOLUTION**

***That Council:***

- (a) notes this report on compliance with AASB124, Related Party Disclosures, and***
- (b) Councilors and relevant Officers will complete the attached declaration as required for inclusion in the FYE 2016/17 Annual Financial Statements.***

**CARRIED 7/0**

**REPORT NO: 060-17** TO: ORDINARY COUNCIL MEETING 25th OCTOBER 2017  
**SUBJECT: NEW COUNCIL POLICY – USE OF COMMON SEAL**

<b>DATE:</b>	27 September 2017
<b>PROPONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Kevin Hannagan, Acting Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	CM.14
<b>DECLARATION OF INTERESTS:</b>	The CEO will be an authorised user of the Common Seal

### **PURPOSE**

For Council to adopt a new Council Policy detailing use of the Shire's Common Seal.

### **BACKGROUND**

The Shire's previous Delegation Register contained a delegation to the Chief Executive Officer for use of the Common Seal. The recent review of the Shire's Delegation Register identified the need to delete this delegation and replace it with a Council Policy.

### **STATUTORY IMPLICATIONS**

#### **Local Government Act 1995**

Section 9.49 A (4), Execution of Documents

### **POLICY IMPLICATIONS**

New policy

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC IMPLICATIONS**

#### **Strategic Community Plan**

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

### **COMMUNITY CONSULTATION**

Not required.

## COMMENT

Whilst a local government may authorise the CEO or another employee to sign documents on behalf of the local government under s. 9.49A(4), that provision does not extend to the affixing of the common seal. The affixing of the common seal and signature of documents by local government is most appropriately addressed through the adoption of a policy, rather than a delegation given that the local government is authorising the signature of specified documents rather than delegating a specific statutory discretion.

## ATTACHMENTS

Attachment 1 – Council Policy CP1.18 Use of Common Seal

## VOTING REQUIREMENT

Simple Majority

## OFFICER'S RECOMMENDATION

That Council:

- (a) adopts the attached Council Policy CP1.18 Use of Common Seal, and
- (b) instructs the Chief Executive Officer to update Council's Policy Manual.

**MOVED Cr. West, seconded Cr. P. Thomas, that the recommendation contained within report 060-17 be adopted.**

#060-17

## RESOLUTION

*That Council:*

- (a) adopts the attached Council Policy CP1.18 Use of Common Seal, and*
- (b) instructs the Chief Executive Officer to update Council's Policy Manual.*

**CARRIED 7/0**

**REPORT NO: 061-17** TO: ORDINARY COUNCIL MEETING 25th OCTOBER 2017  
**SUBJECT: ADMINISTRATIVE COMPLIANCE WITH THE LG ACT 1995**

<b>DATE:</b>	25 October 2017
<b>PROPONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Kevin Hannagan, Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	CS.06
<b>DECLARATION OF</b>	Nil

### **PURPOSE**

For Council to consider the Monthly Report of outstanding actions to achieve administrative compliance with the Local Government Act 1995.

### **BACKGROUND**

The Minister for Local Government appointed an Approved Adviser to work with the Shire to meet the administrative requirements of the Local Government Act 1995. The Approved Advisers' Scope of Work is to "Undertake a review of the Shire's policies, systems and procedures to establish the level of compliance with the legislative provisions of the Local Government Act 1995".

### **STATUTORY IMPLICATIONS**

Local Government Act 1995, various Sections.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The costs associated with the Approved Adviser are to be borne by Council, the Annual Budget takes this into account.

### **STRATEGIC IMPLICATIONS**

#### **Strategic Community Plan**

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

### **COMMUNITY CONSULTATION**

Community consultation is not required.

## **COMMENT**

Shire Staff have compiled for the Approved Adviser a list of tasks to be undertaken.

A copy of the list of tasks is attached for Councillors information. Further monthly reports will be made to Council advising progress against the task 'due dates'.

The remaining items outstanding to achieve compliance is the Audit for 2015/16 Financial Year End, Corporate Business Plan and Long Term Financial Plan. All other items are within compliance.

