



**Shire of Ngaanyatjarra**  
ON A JOURNEY

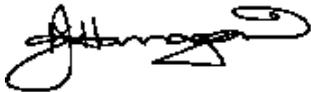
**ORDINARY MEETING OF COUNCIL**

**MINUTES**

**26 October 2022  
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: 27-10-2022

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 26 October 2022.

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



Date: 30 / 11 / 2022

<b>1.</b>	<b>DECLARATION OF OPENING</b> .....	<b>4</b>
<b>2.</b>	<b>ANNOUNCEMENT OF VISITORS</b> .....	<b>4</b>
<b>3.</b>	<b>ATTENDANCE</b> .....	<b>4</b>
3.1	PRESENT .....	4
3.2	APOLOGIES.....	4
3.3	APPROVED LEAVE OF ABSENCE.....	4
<b>4.</b>	<b>PUBLIC QUESTION TIME</b> .....	<b>4</b>
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	4
4.2	PUBLIC QUESTION TIME .....	4
<b>5.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	<b>4</b>
<b>6.</b>	<b>DECLARATION BY MEMBERS</b> .....	<b>5</b>
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA.....	5
6.2	DECLARATIONS OF INTEREST .....	5
<b>7.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b> .....	<b>6</b>
<b>8.</b>	<b>PETITIONS, DEPUTATIONS, PRESENTATIONS</b> .....	<b>6</b>
8.1	PETITIONS.....	6
8.2	DEPUTATIONS .....	6
8.3	PRESENTATIONS .....	6
<b>9.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b> .....	<b>6</b>
9.1	ORDINARY MEETING OF COUNCIL .....	6
<b>10.</b>	<b>CEO REPORTS</b> .....	<b>8</b>
10.1	PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS .....	8
10.2	SUBMISSION TO THE WEST AUSTRALIAN LOCAL GOVERNMENT GRANTS COMMISSION FOR 2023/24 .....	10
10.3	RENAMING OF BLACKS LOOKOUT .....	13
10.4	LOCAL GOVERNMENT REFORM .....	15
<b>11.</b>	<b>CHIEF FINANCIAL OFFICER REPORTS</b> .....	<b>17</b>
11.1	MONTHLY PAYMENTS LISTING .....	17
11.2	COUNCIL INVESTMENTS.....	19
11.3	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDED .....	21
11.4	OAG REPORT – ANNUAL FINANCIAL STATEMENT AUDITS.....	24
<b>12.</b>	<b>DIRECTOR GOVERNANCE &amp; STRATEGIC REPORTS</b> .....	<b>26</b>
12.1	QUARTERLY REPORT ON THE PLAN FOR THE FUTURE.....	26
<b>13.</b>	<b>DIRECTOR INFRASTRUCTURE REPORTS</b> .....	<b>28</b>
13.1	ACTION REPORT – DIRECTOR .....	28
13.2	ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES.....	29
<b>14.</b>	<b>NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION</b> .....	<b>30</b>
<b>15.</b>	<b>CONFIDENTIAL MATTERS</b> .....	<b>30</b>
15.1	SALARIES AND ALLOWANCES TRIBUNAL DETERMINATION.....	30
<b>16.</b>	<b>NEXT MEETING</b> .....	<b>31</b>
<b>17.</b>	<b>CLOSURE OF MEETING</b> .....	<b>31</b>

**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.05 pm.

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	President Deputy President Councilor Councilor Councilor Councilor	D McLean P Thomas D Frazer L West J Porter A Jones
<b>Staff:</b>	CEO CFO AC DGC DIS	K Hannagan (via video-conference) K Fisher (via video-conference) S Richardson C Green (via video-conference) L Morgan (via video-conference)
<b>Guests:</b>		
<b>Members of Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr. J Frazer

GMO D Mosel (Annual Leave)

**3.3 APPROVED LEAVE OF ABSENCE**

**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**

**Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr D Frazer**

**That Council approves Cr J Frazer's request for leave of absence for the November Ordinary Council Meeting if required.**

