



Shire of Ngaanyatjaraku

ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

25 October 2023

at

1.00pm

SHIRE OF NGAANYATJARRAKU

ORDINARY MEETING OF COUNCIL

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

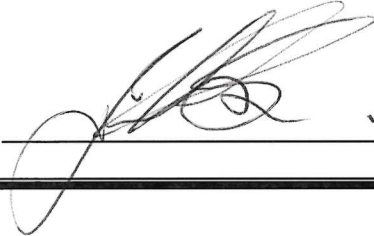
Chief Executive Officer



Date: 25 / 10 / 2023

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 25 October 2023.

Presiding Member:



Date: 29 / 11 / 2023

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0 SWEARING IN OF COUNCILLORS ELECT

In accordance with section 2.29 of the Local Government Act 1995, Councillors Elect will be sworn in by making the Declaration by an Elected Members of Council Form (Attachment 0, Electoral Form 7) prior to the Opening of the Ordinary Meeting of Council.

Frazer, Debra undertook the declaration to be a Councillor for the Shire of Ngaanyatjarraku
Frazer, Joylene undertook the declaration to be a Councillor for the Shire of Ngaanyatjarraku
McLean, Damian undertook the declaration to be a Councillor for the Shire of Ngaanyatjarraku
Porter, Julie undertook the declaration to be a Councillor for the Shire of Ngaanyatjarraku

The following Councillors elect are yet to undertake the declaration:

- Cr Andrew Jones

1 DECLARATION OF OPENING AND ELECTION OF PRESIDENT / DEPUTY

1.1 DECLARATION OF OPENING

Being the first meeting of the Council following an election day, the Chief Executive Officer will assume the role of Presiding Person until such time as a Shire President is elected.

The Chief Executive Officer declared the meeting open at 1.04 pm.

1.2 ELECTION OF SHIRE PRESIDENT

The election of Shire President will be conducted in accordance with Schedule 2.3 of the Local Government Act 1995. The Chief Executive Officer will conduct this election as per clause 4(2) of Schedule 2.3.

In accordance with Section 2.28 (Item 11) of the Local Government Act 1995 the term of the Shire President ends when the President is next elected at or after the Local Government's next Ordinary Election. Therefore, it is necessary to elect the Shire President.

Nominations for the office were to be given to the CEO in writing before the meeting or during the meeting before the close of nominations. As there were no nominations received before the meeting the Chief Executive Officer called for nominations.

Cr Joylene Frazer nominated Cr Damian McLean as Shire President.

Cr Damian McLean advised the Chief Executive Officer that he was willing to be nominated for the office.

The Chief Executive Officer called for further nominations as nominations were about to close to allow for any nominations made to be dealt with. There were no further nominations received.

The Chief Executive Officer closed nominations and advised that as there were no further nominations Cr Damian McLean was elected unopposed as the Shire President.

After the election the Shire President made a declaration (Electoral Form 7) in accordance with Regulation 13(1)(c) of the Local Government (Constitutions) Regulations 1996.

The Shire President to take over the role of Presiding Person.

1.3 ELECTION OF DEPUTY SHIRE PRESIDENT

In accordance with Section 2.28 (Item 12) of the Local Government Act 1995, the term of the Deputy Shire President ends at the start of the first meeting of the Council after the Local Government's next

Ordinary Election. Therefore, it was necessary to elect the Deputy Shire President.

The Shire President conducted this election as per clause 8(2) of Schedule 2.3.

Cr Damian McLean nominated Cr Debra Frazer as Deputy Shire President.

Cr Debra Frazer advised the Shire President that she was willing to be nominated for the office.

The Shire President called for further nominations as nominations were about to close to allow for any nominations made to be dealt with. There were no further nominations received.

The Shire President closed nominations and advised that as there were no further nominations Cr Debra Frazer was elected unopposed as the Deputy Shire President.

After the election the Deputy Shire President made a declaration (Electoral Form 7) in accordance with Regulation 13(1)(c) of the Local Government (Constitution) Regulations 1996.

