



**Shire of Ngaanyatjarra**  
ON A JOURNEY

**ORDINARY MEETING OF COUNCIL**

**MINUTES**

**31 May 2023**

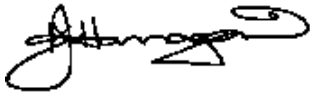
**at**

**1.07 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.

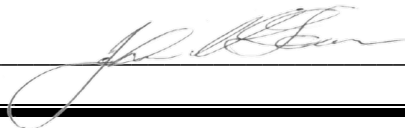


**Chief Executive Officer**

Date: 2-6-2023

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 31 May 2023.

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



Date: 28 6 /2023

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.07 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 (President phone approval given 24//5/23) D Frazer J Frazer (President phone approval given 24//5/23) J Porter A Jones
<b>Staff:</b>	CEO CFO AC OC FAC	K Hannagan (via video-conference) K Fisher (via video-conference) S Richardson S Latham G Handy
<b>Guests:</b>	HR Consultant	R Murphy (from 1.20pm via video-conference)
<b>Members of Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

D Mosel, GMO (Annual Leave)

**3.3 APPROVED LEAVE OF ABSENCE**

Cr L West

**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**

<b>Council Resolution</b>
<b>Moved: Cr A Jones                      Seconded: Cr P Thomas</b>
<b>That Council approves a leave of absence for Cr L West for the June &amp; July meetings.</b>
<b>Carried: 6/0</b>

## 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;
- (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 measured in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room

before discussion commences. The **only** exceptions are:

- 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act, or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
Nil		

**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

<p><b>Officer Recommendation and Council Resolution</b></p> <p><b>Moved: Cr D Frazer      Seconded: Cr J Porter</b></p> <p><b>That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 26 April 2023 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.</b></p> <p style="text-align: right;"><b>Carried: 6/0</b></p>
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**9.2 AUDIT AND RISK COMMITTEE**

**Voting Requirement**  
Simple Majority

**Officer Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr D Frazer**

**That Council:**

- 1. Notes the Unconfirmed Minutes (Tabled) of the Audit and Risk Committee Meeting held on Wednesday 31 May 2023 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:** 23 May 2023

**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**

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

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

Generally, all resolutions have been enacted. Some matters are of an on-going nature and will take several months to complete. Attached is a list of those items not yet completed.

#### **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'.

#### **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**

10.1 – Table of items not yet completed

**Voting Requirement**

Simple Majority

**Officer Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr D Frazer**

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

**Carried: 6/0**

## 10.2 INTEGRATED PLANNING AND REPORTING (IPR) FRAMEWORK

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHORISING OFFICER AND POSITION</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	19 May 2023
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

### Summary

For Council to consider adopting the reviewed Plan for the Future incorporating the following Integrated Planning and Reporting (IPR) Framework documents:

- a) Strategic Community Plan – 2 year desktop review
- b) Corporate Business Plan – annual review

### Background

The Local Government Act 1995 and the Local Government (Administration) Regulations 1996 require each Local Government to adopt a Strategic Community Plan and Corporate Business Plan as part of a 'Plan for the Future'.

The legislative requirements of the Plan for the Future are underpinned by the Department of Local Government, Sport and Cultural Industries' Advisory Standards and Guidelines, titled the Integrated Planning and Reporting (IPR) Framework.

### Comment

The Plan for the Future (2021-2031) was adopted by Council in May 2021, and in accordance with the above statutory requirements a review of that plan was to be submitted to the May 2023 Council Meeting. A revised Asset Management Plan & Long Term Financial Plan will also be submitted to either the July or August meeting.

### Plan for the Future (SCP/CBP)

The Plan for the Future is the integrated approach to combining the Strategic Community Plan and Corporate Business Plan into one document and is our principal strategy and planning document that links community aspirations with the Council's vision and long-term strategy.

The *Strategic Community Plan (SCP)* forms the basis of the IPR Framework and provides the foundation to develop other strategic documents, including the Corporate Business Plan, Workforce Plan, Asset Management Plan and Long-Term Financial Plan.

In accordance with statutory requirements, the SCP is reviewed and updated on a 4-year review cycle including community consultation, with a desktop review being undertaken every 2 years (2023).

The *Corporate Business Plan (CBP)* identifies projects, initiatives, and actions that the Shire will undertake over a four-year period to improve operations whilst delivering key services and facilities that support the community vision.

In accordance with statutory requirements, the CBP component of this Plan for the Future is reviewed and updated annually to assess the progress of projects and realign the Plan's actions and priorities based on current information and available funding.