## **ATTACHMENTS**

Attachment 1 – Compliance Action List as at 23 October 2017

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council notes the attached Compliance Action List and this Report.

**MOVED Cr. Bates, seconded Cr. P. Thomas, that the recommendation contained within report 061-17 be adopted.**

#061-17

## **RESOLUTION**

*That Council notes the attached Compliance Action List and this Report.*

**CARRIED 7/0**

**REPORT NO: 062-17** TO: ORDINARY COUNCIL MEETING 25th OCTOBER 2017  
**SUBJECT: ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES**

<b>DATE:</b>	25 October 2017
<b>PROPONENT:</b>	Shire of Ngaanyatjarraku
<b>LOCATION:</b>	Shire of Ngaanyatjarraku
<b>AUTHOR:</b>	Philip Swain, Principal EHO & Building Officer
<b>REPORTING OFFICER:</b>	Chris Paget, Chief Executive Officer
<b>FILE NO:</b>	GV.07
<b>DECLARATION OF INTERESTS:</b>	Nil

### PURPOSE

To inform Council of Environmental Health program & Building Services activities and actions through the periods on-site 3<sup>rd</sup> to 10<sup>th</sup> August and 3<sup>rd</sup> to 7<sup>th</sup> September 2017.

Date	Subject	Action Taken
2/8/2017	<i>Aboriginal Culture and Heritage Preservation Forum</i>	I attended an <i>Aboriginal Culture and Heritage Preservation Forum</i> , during the WA Local Government Convention in Perth. The event was interesting and well attended. One paper in relation to indigenous tourism was particular interesting and has some opportunity for Ngaanyatjarraku. I have recommended that the DCEO follow up on Membership with the WA Indigenous Tourism Council for the Shire and the Art programme as for a few hundred dollars the Shire will be able to obtain about \$9000 worth of marketing advantage to promote the Art Programme Gallery and Shop. Action: DCEO to investigate WAITC membership
3/8/2017	Regional REH Group Meeting Kalgoorlie	The recently appointed EH Field Support Officer and myself attended the quarterly forum in Kalgoorlie. Issues discussed included the non-accredited training being rolled out by Bega Garnbirringu, water sampling in communities, the current STEP programme operating through housing and proposed capital works in some communities by Housing WA. The Department of Health also conducted training on the EHW programme reporting software, which was very beneficial for the EHFSO. Action: No further action
Jul-Sept 2017	Wanarn Aged Care & Clinic Facility – Septic System Upgrade	There has been an ongoing issue with effluent disposal from the Aged Care facility and the dialysis treatment at the Clinic in Wanarn. I have been liaising with Ngaanyatjarra Health and Services to enable an upgrade of the existing effluent disposal system. Following the fee payment by services on 10/7/2017 I made application to the Department of Health explaining the situation and seeking approval for the effluent disposal upgrade. The approval was issued on 8 September 2017 and I am liaising with Services and the contract plumber pending the installation. Ngaanyatjarra Health are hopeful of completing the works and resuming dialysis treatment at the facility by the end of