**Carried: 6/0**

**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) without 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 ORDINARY MEETING OF COUNCIL**

**Voting Requirement**  
Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr L West**

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 31 August 2022 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (as circulated and available on the Shires official website) be confirmed as a true and accurate record.**

**Carried: 6/0**

## **9.2 AUDIT AND RISK COMMITTEE**

**Voting Requirement**  
Simple Majority

### **Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr L West**

**That Council:**

- 1. Notes the Unconfirmed Minutes (Tabled) of the Audit and Risk Committee Meeting held on Wednesday 26 October 2022 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community; and**
- 2. Adopts the Recommendations from the Audit & Risk Committee.**

**Carried: 6/0**

## 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

**DATE REPORT WRITTEN:** 13 October 2022

**DISCLOSURE OF INTERESTS:** The author has no direct financial interests, indirect financial interests, proximity and impartiality interests 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**

All resolutions of Council have been acted upon.

#### **Statutory Environment**

*Local Government Act 1995:*

Section 2.7

*"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'.

Section 5.100 of the Act expressly provides that a person who is a committee member but is not a council member or an employee is not to be paid a fee for attending any meeting.

#### **Financial Implications**

There are no known financial implications for this matter.

#### **Strategic Implications**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

#### **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

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr L West**

**That Council notes the monthly report, Progress on the implementation of Council Resolutions.**

**Carried: 6/0**

## 10.2 SUBMISSION TO THE WEST AUSTRALIAN LOCAL GOVERNMENT GRANTS COMMISSION FOR 2023/24

<b>FILE REFERENCE:</b>	GS.00
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	17 September 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

### **Summary**

For Council to consider making a submission to the submission to the West Australian Local Government Grants Commission for consideration in formulating the 2023/24 Financial Assistance Grants Formulae.

### **Background**

The WA Local Government Grants Commission is responsible for distribution of Local Government Financial Assistance Grants funded by the Commonwealth Government and distributed among 137 local governments in Western Australia each year.

The distribution of Financial Assistance Grants is for local government purposes and aims to achieve equitable levels of services by reasonable effort.

The funding provided to local governments is allocated on the basis of horizontal equalisation to ensure that each local government in the State is able to function at a standard not lower than the average standard of other local governments.

All local governments are entitled to receive at least the minimum grant. That minimum grant cannot be less than 30 per cent of what the local government would receive if all grants were allocated on a per capita basis.

The balanced budget approach has been used to calculate General Purpose Grants since 1994. The grants commission calculates the equalisation requirement of each local government by assessing the revenue raising capacity and expenditure need of each local government. Five categories (called standards) are used to calculate revenue raising ability and six categories are used to establish expenditure needs.

The equalisation requirement is the difference between the assessed expenditure need and the assessed revenue raising capacity of each local government. The grants commission has developed a range of cost adjustors (for example: location, population dispersion and socio-economic disadvantage) and these are included in calculating the standards to recognise the additional costs a local government faces due to its physical or demographic characteristics.

The grants commission requires all local governments to complete the Information Return to facilitate the processes for allocating Financial Assistance Grants.

### **Comment**

The Shire is highly dependent on funding from the Grants Commission to provide compliance with legislation and services to community. As such any change in grant funding levels will have a consequential effect on Shire operations. One current issue the Shire will need to manage into the future is the high WA rate of inflation affecting Shire costs but government grants not increasing at the same level.

The Australian Bureau of Statistics Population Data is a major factor applied in the distribution of grants formulae and subsequent determinant of provision of services by government across the state. The Australian Bureau of Statistics (ABS) Population Data is a major factor applied in the distribution of grants formulae and subsequent determinant of provision of services by government across the state.

The Shire has always been of the view that the method used by the ABS may be `satisfactory for normal European settlements but it is not fit for purpose for remote aboriginal communities. During the 2016 count the Shire invested funds to employ local community respected anthropologists to assist community complete the census. This resulted in a higher-than-normal aboriginal count. The 2016 count identified the aboriginal population as 1,548 and 249 others. This has resulted in increased grant funding for the Shires FAGS General grant.