### 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. The LTFP and AMP will provide the basis for items considered in future 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 Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is medium as the IPR Framework provides guidance to Council on how to manage its business. However, continuing to monitor and progress the outcomes of the plan will further reduce the risk.

### **Policy Implications**

Not Applicable.

### **Attachments**

10.2 - Plan for the Future (Strategic Community Plan / Community Business Plan)

### **Voting Requirement**

Absolute Majority

Cr D Frazer left the Chamber at 1.12pm

#### **Officer Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr J Porter**

#### **That Council:**

- 1. adopts the reviewed Plan for the Future (Strategic Community Plan / Community Business Plan) as per Attachment 10.2; and**
- 2. gives local public notice that the above plans have been adopted by the Council, and;**
- 3. publishes copies of the plans on the Shires website.**

**Carried: 5/0**

Cr D Frazer returned to the Chamber at 1.13pm

## 10.3 ELECTORAL BOUNDARY REVIEW

<b>FILE REFERENCE:</b>	GV.00
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	13 May 2023
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

### Summary

For Council to be advised of submissions made to the Electoral Distribution Commissioners regarding Electoral Boundary Changes in Regional Western Australia.

### Background

The letter attached from the Leader of the Opposition – Shane Love MLA to the Shire President regarding Electoral Boundary Changes in Regional Western Australia, highlights the concerns regarding the dilution of the regional representation within the State Parliament and the request for regional local governments to make submissions to the Electoral Distribution Commissioners to ensure that the current regional seats are retained in Parliament.

The main concerns are that these regional seats currently represent large areas with distinct issues, and they are underrepresented as it is in State Parliament. This results in a lot of problems that continually remain unaddressed in regional areas by State Government who have a primary focus on the metropolitan area as this is where the majority of votes and seats are held.

Some of the current issues impacting the Goldfields region that are not being focussed on by State Government will continue to get worse if redistribution reduces the current representation, include:

- Drought
- Biosecurity
- Housing
- Cost to regions for new E-Waste proposals
- Dept Communities (Child Protection being one of the concerns as this is being considered to be a Local Government responsibility)
- Regional and Remote Education
- Mining Impacts
- Tourism
- Bushfire Risk and Cost.

### Comment

The current electoral boundaries can be found at this link:

[Current Boundaries | Electoral Boundaries WA](#)

Details around the Electoral Boundary Review process and making a submission can be found at the following links:

[The Electoral Boundary Review | Electoral Boundaries WA](#)

[Making a Submission | Electoral Boundaries WA](#)

### Opportunities to make a submission

There are three opportunities during the review where the Electoral Distribution Commissioners will invite the public to contribute. A submission can be made at any time during the three phases. See the [2023 Distribution Timeline](#) for all key dates.

1. Suggestions are invited (from 1 April 2023, closing 1 May, 2023 at 5.00 pm.)

Suggestions can be about where you think a district boundary should be, or what the districts should be called. You can focus on your current district or on any electorate about which you are familiar.

2. Comments on suggestions are invited (after the close of suggestions, 1 May, 2023 at 5.00 pm until 15 May 2023 at 5.00 pm)

Once all suggestions have been submitted, they will be published online. You then have 14 days to submit a comment in response, or to contribute, to any suggestions. You do not have to have previously made a suggestion to be eligible to comment.

3. Objections to the proposed boundaries are invited once the proposed boundaries have been published (on a date to be confirmed between 10 July and 28 July 2023), for the next 30 days)

Once the proposed boundaries have been published, you have 30 days to submit an objection about the proposals if you choose. You do not have to have previously made a submission to be eligible to make an objection or comment.

Due to short time-lines the Shire CEO submitted (Attachment 10.3(b)) by the deadline at Item 1 above, supporting the retention of the current 16 regional seats.

Again, due to short time-lines the Shire President has made a submission (Attachment 10.3(c)) in relation to Item 2, supporting a suggestion that the Shire be moved to the Kalgoorlie District as it has more commonality of interest with Kalgoorlie than Carnarvon.

### **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.”*

### **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**

Attachment 10.3 (a) – Letter from Shane Love MLA, Leader of the Opposition and Leader of the Nationals WA

Attachment 10.3 (b) – Submission to the Electoral Commission, Item 1  
Attachment 10.3 (c) - Submission to the Electoral Commission, Item 2

**Voting Requirement**  
Simple Majority

**Officer Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr D Frazer**

**That Council endorses the submissions by the Shire President and Chief Executive Officer to the Electoral Distribution Commissioners regarding consultation Items 1&2 in this report, regarding Electoral Boundary Changes in Regional Western Australia.**

**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:** 18 May 2023

**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 of the Minister for Local Government's response to the Councils October resolution regarding WA Local Government reforms: Election Transition Arrangements (changes to council size) as per new legislation enacted.