		<p>October.</p> <p>Action: PS to monitor installation and issue PTU when complete.</p>
7/8/2017	Squeaky Clean Kids Programme	<p>The cake soap supply has been delivered to Warburton and a supply has been established for distribution to communities. The liquid soap for schools with dispensers is still pending, however the initial programme can include the cake soap distribution to schools.</p> <p>Action – MC to arrange distribution of soap and continue liaison with communities.</p>
8/8/2017	Food Business Inspection – Jameson (Mantamaru) HACC Facility	<p>I conducted the routine inspection of the facility in Jameson. The cleanliness of the premises were improved, but there are still outstanding details of non-compliance including the Food Safety Plan. I am proposing to issue an Improvement Notice on Ngaanyatjarra Health regarding the lack of progress with structural improvements and Food Safety Planning unless there are substantial gains in the near future. I have arranged a meeting with the HACC Manager early in November to clarify the Shire’s requirements.</p> <p>Action: PS to meet with Manager and issue Improvement Notice for the HACC Facilities if substantial progress not made by the November visit.</p>
8/8/2017	Food Business Inspection – Blackstone (Papulankutja) HACC Facility	<p>I have conducted the routine inspection of the facility in Blackstone. The cleanliness of the premises were improved, and structurally this centre is better than the other HACC facilities. That said, there are still outstanding details of non-compliance including the Food Safety Plan. As above.</p> <p>Action: PS to meet with Manager and issue Improvement Notice for the HACC Facilities if substantial progress not made by the November visit.</p>
8/8/2017	Blackstone (Papulankutja) Waste Site	<p>I have inspected the recent works to the site and discussed the same with the Works Supervisor. There is an immediate issue with the temporary trench as it is too long (60m) and not being used as there is no proper signage. Waste is still be deposited where the previous trench was located even though this area has been pushed over and finalised. I am trying to make arrangements to install an earth wall down the centre of the temporary trench in order to create two (2) cells and then install signage to prevent the current dumping. The longer term plan, when machinery is available, is to relocate the waste site to a new trench about a kilometre further out the existing track.</p> <p>Action: PS to liaise with CSM and EH Workers in Blackstone to establish temporary trench. PS &amp; EB to liaise to establish new site when machinery is in the vicinity of Blackstone.</p>
Nov 16- Sept 2017	Issue of Occupancy Certifications for Buildings approved under the 2011 Building Act and the 2012 Regulations	<p>There were 8 buildings of Classes 2-9 constructed on the Lands since the roll out of the new Building legislation in 2012. I have now finalised documentation for four (4) of these and have received applications for Occupancy Permits for a further two (2) which have now been completed. Finalisation of the other two (2) buildings is being progressed with Ng Services.</p> <p>Action: PS to finalise the issue of Occupancy Certification for Class 2-9 buildings as appropriate</p>
Aug-Sept 2017	NATS deliveries to Communities	<p>The management of refrigerated and frozen loads appears to be now under better control with data logging records showing the truck temperatures were adequate. Following complaints, I had previously written to NATS and requested that they ensure proper logistics are in place for the cold chain and that temperature records be made available. I will periodically request temperature records for</p>

		<p>transportation of goods to the lands.</p> <p>Action: PS to periodically follow up with NATS and the contract driver to ensure that proper monitoring and records are being maintained.</p>
Aug – Sept 2017	Swimming Pool Sampling and Procedures	<p>I have reviewed the previous documentation on the pools and located procedure manuals for the Blackstone and Warakurna pools with the help of the Youth Services Manager. I have established a sampling register for the pools. I have advised of the need to ensure a current procedures manual is located at each site and am reviewing the existing materials to ensure they are current. The pools at Warburton and Blackstone have been sampled and are approved to open.</p> <p>Action: PS to provide updated manuals to pool managers. Pool Managers to open facilities when weather is suitable.</p>
4-7 September 2017	AEHW Team NATSIEH Conference	<p>Conway Robinson (EHW), Zorron Robinson (EHW), Michael Cooke (EHFSO) and I attended the National Aboriginal and Torres Strait Islander Environmental Health Conference in Cairns held 4-7 September 2017. The worker team drove to Uluru on Sat/Sun arriving 3<sup>rd</sup> August and returning Friday 8 August. Ronnie Green (EHW) withdrew from attending the conference with no notice and consequently costs for his registration and accommodation were forfeited to the conference organisers. Geoff Handy managed to cancel the airfare at late notice to obtain credit for the same. I am in the process of dealing with this as a disciplinary matter but most recently Ronnie has been sent to Kalgoorlie for medical treatment.</p> <p>The conference was well attended and well run covering a variety of areas of interest. The staff attended most sessions and from all reports enjoyed the event and the social interaction. Of particular interest were a number of presentations on trachoma and other diseases prevalent in remote communities. Also waste management initiatives in other communities were interesting and there seems to be a lot of activity in this area, particularly with the potential for container deposit legislation next year in WA. I have researched a few articles since and believe we can use some material in the development of the Shire's Public Health Plan</p> <p>Action: PS to address issue of EHW failure to attend conference. PS to refer information to consultant once budget approved to establish baseline for the Public Health Plan</p>
27/9/2017	EHW Programme Contract	<p>I have continued drafting a Community Environmental Health Action Plan based on the previous submission by the Shire to the Department of Health. I have submitted records relating to current insurances to the Department of Health and provided the 6 monthly report to the Department on 27 September.</p> <p>Action: PS to liaise with CEO to develop the Community Environmental Health Action Plan.</p>
Ongoing	EHW Training Schedule	<p>I am attending via teleconference the meetings of the Goldfields Region training sub committee being facilitated by Bega Garnbirringu Health Service who have been employed by the Department of Health to arrange training for Environmental Health Workers for the next 12 months. The committee is meeting monthly and will arrange for training on various subjects to be rolled out throughout WA.</p> <p>Action: PS to attend teleconferences and arrange training as appropriate for EHW's</p>