The Shire was expecting the 2021 count to be higher as a lot of people have been returned to the NG Lands as a result of the Covid19 pandemic. This has caused overcrowding of housing and a larger wait list for the availability of housing.

However, the 2021 ABS aboriginal count was 1358 a large reduction which will have major financial ramifications for the Shire should these results be used for calculation of the Shires 2023/24 grant allocation.

The Chief Executive Officer has been in contact with the Grants Commission who convened a workshop with other State Agencies, WALGA, RDA Goldfields, and Local Governments to discuss the issue further. Both WALGA and DPLH have advised that the ABS is aware that the count may be under, and they have committed to undertake a review of the count that will be completed in the first quarter 2023. In the meantime, the WALGAC has encouraged local governments to make a submission on this matter to them for consideration in next year's grant process.

The Shire proposes to make a range of matters to be considered by the Commission regarding not only the ABS Population count but its Cost Adjustors.

Attached is a draft submission to the Commission covering:

1. Location Cost Adjustor
2. Socio Economic and Aboriginality Cost Adjustor - ABS 2021 Population Count
3. Population Dispersion Cost Adjustor
4. Climate Cost Adjustor
5. Regional Centres Cost Adjustor
6. Special Needs Cost Adjustor

### **Statutory Environment**

*Local Government Act 1995:*

Section 2.7

*“Role of council*

*(3) The council —*

- a) governs the local government's affairs; and*
- b) is responsible for the performance of the local government's functions.*

*(4) 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.”*

### **Financial Implications**

There are major financial implications for this matter which are outlined in the attachment submission to the Commission.

### **Strategic Implications**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership  
Outcome 8, A well-functioning organisation  
Strategy, 8.2, Maintain corporate governance, responsibility and accountability

### **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**

10.2 – Draft Submission Letter to WALGGC

### **Voting Requirement**

Simple Majority

#### **Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr J Porter**

**The Shire requests the WA LG Grants Commission to consider the following in formulation of its 2023/24 grant allocations:**

- 1. Review the Location Cost Adjustor percentage split to place more emphasis on accessibility remoteness and less on population numbers;**
- 2. That the 2021 ABS Population data for the Shire of Ngaanyatjarraku not be used for the 2023/24 FAGS General grant calculations and alternatively use;**
  - (a) the 2023 ABS Review of data if the aboriginal population count is higher than the 2021 count: or**
  - (b) if that figure is still lower than the 2016 count then the 2016 data be used.**
- 3. Inclusion of Population Dispersion Cost Adjustor in recognition of services provided to 10 communities with distances travelled from Warburton of up to 370kms one way.**
- 4. Review the Climate Cost Adjustor to review the basis of the four weighted component percentages as the Shire is of the view that too much emphasis is again placed on population numbers and not enough on climate as the Gibson desert is one the most inhospitable climates to try and provide services from.**
- 5. Consider introduction of a sub-set of criteria for a Small Regional Centres Cost Adjustor.**
- 6. Provision of a \$300,000 Special Needs Cost Adjustor to fund the request by the Department of Communities that the Shire contribute (from its FAGS General funding) with their operational funding of \$375,000 p.a. for waste services the State discontinued one year after such services were transferred from the Federal Government to the State Government. Noting that the State has not imposed such conditions on any other local government in the Kimberley and Pilbara when such services were transferred for their communities.**

**Carried: 6/0**

### 10.3 RENAMING OF BLACKS LOOKOUT

**FILE REFERENCE:** Lu.00

**AUTHOR'S NAME AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 21 September 2022

**DISCLOSURE OF INTERESTS:** The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

#### Summary

For council to consider a name change for Blacks Lookout.

#### Background

Landgate have contacted the Shire and advised that they have identified a feature name in the shire that may be considered a derogatory name – Blacks Lookout. Attachment 10.3 contains the origins of the name for information.