### Background

In October 2022 Council resolved as follows:

#### 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**

### Comment

A response has now been received from the Minister for Local Government advising his intention to advise the Governor to reduce the number of offices of Councillor for the Shire to five. Consequently, he also intends to advise the Governor to declare all of the Shire council's offices as vacant, so that the Shire's electors may then elect all members of the Shire's council at the October General Election. A copy of the letter is at Attachment 10.4.

### 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 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**

Attachment 10.4 – Letter from Minister for Local Government

**Voting Requirement**

Simple Majority

**Officer Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr D Frazer**

**That Council notes the response from the Minister for Local Government.**

**Carried: 6/0**



## **11. GENERAL MANAGER OPERATIONS**

### **11.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES**

**FILE REFERENCE:** EM.00

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

**AUTHORISING OFFICER AND POSITION:** David Mosel  
General Manager Operations

**DATE REPORT WRITTEN:** 17 May 2023

**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 11.1 – Action Report, EHO / Building Services

#### **Voting Requirement**

Simple Majority Required.

#### **Officer Recommendation and Council Resolution**

**Moved: Cr J Frazer**

**Seconded: Cr J Porter**

**That Council receives the Action Report, EHO / Building Services for April / May 2023.**

**Carried: 6/0**

## 11.2 ACTION REPORT – OPERATIONAL SERVICES

**FILE REFERENCE:** CP.00, PE.00, RD.00 & WM.00

**AUTHOR'S NAME AND POSITION:** David Mosel  
General Manager Operations

**AUTHORISING OFFICER AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 18 May 2023

**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 Building Maintenance, Plant & Equipment, Waste and Road 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

Goal 2, Looking after our Land

Outcome 6, Living on our Land

Strategy 6.1, Maintain Shire owned buildings and facilities

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy 8.2, Provide a good place to work

### **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 11.2 – Action Report, General Manager Operations

**Voting Requirement**

Simple Majority Required.

**Officer Recommendation and Council Resolution**

**Moved: Cr J Porter**

**Seconded: Cr D Frazer**

**That Council receives the Action Report, Operational Services for April 2023.**

**Carried: 6/0**

## 12 CHIEF FINANCIAL OFFICER REPORTS

### 12.1 MONTHLY PAYMENTS LISTING

**FILE REFERENCE:** FM.07

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

**AUTHORISING OFFICER AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 16 May 2023

**DISCLOSURE OF INTERESTS:** 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**

12.1 – Payment Listing, April 2022

**Voting Requirement**

Simple Majority Required.

**Officer Recommendation and Council Resolution**

**Moved: Cr J Frazer      Seconded: Cr A Jones**

**That Council receives the Payment Listings for April 2023 totalling payments of \$879,579.68 as per Attachment 12.1.**

**Carried: 6/0**

## 12.2 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>	17 May 2023
<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.

### Background

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

### Comment

Preservation of capital is to be the principal objective with consideration given to liquidity, cashflow 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 funds have been deposited there. Westpac have now agreed to be more competitive and funds have also been invested with them. Westpac's 31 day Notice account interest rate has also improved and with the Shires Muni Operating a/c remaining stable. These funds are mainly from the Commonwealth's FAG's 2022/23 and Roads grants paid in advance along with shire reserve accounts.

Attached is a copy of the Shires Westpac bank statements, unfortunately the CFO has been called away on compassionate leave and the Investment Register recording the details of these longer-term investments is not available this month.

### 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**

12.2 – Westpac Bank Statements.

**Voting Requirement**

Simple Majority Required.

The Chief Financial Officer also gave Council a verbal update on Term Investments with Westpac and Commonwealth Banks.

**Officer Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr A Jones**

**That the report on Westpac Bank Accounts as at 25 May 2023 as per Attachment 12.2 be received.**

**Carried: 6/0**



## 12.3 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>	17 May 2023
<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 the monthly financial report.

### 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

Comments in relation to budget to actual variances are included as notes (last page) in the Financial Report attached. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred.

'Permanent' variances to note as at end of the month are:

- Operating Grants under budget to be received in May
- Building Fees over budget due to OzMinerals building applications for their mine construction, noting that some is payable to the Building Commission
- Interest earnings are lower due to maturity of investments later than budgeted
- Employee Costs under budget due to staff vacancies and budget reprofiling being required
- Materials Costs under budget due to budget reprofiling being required
- Utility charges lower as meters estimated, not read yet.
- Insurance expenses slightly higher than budgeted budget due to budget reprofiling being required.
- Other expenditure under budget due to budget reprofiling being required.