2 ANNOUNCEMENT OF VISITORS

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

3 ATTENDANCE

3.1 PRESENT

Elected Members:	President Deputy President Councillor Councillor	D McLean D Frazer J Frazer J Porter (President phone approval given 18/10/2023)
Staff:	CEO FM EA AC	D Mosel L Anand (via video conference) S Toska (via video conference) S Richardson
Guests:	Nil	
Members of the Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Nil

3.3 APPROVED LEAVE OF ABSENCE

Cr. Elect A Jones

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 DECLARATION 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 the matter.

These notes are included in each agenda 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 incapable 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 or officer 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 s5.68(1)(b)(ii) of the *Local Government Act 1995*; or
- 6.2 Where the Minister allows the Councillor to participate under s5.69(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 THE PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL

Voting Required

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 27 September 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.

Carried: 4/0

10 CEO REPORTS

10.1 APPOINTMENT OF COUNCILLORS AND STAFF TO COMMITTEES

FILE REFERENCE:	GV.00
AUTHORS NAME AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	16 October 2023
DISCLOSURE OF INTERESTS:	The author has no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

Following the Election on the 21 October 2023, Council must establish any Committees or Working Groups of Council that it considers are required and consider appointing delegates to those and also nominating delegates to any external committees or organisations as it deems appropriate.

Background

Being the first Ordinary Meeting of Council following the General Local Government Elections on the 21 October 2023, Council is required to give consideration to appointing Councillors and staff members to various committees on which it is represented.

Comment

Staff have reviewed the Committees, Working Groups and External Committees in an effort to ensure that they are up to date and the various groups are detailed in the recommendation.

In respect to Deputies, it is suggested that Council appoint the Councillors who are not members of the Committee as Deputies, so they are able to attend and participate in Committee meetings to ensure quorums.

Statutory Environment

Local Government Act 1995

Part 5, Subdivision 2, Sections 5.8 to 5.18

Local Government (Administration) Regulations 1996

Part 2 – Council and committee meetings

A local government may establish (by an absolute majority) committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Council. Council may also nominate Councillors (or staff) to represent it on external committees such as those established by the State Government (e.g., Land Conservation District Committees).

A Council Committee is to have as its members persons appointed (absolute majority) by the local government to be members of the committee. At any given time, each Councillor is entitled to be a member of at least one committee and if a Councillor nominates himself or herself to be a member of such a committee or committees, the local government is to include that Councillor in the persons appointed to at least one of those committees as the local government decides (section 5.10 Local Government Act 1995).

If at a meeting of the Council a local government is to make an appointment to a committee that has or will have a Councillor as a member and the President informs the local government of his or her wish to be a member of the committee, the local government is to appoint the President to be a member of the committee.

Where a person is appointed as a member of a committee the persons membership of the committee continues until:

- The person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
- The person resigns from membership of the committee;

- The committee is disbanded; or
- The next ordinary election day, whichever happens first.

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

Financial Implications

There are no financial implications relevant to this appointment process, but expenses will be incurred to facilitate attendance at some of the listed meetings (e.g. airfares / accommodation to attend GVROC Regional Council Meetings).

Secretariat services of the various Council Committees or Working Groups is detailed as being relevant to the relevant Directorate. That notwithstanding the Office of CEO will assist as required with minute taking and governance control processes as usual.

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

Council Policy – 1.12 Committees

Attachments

Not Applicable

Voting Requirement

Absolute Majority Required.

Officer Recommendation and Council Resolution

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

That with respect to the appointment of Councillors and Staff to Committees, Council:

- 1. Confirm that all previous appointments of Councillors and Staff to Shire of Ngaanyatjarraku Committees, and the Committees themselves, have expired.**
- 2. Establish the following Committees of Council and make the following appointments to those Committees:**
 - 1 Audit Committee**

Members:	All Councillors
Deputies:	N/A
Secretariat:	Chief Executive Officer or nominee
Membership:	All Councillors
Quorum:	3 Councillors
Purpose:	Under the Local Government Act 1995, Local Governments are required to appoint an Audit Committee
Meeting cycle:	At least once annually e.g., to recommend the adoption of the Annual Report or as required, other matters.