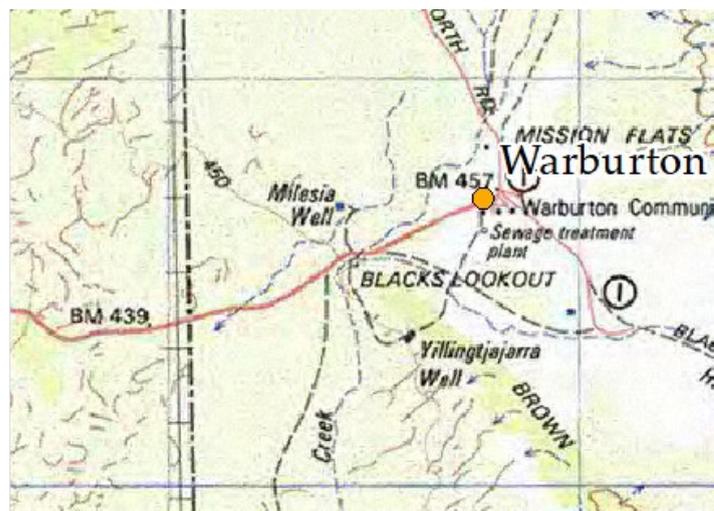
Under Section 1.2.6 of Landgate's Policies and Standards names that are viewed as discriminatory, derogatory or inappropriate can be revoked due to non-compliance with the policy.

They are seeking feedback from the shire regarding revoking the name. Should the shire agree, Landgate would amend the name from an approved name to a historical name. The name would remain in the database for historical reasons only.

In due course an alternate name could be applied to the feature to replace the historical name.

#### Comment

Below is a map identifying the locality.



The Shire commenced consultation with Ngaanyatjarra Council, Land & Heritage (NCLH) on recommending an alternative name.

Warburton Ranger Coordinators undertook consultation on the renaming of 'Blacks Lookout' with senior Warburton people. The area was discussed in relation to the Tjukurrpa connection with the Brown Range (Ngirntaka / Perentie) and two options were put forward for the renaming of this area: "Perentie Point" or "Perentie Lookout."

Furthermore, NCLH recommended that perhaps Warburton Community Council may wish to

endorse one or the other of these names. The Warburton CDA was contacted and he has advised that they are comfortable with the Shire Council endorsing one or the other of these names as senior members are also members of Shire Council.

### **Statutory Environment**

*Local Government Act 1995:*

Section 2.7

*“Role of council*

*(5) The council —*

*a) governs the local government’s affairs; and*

*b) is responsible for the performance of the local government’s functions.*

*(6) 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.”*

### **Financial Implications**

There are no known financial implications for this matter.

### **Strategic Implications**

Plan for the Future 2021 – 2031

Goal 2, Our Land

Outcome 4, Enjoying our Land

Strategy, 4.1, Help preserve, enhance and enjoy our land

Goal 3, Our Leadership

Outcome 7, Good leadership, effectively representing and advocating for our communities

Strategy, 7.2 Advocate on behalf of our communities

### **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**

10.3, Origin & history, Blacks Lookout

### **Voting Requirement**

Simple Majority

#### **Officers Recommendation and Council Resolution**

**Moved: Cr L West**

**Seconded: Cr A Jones**

**That Council notes:**

- 1. Consultation undertaken with Ngaanyatjarra Council, Land & Heritage and Warburton Community Council;**
- 2. Resolves to recommend to Landgate that Blacks Lookout be renamed Ngirntaka Point.**

**Carried: 6/0**

## 10.4 LOCAL GOVERNMENT REFORM

**FILE REFERENCE:** GV.00

**AUTHOR'S NAME AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 13 October 2022

**DISCLOSURE OF INTERESTS:** The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

### Summary

The purpose of this agenda item is to advise Council on the WA Local Government reforms: Election Transition Arrangements (changes to council size) as per new legislation enacted.

