



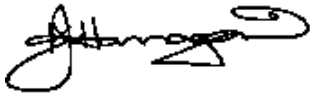
**Shire of Ngaanyatjaraku**  
ON A JOURNEY

**ORDINARY MEETING OF COUNCIL**  
**MINUTES**

**28 April 2021**  
**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: 28-4-2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 28 April 2021.

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



Date: 26 / 5 / 2021

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.00pm.

**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 Councillor Councillor Councillor Councillor	D McLean (via telephone) A Jones J Porter D Frazer A Bates L West
<b>Staff:</b>	CEO DGC FAC	K Hannagan (via Zoom) C Green (via Zoom) G Handy
<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

**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**

**6. DECLARATION BY MEMBERS**

**6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

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

**6.2 DECLARATIONS OF INTEREST**

**Councillors to Note**

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

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

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

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

**NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)**

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor, or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under *s.5.68(1)(b)(ii) or the Local Government Act*, or
  - 6.2 Where the Minister allows the Councillor to participate under *s.5.69(3) of the Local Government Act*, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
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**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

**8. PETITIONS, DEPUTATIONS, PRESENTATIONS**

**8.1 PETITIONS**

**8.2 DEPUTATIONS**

**8.3 PRESENTATIONS**

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 MINUTES OF ORDINARY MEETING OF COUNCIL**

**Voting Requirement**  
Simple Majority

**Officers Recommendation and Council Resolution**

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

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 31 March 2021 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**

## 10. CEO REPORTS

### 10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

<b>FILE REFERENCE:</b>	GV.05
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	7 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

#### Summary

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

#### Background

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

#### Comment

A resolution from the July 2020 meeting is still in progress, see Attachment 10.1 for details.

#### Statutory Environment

*Section 2.7 of the Local Government Act 1995* states:

*“Role of council*

*(1) The council —*

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

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

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

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

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

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

#### Financial Implications

There are no known financial implications for this matter.

#### Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

#### Risk Management

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

#### Policy Implications

There are no known policy implications for this matter.

**Attachments**

Attachment 10.1 - Council Resolutions - Status Report

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

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

**That Council notes the attached Council Resolutions – Status table as at March OCM 2021, (Attachment 10.1) and this report.**

**Carried: 6/0**



## 10.2 NG MEDIA REQUEST TO RENT OFFICE SPACE

<b>FILE REFERENCE:</b>	FM.09
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	11 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

### Summary

For Council to consider a Community Resource Centre office rental proposal from NG Media.

### Background

In other communities within the Ngaanyatjaraku lands, office space for the purpose of running an NG Media Remote Broadcasting Station (RIBS) is gifted at no cost to NG Media. NG Media like many other organisations in the communities are a non-profit organisation.

The purpose of the community NG Media RIBS is to employ and train locals to broadcast on FM107.7.

### Comment

The Shire CEO has advised NG media that he is unable to gift an office space to NG Media as the Shire is also not a fully funded organisation and the rent from the office space is utilised to upgrade community facilities and roads etc and also a legislative requirement.

Only the Shire Council has the power to rent an office for less than the Adopted Fees and Charges set by Council.

It was suggested that a 50/50 agreement be offered to NG Media for the use of office space #11 in Warburton to run a RIBS.

The intent of the 50/50 agreement is for NG Media to pay half the weekly rental cost being \$202.00 p/w. 50% sponsorship given to NG Media on the proviso the Warburton RIBS provides segments on the radio, giving relevant updates on what the Shire is progressing to improve community services. This will improve both communication and services to the people in the community.

NG Media also agrees that the RIBS Warburton broadcaster will provide segments on the radio with local information supplied by either email or memorandum from the Shire.

Rental of office space by NG Media if approved by the Shire Council will take effect from Monday, 3 May 2021.

### 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**

As the Shire currently has several offices vacant, a rental at 50% would be positive for the Shires financial position.

### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### **Risk Management**

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

### **Policy Implications**

Not applicable

### **Attachments**

Not applicable

### **Voting Requirement**

Simple Majority

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

**Moved: Cr D Frazer**

**Seconded: Cr A Jones**

#### **That Council:**

- (1) authorises the Chief Executive Officer to negotiate a 50% reduction in adopted Fees and Charges for Community Resource Office #11 rental; and**
- (2) requests NG Media acknowledge the Shire of Ngaanyatjarraku as an official corporate sponsor of the RIBS project in Warburton as outlined in this report.**

**Carried: 6/0**

## 10.3 AMENDMENTS TO LOCAL GOVERNMENT ACT AND REGULATIONS – CEO STANDARDS

<b>FILE REFERENCE:</b>	PL.00
<b>AUTHORISING OFFICER AND POSITION</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	10 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	The CEO is affected by the CEO Standards but given they became Council Standards by virtue of legislation, with no requirement for Council consent, there is no interest to declare in relation to this Report.

### Summary

For Council to consider changes to Council Policy 3.2, Acting CEO as a result of the implementation of the CEO Standards.

### Background

At Councils March meeting Item 2 regarding Council Policy 3.2 was withdrawn on advice from the CEO that advice from Shire lawyers be sought due to the complexity of the new standards.

### Comment

The Shire's lawyers McLeods Legal have now reviewed the proposed changes and made further amendments to ensure the policy aligns with the new CEO Standards.

The new amended policy will require a delegation to the CEO to enable him to appoint an acting CEO for a term up to three months to cover leave etc. This amendment to the Shires Delegation Register will be the subject of a separate report.

### Statutory Environment

*Section 2.7 of the Local Government Act 1995 states:*

*"Role of council*

*(15) The council —*

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

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

*(16) 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

Not applicable.

### Strategic Implications

Integrated Strategic Plan 2018 – 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### Risk Management

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

### Policy Implications

Council Policy 3.2, Appointment of Acting CEO.

**Attachments**

Attachment 10.3 – amended Council Policy 3.2, Acting CEO

**Voting Requirement**

Absolute Majority

**Officers Recommendation and Council Resolution**

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

**That Council amends Council Policy 3.2, Appointment of Acting CEO as per Attachment 10.3.**

**Carried: 6/0**

## 10.4 REVIEW OF DELEGATIONS REGISTER

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	16 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has an impartiality interest in the proposal as the position of CEO is to be delegated additional powers.

### Summary

For Council to consider a review of its Powers of Delegation to the Chief Executive Officer.

### Background

The Shire's Delegation Register last review was in June 2020 and must be reviewed at least annually. As a consequence of changes related to 2020 amendments to the local government act and supporting regulations, new delegations are required. As such a review of the register has been undertaken at the same time. The new delegations have been provided by the Shires solicitors McLeods Legal.

### Comment

The following is a summary of changes to the Delegations Register:

- In relation to Delegation Item 1.1.19 (cl. 11(3) of Model Code of Conduct) it is noted that the person(s) authorised to receive complaints and withdrawals of complaints under clause 11(3) is only for the purposes of complaints about behaviour under Division 3 of the Model Code of Conduct. This is distinct from the complaints officer who may be designated by the CEO under section 5.120 of the Act; and
- In relation to Delegation Item 1.1.20 (appointment of Acting CEO) has been cross referenced to Policy 3.2 in the Conditions of Delegation so that the exercise of delegated authority must comply with the Policy and the CEO can only appoint an Acting CEO in accordance with the parameters set out in the Policy (a period not exceeding 3 months while the CEO is on leave with payment of a Higher Duties Allowance as defined in the Policy).

### Statutory Environment

*The Local Government Act 1995*

*Section 5.42, Delegation of some powers and duties to CEO*

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

*(a) this Act other than those referred to in section 5.43; or*

*(b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

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

*Section 5.46. Register of, and records relevant to, delegations to CEO and employees*

(1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*

(2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

(3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

### Financial Implications

There are no known financial implications.

### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### **Risk Management**

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

### **Policy Implications**

Council Policy 3.2, Appointment of Acting CEO (see Report 10.3)

Code of Conduct, Council Members, Committee Members, and Candidates

### **Attachments**

10.4 (a) - 1.1.19, Authorise persons to receive complaints and withdrawals of complaints

10.4 (b) - 1.1.20, Appointment of Acting CEO

### **Voting Requirement**

Absolute Majority Required.