- 2 **Local Emergency Management Committee**
Members: Cr D McLean, Chief Executive Officer and Operations Coordinator
Deputies: All other Councillors
Secretariat: Chief Executive Officer or nominee
Membership: Shire of Ngaanyatjarraku – Local Recovery Coordinator
(other representation as per determination of the delegate Councillors and the Chief Executive Officer)
Quorum: Pursuant to Section 38(4) of the Emergency Management Act 2005
Purpose: Pursuant to Section 39 of the Emergency Management Act 2005
Meeting cycle: As required.

3 **Nominate or appoint (as applicable) the following appointments to External Groups:**

- a **Goldfields Voluntary Regional Organisation of Councils**
Delegates: Cr D McLean and Chief Executive Officer
Deputies: All other Councillors
Meeting cycle: As required.
- b **MRWA Regional Road Group**
Delegates: Cr D McLean
Deputies: All other Councillors
Meeting cycle: As required.
- c **MRWA Regional Road Group – Technical Working Group**
Delegates: Chief Executive Officer
Deputies: Works Manager
Meeting cycle: As required.
- d **MRWA Great Central Road Sealing Governance Group**
Delegates: Chief Executive Officer
Deputies: Works Manager
Meeting cycle: As required.
- e **Outback Highway Development Council**
Delegates: Chief Executive Officer
Deputies: Works Manager
Meeting cycle: As required.
- f **Northern Goldfields Working Group**
Delegates: Chief Executive Officer
Proxy:
Meeting cycle: As required.

Carried: 4/0

10.2 SCHEDULE OF ORDINARY MEETING OF COUNCIL FOR 2024

FILE REFERENCE:	GV.00
AUTHORS NAME AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	16 October 2023
DISCLOSURE OF INTERESTS:	The author has no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Summary

It is a statutory requirement for Council to adopt the schedule of meeting dates, times, and locations for all Ordinary Meetings of Council each year.

Background

This report sets out the proposed locations and commencement times of Council Meetings for the calendar year 2024. Council has generally set dates for Audit Committee meetings as required during the year.

Comment

In determining the dates, times, and locations for the Ordinary Meeting of Council for the upcoming year, consideration has been given to a number of factors including travel and other cultural events that may clash.

To have consistency with operational requirements for preparing Council agendas it is suggested that meetings be held on the last Wednesday of the month. It is also suggested that the January 2024 meeting not be held due to the Christmas break and the December 2023 meeting to also be scheduled for the third Wednesday (18 December 2024) as that year it can be accommodated as it is not too close to the Christmas period.

It is also proposed to close the Warburton Administration Building from 12 noon Friday 22nd December 2023 up to and including Monday 1st January 2024.

Statutory Environment

Local Government Act 1995

Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart.

Section 5.25(1)(g) indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.

Local Government (Administration) Regulations 1996

Regulation 12 specifies the date, time, and venue of Ordinary Council Meetings for the next 12 months must be advertised once a year.

Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of the advertisement and the associated Council meetings.

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 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 – Council OCM Dates 2024

Voting Requirement

Simple Majority required.

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council:

- 1 Adopts the Schedule of Ordinary Council Meeting dates, times, and locations for the period February 2024 to December 2024, as per attachment 10.2.**
- 2 Gives public notice of closure of the Warburton Administration Building from 12 noon Friday 22 December 2023 up to and including Monday 1 January 2024.**

Carried: 4/0

10.3 WARBURTON BUSH FIRE BRIGADE LOCAL LAW AMENDMENTS

FILE REFERENCE:	ES.00
AUTHORS NAME AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	16 October 2023
DISCLOSURE OF INTERESTS:	The author has no direct financial interests, indirect financial interests, proximity, and impartiality interests in the proposal.

Background

For Council to consider the appointments made to the Warburton Bush Fire Brigade.