### Background

On 3 July 2022, the State Government announced the final package of proposed local government reforms, following a review of public submissions. As part of the reforms to strengthen local democracy and increase community engagement, new requirements will be introduced to provide for:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

### Comment

Work on a Bill to amend the Local Government Act 1995 (the Act) is ongoing, and a Bill is expected to be introduced into Parliament in early 2023. Impacts for the Shire are:

- The Shire does not have Wards, so this change does not affect the shire.
- The reform proposals do require the Shire of Ngaanyatjarraku to reduce the number of elected members on council in accordance with population thresholds.
- The Amendment Act will also provide that optional preferential voting will apply for all local government elections.

The Minister has advised of two pathways that the shire may consider for making these election transition arrangements.

#### 1 Voluntary Pathway

The Shire may decide to implement these changes on a voluntary basis. This pathway will require the council to make the steps outlined below, and could involve staging any larger changes in the number of councillors over two ordinary elections. This pathway provides the greatest possible lead time to plan for next year's ordinary elections.

If council wishes to undertake this process, it should, by 28 October 2022 advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable).

The DLGSC appreciates that significant effort is required to complete a Ward and Representation Review. The Ward and Representation Review would need to be initiated ahead of the 28 October 2022 date, and finalised by 14 February 2023, to ensure that the timeframes set out in the Act can be practically met.

#### 2 Reform Election Pathway

Alternatively, it is intended that the Amendment Act will provide for all changes to be implemented through reform elections in 2023. This pathway would provide that all of the council's offices can be declared vacant, and the number of council offices would be set based on the reform proposals. Elections would then be held to fill all council offices, with a split between two and four year terms

as might be necessary to re-establish an ordinary election cycle.

Council may specifically decide to follow the Reform Election Pathway. If this is the Council's intention, the DLGSC requests that the Shire advise the DLGSC by 28 October 2022.

The Minister advises that the Department of Local Government, Sport and Cultural Industries (DLGSC) has completed an initial review, and identified that our local government may need to reduce the number of council members under the proposed reforms.

The Shire currently has 8 councillors. This leaves the Reform Election Pathway, Theme 4: Stronger local democracy and community engagement, amended proposal, that now proposes as our population is under 5000, that the Shire has a choice of between 5 to 7 Councillors (including the President).

### **Statutory Environment**

*Local Government Act 1995:*

Section 2.7

*“Role of council*

*(7) The council —*

*a) governs the local government’s affairs; and*

*b) is responsible for the performance of the local government’s functions.*

*(8) 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.”*

### **Financial Implications**

There are no known financial implications for this matter.

### **Strategic Implications**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

### **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

#### **Council Resolution**

**Moved: Cr D Frazer**

**Seconded: Cr A Jones**

**That Council advises the DLGSC before 28 October 2022 that:**

- 1. The Shire prefers the use of the Reform Election Pathway, to be implemented through reform elections in 2023; and**
- 2. The Shire’s choice is for five Councilors (including the President).**

**Carried: 6/0**

# 11 CHIEF FINANCIAL OFFICER REPORTS

## 11.1 MONTHLY PAYMENTS LISTING

<b>FILE REFERENCE:</b>	FM.07
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Chief Financial Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	24 September 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal

### 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**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

**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**

11.1(a) & (b) – Payment Listings

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr J Porter      Seconded: Cr P Thomas**

**That Council receives the Payment Listings:**

- **August 2022 totaling payments of \$817,928.41 as per Attachment 11.1(a), and**
- **September 2022 totaling payments of \$988,573.24 as per Attachment 11.1(b).**

**Carried: 6/0**

## 11.2 COUNCIL INVESTMENTS

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Chief Financial Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	20 October 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no direct financial interests, indirect financial interests, proximity and 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 Ngaanyatjaraku 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.

Better rates have been thru a quotation process with Commonwealth Banking and as such \$5.7m has now been deposited there. Westpac have now agreed to be more competitive and \$3.6m has been invested with them. Westpac's 31 day Notice account interest rate has also improved and a further \$3.1m is held here. These funds are mainly from the Commonwealth's FAG's 2022/23 and Roads grants paid in advance along with shire reserve accounts. An investment Register has now been developed to record the details of these longer-term investments.