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

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

**That Council amends its' Register of Delegations (28 April 2021) as per Attachments 10.4 (a) & (b).**

**Carried: 6/0**

# 11 DEPUTY CEO / DIRECTOR CORPORATE REPORTS

## 11.1 PAYMENTS LISTING, MARCH 2021

<b>FILE REFERENCE:</b>	FM.07
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy CEO / Director Corporate
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	23 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### Summary

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

### Background

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

### Comment

The payments made are consistent with previous months.

### Statutory Environment

*Local Government (Financial Management) Regulations 1996*

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

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared—*
  - (a) *the payee's name; and*
  - (b) *the amount of the payment; and*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing—*
  - (a) *for each account which requires council authorisation in that month—*
    - (i) *the payee's name; and*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction;*  
*and*
    - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be—*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

### Financial Implications

The Shire makes annual budget allocations for payment of accounts.

**Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter

**Attachments**

Attachment 11.1 – Payment Listings

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council receives the Payment Listing, March 2021 totaling payments of \$709,493.16 as per Attachment 11.1.**

**Carried: 6/0**



## 11.2 COUNCIL INVESTMENTS

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy CEO / Director Corporate
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	23 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

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

### Background

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

### Comment

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

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

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

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

The recent reduction of RBA interest rate to 0.10% has greatly reduced term deposit interest to 0.30% for a 12 month term. As such the Shire will not achieve its budgeted interest income for 2020/21 FYE.

### 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**

The Shires budgeted 2020/21 Interest Income will need to be reduced as part of the Mid-Year Budget Review process.

#### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

#### **Risk Management**

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

#### **Policy Implications**

Corporate Policy Finance 2.12 Investment.

#### **Attachments**

Attachment 11.2 – Westpac screen prints of Municipal and Investment Accounts. (No monies are currently being held with any other institutions.)

#### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr A Bates**

**Seconded: Cr A Jones**

**That the report on Council Investments as 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 Deputy CEO / Director Corporate
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	17 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to receive the monthly financial report for March 2021.

### Background

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

Council has resolved that details and explanations of the material variances reflected on the Statement of Financial Activity are provided as required by Local Government (Financial Management) Regulation 34(1) (d). The attached statements include details of variances between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold of \$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 Reports attached. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred. 'Permanent' variances to note are:

- Housing rental income is higher due to better-than-expected rentals
- Recreation income higher as WA Police grant received for the Strong Wati program
- Proceeds from sale of assets is higher as Sale of the Works cruiser received a much higher auction price.

### 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**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### **Risk Management**

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

### **Policy Implications**

No policy implications apply in the preparation of the report.

### **Attachments**

Attachment 11.3 - Monthly Financial Report.

### **Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council receives the monthly financial report for March 2021.**

**Carried: 6/0**

## 11.4 SUBMISSION ON CHILD SAFETY OFFICERS

<b>FILE REFERENCE:</b>	CS.13
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	24 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

### Summary

To thank Council for their contribution to WALGA's consultation on the Implementation of Child Safety Officer in Local Governments. And provide a copy of the final WALGA submission.

### Background

Council at its Ordinary Council Meeting on 31 March 2021 directed the CEO to submit the Shire of Ngaanyatjarraku response to the Department of Communities to be included in the WALGA final submission.

### Comment

A summarised version of the main recommendations is provided:

1. Develop a clear framework for the implementation of Recommendation 6.12 and in that framework approach child safety as a function (similar to disability access and inclusion) focused on education and facilitation within a LG, rather than an officer.
2. The scope of the Child Safety Officer function be clearly articulated, including minimum requirements and reporting requirements, and ensure that it does not cross over into of child protection work.
3. The State Government should provide capacity building support to Local Governments, through the provision of resources.
4. The State's independent oversight body is resourced to provide expert officers within each region to provide support and guidance to Local Government on child safety.
5. It will be necessary for the State or Commonwealth to provide funding for the delivery of the child safety function within smaller, less well resourced (Band 3 and Band 4) Local Governments, and consideration should be given to an alternative model for delivery of the child safety function in regional and remote areas.
6. It is recommended that State Government and Local Government form a Working Group to guide further consultation and policy development on child safety.

### 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**

The Shire has identified in its Long Term Financial Plan insufficient funds to increase service levels without adequate resourcing from State and Federal funding bodies.