Comment

At Council's February 2023 meeting the following resolution made:

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Porter

That Council:

- 1 Appoints the following:**
 - a) Daniel Birleson, A/District Officer Emergency Management, DFES as Chief Bushfire Control Officer: and**
 - b) Steve Austin, Warburton CDA, NCAC as Deputy Bushfire Control Officer**
 - c) Steve Latham, Building / Maintenance Officer, SoNG as Secretary, WBFB and removes Les Morgan as such.**
- 2 requests the President presiding at this meeting to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner as follows and attached.**
- 3 The local government is to –**
 - a) Give local public notice stating that –**
 - i. The local government proposes to make a local law the purpose and effect of which is summarised in the notice; and**
 - ii. A copy of the proposed local law may be inspected or obtained at any place specified in the notice; and**
 - iii. Submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and**
 - b) As soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and**
 - c) Provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.**

- 4 After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
- *Absolute majority required.
- 5 After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- 6 After the local law has been published in the Gazette the local government is to give local public notice –
- a stating the title of the local law; and
 - b summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.

Carried: 6/0

We have now received advice from DEFS that in appointing Daniel Birleson as the Chief Bushfire Control Officer (CBFCO), the Shire Council has not followed the correct procedure. As such DFES have requested:

- The motion appointing Daniel Birleson as the CBFCO is to be rescinded.
- A signed copy of the updated Memorandum of Understanding (dated 27 June 2023) is provided to the Superintendent of the Goldfields/Midlands regions, through the Area Officer North East Goldfields to be progressed as per DEFS policy.
- A letter addressed to the FES Commissioner requesting the appointment of a CBFCO in line with section 38A(1) of the Bush Fires Act 1954.

The Council are requested to rescind resolution 10.2(1)(a) and formally request the Fire and Emergency Services Commissioner appoint a person employed by DFES as the CBFCO for the Shire of Ngaanyatjaraku.

Statutory Environment

Bush Fires Act 1954 – Section 38(1)

'A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it'

Bush Fire Regulations 1954

41 Bush fire brigades, local government to keep a register.

A local government shall keep a register of bush fire brigades established by it in the form of Form 12

Local Government Act 1995 – Section 3.12 (Procedure for making local laws)

1 In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 1, Our People

Outcome 2, Healthy People

Strategy 2.1, Advocate for adequate health and emergency

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 – Letter from DEFS

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council rescinds resolution 10.2(1)(a) made in February 2023 and formally requested the Fire and Emergency Services Commissioner appoint a person employed by DFES as the CBFCO for the Shire of Ngaanyatjarraku.

Carried: 4/0

10.4 REVIEW OF DELEGATIONS REGISTER

FILE REFERENCE:	CM.14
AUTHORS NAME AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	19 October 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 consider the review of its powers of delegation to the Chief Executive Officer.

Background

The Local Government Act 1995 requires Council to review its Register of Delegations at least annually. The Shire's Register was last reviewed in June 2022 and as such a review of the register has been undertaken, in accordance with statutory requirements.

Comment

The Register of Delegations was adopted by Council at its Ordinary Council Meeting on 29 June 2022. A review of the register has been conducted and is presented to Council for consideration.

The review considered changes to the organisational structure, alignment with best practice, and considered Council's recent amendments to Council Policy 3.2 – Appointment of an Acting CEO.

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 for this matter.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

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 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

Not applicable.

Attachments

10.4 – Register of Delegations

Voting Requirement

Absolute Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council adopts by absolute majority the reviewed Register of Delegations as attached.

Carried: 4/0

11 OPERATIONS COORDINATOR

11.1 ACTION REPORT – OPERATIONAL SERVICES

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

AUTHORS NAME AND POSITION: Stephen Latham
Operations Manager

AUTHORISING OFFICER AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 16 October 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, Road and Waste activities and actions for the preceding month.

Background

Not applicable.

Comment

See attachment 11.1.

Statutory Environment

Not applicable.

Financial Implications

There are 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 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

There are no known policy implications for this matter.

Attachments

11.1 – Action Report – Operational Services

Voting Requirement
Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council received the Action Report – Operational Services for September 2023 as per Attachment 11.1.