### 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**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

**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**

Corporate Policy Finance 2.12 Investment.

**Attachments**

11.2 – Westpac screen prints of Municipal Accounts and CBA / Westpac Investment Register.

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr J Porter**

**Seconded: Cr D Frazer**

**That the report on Council Investments as at Attachment 11.2 be received.**

**Carried: 6/0**

## 11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDED

<b>FILE REFERENCE:</b>	FM.10
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Chief Financial Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	21 October 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

### Summary

For Council to receive two monthly financial reports.

### Background

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

Council has resolved those 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 \$20,000 or 10.00% whichever is the greater (refer last page of statements). These materiality levels have been applied in the preparation of this report.

### Comment

As Council adopted its 2022/23 Annual Budget at the August meeting the Monthly Financial Statements for July and August are now presented to Council for consideration.

The July and August Variances Actual vs Budget are mainly related to 'Timing'.

As the July statements have not been considered by council within the two month statutory timeframe a separate report has been submitted to the Audit & Risk Committee regarding this non-compliance.

The Monthly Financial Statements for September are also presented.

### 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 sub regulation (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 sub regulation (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**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

### **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**

11.3 (a) - Monthly Financial Report, July 2022;

11.3 (b) - Monthly Financial Report, August 2022 and;

11.3 (c) - Monthly Financial Report, September 2022.

**Voting Requirement**  
Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr L West**

**That Council receives the monthly financial reports for July, August and September 2022.**

**Carried: 6/0**

## 11.4 OAG REPORT – ANNUAL FINANCIAL STATEMENT AUDITS

**FILE REFERENCE:** FM.10

**AUTHOR'S NAME AND POSITION:** Kerry Fisher  
Chief Financial Officer

**DATE REPORT WRITTEN:** 13 September 2022

**DISCLOSURE OF INTERESTS:** The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

### Summary

For Council to be updated on the findings of the Auditor General's report on the Financial Audit Results – Local Government 2020-21.

### Background

The 2020-21 financial year was the last year of a four-year transition of local government financial auditing to the Office of the Auditor General. As per the *Local Government Amendment (Auditing) Act 2017* the Auditor General now has responsibility for all 148 WA local government audits.

### Comment

The purpose of this report is to inform Council as requested by the Audit Office as per below email excerpt:

*.....Please advise your President/Mayor/Presiding Officer and your Council members of the report tabling. The report has key messages and recommendations for all local government entities.*

The report contains results from the 132 completed WA local government audits, with 16 still outstanding. The findings identify the issues that have been significant enough to bring to the attention of Parliament.

Timeliness and quality of financial reporting has been summarised to provide the results from all completed audits. The recommendation encourages entities to make use of the WA Public Sector Financial Statements – Better Practice Guide. Shire of Ngaanyatjarraku staff have access to this guidance to improve financial management and reporting practices, processes and procedures.

A summary of audit opinions for all completed local government entities has been included. Additionally, 275 audit certifications were issued for audit work on other financial information to assist with acquittals and other grant and funding agreements.

Control weaknesses identified during this process are reported to the CEO, where these have been assessed as material non-compliance, they have been included in the overall audit opinion. The recommendation for continual review, monitoring and maintaining currency with accounting standards and promptly addressing issues is a priority for Ngaanyatjarraku officers.

Information system controls is also an area that has been included in the report. Shire of Ngaanyatjarraku has made improvements in this area to ensure business continuity. Working with IT providers to assist with training and other control measures is ongoing.

Discussion on other issues that affect some local governments have also been included. Covid-19 and impact of emergencies has been noted. Some changes to accounting standards and legislated requirements including a review to the Financial Ratios.

Suggested opportunities for the DLGSC are highlighted. This has seen a model statements project commence with the hope that templates will be available for the 2022-23 Financial Report.