### **Strategic Implications**

Integrated Strategic Plan 2018 – 2028

#### Goal 2, Looking after our people

Outcome 2.2 Healthy People

#### Goal 3, Leadership

Outcome 3.2, Good Leadership

Strategy, 3.1.2 Financially sustainable local government

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is high without the appropriate level of funding to support adequate resourcing for a dedicated Child Support Officer.

### **Policy Implications**

Not Applicable.

### **Attachments**

Attachment 11.4 - FINAL submission paper regarding implementation of Child Safety Officers in Local Government

### **Voting Requirement**

Simple Majority

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

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

**That Council receive the WALGA final submission paper as per Attachment 11.4.**

**Carried: 6/0**

## 12. DIRECTOR GOVERNANCE & STRATEGIC REPORTS

### 12.1 INTEGRATED STRATEGIC PLAN – QUARTERLY PROGRESS REPORT

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Cary Green Director Governance and Corporate
<b>AUTHORISING OFFICER AND POSITION</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	14 April 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

#### **Summary**

To provide Council with a Quarterly progress report on the Integrated Strategic Plan (2018-2028).

#### **Background**

This Integrated Strategic Plan (2018-2028) was formally adopted by the Shire on the 28<sup>TH</sup> November 2018 and was developed after extensive community engagement with our community's aspirations and needs at its heart. This new, integrated strategic plan, 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 Ngaanyatjarraku. It will help shape the services that the Shire of Ngaanyatjarraku will deliver over the next ten years.

The ISP is underpinned by a 10-year Long-Term Financial Plan, a 20-year Asset Management Plan and a 4-year 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.

Shire officers in partnership with Moore Australia are finalising the process to start the major review process in 2021. This will involve a review of all the ISP suite of plans.

Attached are details of progress on each Action Item in the plan.

#### **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 Integrated Strategic Plan 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 Shire has budgeted for the major review process in its Annual Budget 2020/21.

#### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership



**Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is medium as the ISP has been adopted. However, continuing to monitor and progress the outcomes of the plan will further reduce the risk.

**Policy Implications**

Not Applicable.

**Attachments**

Attachment 12.1 - Integrated Strategic Plan, Quarterly Progress Report

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

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

**That Council notes the Integrated Strategic Plan, Quarterly Progress Report as at April 2021.**

**Carried: 6/0**

- 13. DIRECTOR INFRASTRUCTURE SERVICES REPORT**
- 14. NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION**
- 15. CONFIDENTIAL MATTERS**
- 15.1 AMENDMENTS TO LOCAL GOVERNMENT ACT AND REGULATIONS – CEO STANDARDS**

**FILE REFERENCE:** PL.07

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

**DATE REPORT WRITTEN:** 10 February 2021

**DISCLOSURE OF INTERESTS:** The CEO is affected by the CEO Standards but given they became Council Standards by virtue of legislation, with no requirement for Council consent, there is no interest to declare in relation to this Report. However, the Recommendation does include amendments to the CEO’s Employment Agreement resulting from the Standards as recommended by the Shire’s Lawyers.

**Voting Requirement**  
Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council:**

- 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):**
  - (a) a matter affecting an employee or employees;**
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**
- 2. Close the meeting to the public at 1.15pm pursuant to sub section 5.23 (2)(a) & (d) of the Local Government Act 1995.**
- 3 Authorises the Chief Executive Officer to remain in the meeting for this report.**

**Carried: 6/0**

All members of the public gallery and staff left the meeting at 1.15 pm. (Note: Chief Executive Officer and Director Governance & Corporate to remain and take any minutes.)

**Voting Requirement**

Simple Majority.

**Officers Recommendation and Council Resolution**

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

**That Council re-open the meeting to the public at 1.19pm.**

**Carried: 6/0**

Members of the public gallery and staff members re-entered the room at 1.19pm.

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

**Officers Recommendation and Council Resolution**

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

**That Council amends the CEO Employment Contract to replace subclauses (1) and (3) of clause 4.2 with the following –**

**(1)      The Council, in consultation with You, is to determine, in respect of each review under clause 4.1, who the Reviewer is to be.**

...

**(3)      For the avoidance of doubt, if the Council and You are unable to agree on who the Reviewer is to be, the Council is to make the relevant determination'.**

**Carried: 6/0**

**16.      NEXT MEETING**

Scheduled for Wednesday, 26 May 2021 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 1.20pm.