Pending	Community Service Summary – Public Health Plan	<p>Following the service report prepared by P Todd in 2013 I have continued to develop a follow up community service summary. With the enactment of the Public Health Act 2016 the Shire will in due course need to develop a Public Health Plan. The need for this plan is not clearly identified in the Strategic &amp; Business Plans for the Shire. I have provided proposed wording to be included in the Corporate Business Plan. The community service summary can be used in determining appropriate service levels for the future plan however consideration needs to be given to the development of a baseline health status for the communities of the Shire.</p> <p>Action: Public Health Plan development to be included in the Corporate Business Plan and budget consideration to be given to budget for the establishment of baseline data.</p>
Pending	Container Deposit Legislation	<p>I have discussed this issue with Joseph from NATS and Matt from Ridges Transport. Although the issue is some way off, the Shire and Ngaanyatjarra Council need to plan for the eventuality as there will be infrastructure requirements to provide for the service in 2018. I have made enquiries with DER and will prepare a report in relation to this matter for consideration in the new year.</p> <p>Action: PS to prepare report on CDA transportation and infrastructure requirements</p>
Pending	Roadhouse Caravan & Campsites	<p>I previously investigated the history and reissued the Caravan &amp; Camping Ground Licence, for the Roadhouse with 10 powered sites. I have again discussed a preliminary plan to extend the short stay sites, with a view to providing for additional campsites during busy periods in 2017. I have again reiterated my advice that I do not believe that additional ablutions are necessary save for the fact that there are no universal access facilities at the park and the laundry building will require and additional facility.</p> <p>Action: Awaiting additional campsite/overflow proposal.</p>
Pending	Warburton Drainage Issues	<p>Previously I had been unable to locate any surveys of the drainage network, or contour surveys for the settlement. These are needed to develop improvements to the current drainage scheme. This issue has not been progressed since March 2015, but its need has been highlighted with recent rains.</p> <p>Action: Issue to be prioritised by Health Building Officer pending corporate plan and budget</p>

## VOTING REQUIREMENTS

Simple majority

## RECOMMENDATION

That Council receives and notes the report on Environmental Health & Building activities for the period.

**MOVED Cr. D. Frazer, seconded Cr. Bates, that the recommendation contained within report 062-17 be adopted.**

#062-17

**RESOLUTION**

*That Council receives and notes the report on Environmental Health & Building activities for the period.*

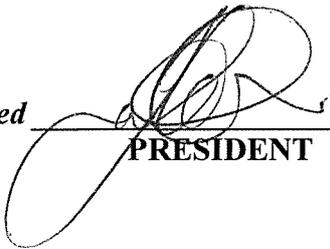
**CARRIED 7/0**

**CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 2.33pm (WST).

These minutes of the meeting held 25<sup>th</sup> October 2017 were confirmed at the meeting held on 29<sup>th</sup> November 2017.

Signed

  
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**PRESIDENT**

Date

16/10/18