### 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.”*

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

**Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku’s Risk Management Strategy, 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**

11.4 - OAG Report 5: 2022-23 - Financial Audit Results Local Government 2020-21, Tabled 17<sup>th</sup> August 2022

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr A Jones**

**Seconded: Cr J Porter**

**That Council note the report from the Office of the Auditor General, as per attachment 11.4.**

**Carried: 6/0**

## 12. DIRECTOR GOVERNANCE & STRATEGIC REPORTS

### 12.1 QUARTERLY PROGRESS REPORT ON THE PLAN FOR THE FUTURE

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Cary Green Director Governance and Strategic
<b>AUTHORISING OFFICER AND POSITION</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	17 October 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

#### **Summary**

To provide Council with a quarterly progress report on the Plan for the Future (2021 – 2031), including a summary of current Strategic Projects as at 17 October 2022.

#### **Background**

The Plan for the Future (2021 – 2031) was adopted by the Shire on the 26 May 2021 and was developed after extensive community engagement with the community's aspirations and needs at its heart. The Plan for the Future, combines both the Shire's Strategic Community Plan and Corporate Business Plan into one simple, easily understood document that is scale appropriate for the Shire of Ngaanyatjaraku. It will help shape the services that the Shire of Ngaanyatjaraku will deliver over the next ten years.

The Plan for the Future is underpinned by a 10-year Long-Term Financial Plan, a 20-year Asset Management Plan and a Workforce Plan which will set out the resources required to deliver the CBP.

#### **Comment**

This report provides a quarterly progress update on the strategic goals listed in the plan, to ensure Council and the community are kept abreast of the achievements of the plan. The Shire will conduct a major review of the plan every four years with a desktop review every two years

The Shire is currently progressing the following Strategic Projects, to deliver on the strategic outcomes detailed in the Plan.

- Sport and Recreation Plan
- Fleet Management

#### **Sport and Recreation Plan – Progress to Date**

- Sport and Recreation Plan completed
- S&R Plan tabled at the Land Service Review committee meeting.
- Department of Local Government, Sport and Cultural (DLGSC) annual \$50,000 funding continuing to assist fund the S&R School Holiday Program in Warburton.
- Ongoing discussions with key stakeholders to source funding for the S&R Plan.
- Meeting with DSR & DLGSC 17 October 2022, where Shire requested to prioritise implementation.

#### **Fleet Management – Progress to date**

- Fleet Replacement Program (FRP) reviewed
- FRP linked with the Long Term Financial Plan
- GTN Services continue to provide quality servicing for our fleet.

- Annual replacement program.
- Scheduled ongoing maintenance program
- Regular review of the FRP, in line with budget priorities

### **Current Projects**

<b>No.</b>	<b>Project</b>	<b>Action</b>
1	Disaster Recovery Plan	Completed
2	Business Continuity Plan	Completed
3	CEO Procedures	Final Draft completed, being reviewed by GMO.
5	Housing Strategy	Ongoing
6	GVROC Regional Climate Alliance Program	Ongoing
7	Upgrade of the Community Drop-in Facility	Completed.

### **Statutory Environment**

S5.56 (1) of the Local Government Act 1995.

Council's minimum obligations relating to planning for the future (IPR).

### **Financial Implications**

The Plan for the Future is an informing document that links the Shires Strategic objectives with the operational functions. This plan provides a valuable management tool to allow the Shire to focus on financial sustainability and informs the Long-Term Financial Plan and the Annual Budgets.

### **Strategic Implications**

Plan for the Future, 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjaraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is low, however, continuing to monitor the progress of the projects will further reduce the risk.

### **Policy Implications**

Not Applicable.