### 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**

12.3 - Monthly Financial Report, April 2022

**Voting Requirement**

Simple Majority Required.

**Officer Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr J Porter**

**That Council receives the monthly financial report for April 2023.**

**Carried: 6/0**

### **13. DIRECTOR GOVERNANCE & STRATEGIC REPORTS**

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

### **15. CONFIDENTIAL MATTERS**

#### **15.1 STAFF MATTER, CEO RECRUITMENT**

**FILE REFERENCE:** PL.23

**AUTHORISING OFFICER AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 17 May 2023

**DISCLOSURE OF INTERESTS:** The authorising officer has no financial, proximity or impartiality interests in the proposal.

#### **Attachments**

Attachment provided under separate cover – Confidential Report 15.1

#### **15.2 CURRENT CEO ANNUAL PERFORMANCE REVIEW**

**FILE REFERENCE:** PL.23

**AUTHORISING OFFICER AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 16 May 2023

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

#### **Attachments**

Attachments provided under separate cover – Confidential Report 15.2

#### **Voting Requirement**

Simple Majority Required.

#### **Officer Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr J Porter**

#### **That Council:**

- 1. Resolve that Reports 15.1 and 15.2 are confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):  
(a) a matter affecting an employee or employees;**
- 2. Close the meeting to the public pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995.**
- 3. Authorises the Chief Executive Officer and Human Resources Consultant to remain in the meeting for reports 15.1 & 15.2.**

**Carried: 6/0**

All members of the public gallery and staff left the meeting at 1.29pm. (Note: Chief Executive Officer and Human Resources Consultant to remain and answer any questions and take minutes.)

**Voting Requirement**

Simple Majority.

**Officer Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr J Porter**

**That Council re-open the meeting to the public.**

**Carried: 6/0**

No Members of the public gallery and staff members re-entered the meeting at 1.34 pm.

The Presiding Member advised of Council’s decision for the Confidential Agenda Items.

**15.1      STAFF MATTER, CEO RECRUITMENT**

**Officer Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr D Frazer**

**That Council:**

- 1. approves\* the making of an offer of employment to Mr David Mosel in the position of CEO of the Shire;**
- 2. approves\* the proposed terms of the contract of employment to be entered into by the Shire and Mr Mosel, as per Confidential Attachment 15.1(b);**
- 3. authorise the President to approve the following matters in accordance with the proposed contract of employment:**
  - a) 5.3.4 Professional development;**
  - b) 7 Expenses – 1 (b) Reimbursement;**
  - c) 7 Expenses – 2 Travel Allowance;**
  - d) 7 Expenses – 3 (b) Corporate Credit Card;**
  - e) 8.1 Approval for leave**
  - f) 8.7 Study leave**
  - g) Fortnightly, daily attendance sheet;**
- 4. if the offer of employment is accepted by Mr Mosel, authorise the common seal of the Shire to be affixed to the proposed contract of employment (in the presence of the President and the Chief Executive Officer);**
- 5. In accordance with the Local Government (Administration) Regulations 1996, 18FB:**
  - (a) certifies that the person was employed in accordance with the local government’s adopted standards in relation to the recruitment of CEOs; and**
  - (b) gives a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.**

**\* absolute majority required.**

**Carried: 6/0**

## 15.2 CURRENT CEO ANNUAL PERFORMANCE REVIEW

### Officer Recommendation and Council Resolution

**Moved: Cr A Jones      Seconded: Cr D Frazer**

#### **That Council:**

- 1. Endorses by absolute majority the Chief Executive Officers annual performance review against the criteria as per Attachment 15.2;**
- 2. Rates the Chief Executive Officers overall performance as 'exceeds expectations';**
- 3. Approves an increase from 1 July 2023 to the CEO's remuneration band of 3.5% and Isolation Allowance of \$10,000 p.a. as per the 2023 Determination of the Salaries and Allowances Tribunal;**
- 4. Requests the Shire President to inform the CEO in writing of the results of the review;**
- 5. Requests the Chief Executive Officer to develop the next annual review criteria in accordance with the recently adopted Plan for the Future 2021-2031, Corporate Business Plan Actions, the CEO's Position Description and report back to Council with a draft for consideration.**

**Carried: 6/0**

## 16 NEXT MEETING

Scheduled for Wednesday, 28 June 2023 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 1.35pm.