Carried: 4/0

11.2 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE:	EM.00
AUTHORS NAME AND POSITION:	Gordon Houston Environmental Health and Building Surveyor
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	16 October 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 and Building Services activities and actions for the preceding month.

Background

Not applicable.

Comment

See attachment 11.2.

Statutory Environment

Not applicable.

Financial Implications

There are 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

11.2 – Action Report – Environmental Health & Building Services

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council receives the Action Report – Environmental Health and Building Services for October 2023 as per attachment 11.2

Carried: 4/0

12 FINANCE MANAGER

12.1 MONTHLY PAYMENTS LISTING

FILE REFERENCE:	FM.07
AUTHORS NAME AND POSITION:	Lokesh Anand Finance Manager
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	16 October 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

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, as per attachment 12.1.

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, September 2023

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council receives the payment listing for September 2023 totalling payments of \$1,172,865.00 as per attachment 12.1

Carried: 4/0

12.2 COUNCIL INVESTMENTS

FILE REFERENCE:	FM.04
AUTHORS NAME AND POSITION:	Lokesh Anand Finance Manager
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	16 October 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

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, cash flow requirements and return on investments.

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 the Commonwealth Bank 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 Shire's Muni Operating account remaining stable. These funds are mainly from the Commonwealth's FAG's 2023-2024 and Roads Grants paid in advance along with Shire reserve accounts.

Attached is a copy of the Shire Investment Register recording 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

There are no known financial implications for this matter.

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 Ngaanyatjaraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Corporate Policy – Finance 2.12 - Investment.

Attachments

12.2 – Investment Register

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council receives the report on Council Investments as at 30 September 2023 per attachment 12.2

Carried: 4/0

12.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTHS ENDED SEPTEMBER 2023

FILE REFERENCE:	FM.10
AUTHORS NAME AND POSITION:	Lokesh Anand Finance Manager
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	16 October 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

For Council to receive the 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% 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 month are:

- Operating Grants under budget yet to be received.
- Building Fees over budget due to Oz Minerals 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.
- Materials Costs under budget consultancy, waste, WHS, office maintenance and road maintenance.
- Utility charges lower as meters estimated, not read yet.
- Other expenditure under budget as building levies yet to be remitted to CTF.

Statutory Environment

Local Government Act 1995, Section 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 details –
 - (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 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

12.3 – Monthly Financial Report, September 2023

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council receives the monthly financial report for September 2023 per attachment 12.3

Carried: 4/0

13 NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION

13.1 DEPARTMENT OF EDUCATION REQUEST TO RENT STAFF ACCOMMODATION

FILE REFERENCE:	FM.09
AUTHORS NAME AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	23 October 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.

Background

The Department of Education is seeking Council's support in providing short-term accommodation relief for Security Officers to patrol the Warburton School between now and the commencement of the Christmas School Holidays. The period will be for approximately 8 weeks.

Comment

Lot 158 and 367 have been vacant since early 2023 due to the resignation of the Sport and Recreation Coordinator and Officers, and the Shire has been unsuccessful in recruiting anyone to the position. The unit was used for a while for an additional Sport and Recreation Officer over the school holiday period.

The Shire's current Fees and Charges list the weekly rent at \$491.50 per unit. Only the Shire Council has the power to rent staff housing for less than the Adopted Fees and Charges.

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

As the unit is currently vacant and the Shire does not currently have any potential renters it is positive to have the unit occupied to deter future break-in damage.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 1, Our People: Looking after our people.

Outcome 3, Informed People

Strategy 3.1, Support educational opportunities and advocate for appropriate education services.

Action 3.1.2, Support youth engagement and services initiatives

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

Nil

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council authorises the Chief Executive Officer to waive the adopted Fees and Charges rental for staff house Lot 158, Warburton Community.

Carried: 4/0

14 CONFIDENTIAL MATTERS

15 NEXT MEETING

Scheduled for Wednesday, 29 November 2023 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1.00pm.

16 CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 1.27 pm.