### **Attachments**

Attachment 12.1 - Plan for the Future (Strategic Community Plan / Corporate Business Plan) progress comments

### **Voting Requirement**

Simple Majority

#### **Officers Recommendation and Council Resolution**

**Moved: Cr L West**

**Seconded: Cr P Thomas**

**That council notes the quarterly progress report on the Plan for the Future (2021 – 20131), including a summary of current Strategic Projects as at 17 October 2022.**

**Carried: 6/0**

## **13. DIRECTOR INFRASTRUCTURE SERVICES REPORTS**

### **13.1 ACTION REPORT – DIRECTOR**

**FILE REFERENCE:** RD.00

**AUTHOR'S NAME AND POSITION:** Les Morgan  
Director

**AUTHORISING OFFICER AND POSITION:** Les Morgan  
Director Infrastructure

**DATE REPORT WRITTEN:** 18 October 2022

**DISCLOSURE OF INTERESTS:** The author and the authorising officer have no direct financial interests, indirect financial interests, proximity and 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**

Plan for the Future 2021 - 2031

Goal 2, Our Land

Outcome 5, Travelling our Land

Strategy: 5.1, Effective management and planning of road infrastructure

#### **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 13.1 – Action Report, Infrastructure Services

#### **Voting Requirement**

Simple Majority Required.

#### **Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr J Porter**

**That Council receives the Action Report, Infrastructure Services, August and September 2022.**

**Carried: 6/0**

## 13.2 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

**FILE REFERENCE:** EM.00

**AUTHOR'S NAME AND POSITION:** Gordon Houston  
EHO & Building Officer

**AUTHORISING OFFICER AND POSITION:** Les Morgan  
Director Infrastructure

**DATE REPORT WRITTEN:** 18 October 2022

**DISCLOSURE OF INTERESTS:** The author and the authorising officer have no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

### **Summary**

To inform Council of Environmental Health & 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**

Plan for the Future 2021 - 2031

Goal 1, Our People

Outcome 2, Healthy People

Strategy: 2.2, Ensure appropriate regulatory health and waste services provision with funding

### **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 13.3 – Action Report, EHO / Building Services

### **Voting Requirement**

Simple Majority Required.

### **Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr A Jones**

**That Council receives the Action Report, EHO / Building Services for August and September 2022.**

**Carried: 6/0**

**14. NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION**

**15. CONFIDENTIAL MATTERS**

**15.1 SALARIES AND ALLOWANCES TRIBUNAL DETERMINATION**

**FILE REFERENCE:** PL.23

**AUTHOR'S NAME AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 14 September 2022

**DISCLOSURE OF FINANCIAL INTEREST:** The author has a financial and impartiality interest in the proposal as he is the subject of the reports.

**Voting Requirement**  
Simple Majority Required.

<p><b>Officers Recommendation and Council Resolution</b></p> <p><b>Moved: Cr D Frazer      Seconded: Cr L West</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"><li><b>1. Resolve that Report 15.1 is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):</b> <b>(a) a matter affecting an employee or employees;</b></li><li><b>2. Close the meeting to the public at 1.30 pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995.</b></li><li><b>3. Authorises the Chief Executive Officer to remain in the meeting for report 15.1.</b></li></ol> <p style="text-align: right;"><b>Carried: 6/0</b></p>
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All members of the public gallery and staff left the meeting at 1.30 pm. (Note: Chief Executive Officer to take any minutes).

**Voting Requirement**  
Simple Majority.

<p><b>Officers Recommendation and Council Resolution</b></p> <p><b>Moved: Cr A Jones      Seconded: Cr J Porter</b></p> <p><b>That Council re-open the meeting to the public at 1.35 pm.</b></p> <p style="text-align: right;"><b>Carried: 6/0</b></p>
--

No Members of the public gallery and staff members re-entered the room at 1.35 pm.

The Presiding Member advised of Council's decision for the Confidential Agenda Item.

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr A Jones**

**That Council endorses the increase of 2.5% p.a. to the Chief Executives Officers TRP as outlined in the 2022 Salaries and Allowance Determination for Elected Members and Chief Executive Officers, effective 1 July 2022**

**Carried: 6/0**

**16 NEXT MEETING**

Scheduled for Wednesday, 30 November 2022 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

**17 CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 1.36 pm.