



Shire of **Ngaanyatjaraku**

ON A JOURNEY

ORDINARY MEETING OF COUNCIL

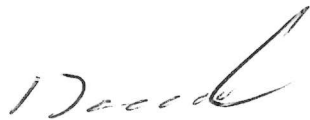
MINUTES

20 December 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.

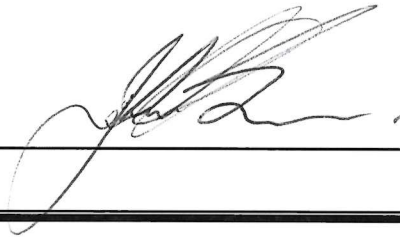


Chief Executive Officer

Date: 20 / 12 / 2023

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 20 December 2023.

Presiding Member: _____



Date: 28 / 02 / 2024

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1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.04 pm.

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
Staff:	CEO OM EA FAO AC	D Mosel S Latham S Toska (via video conference) F Butler (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

3.4 ABSENT WITHOUT LEAVE OF APPROVAL

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 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 INTEREST (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 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 no 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 *Section 5.68 (1) (b) (ii)* of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate under *Section 5.69 (3)* of the *Local Government Act 1995*, 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 D Frazer

Seconded: Cr J Porter

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 29 November 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

11 OPERATIONS MANAGER

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: 11 December 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 and 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 D Frazer

Seconded: Cr J Frazer

That Council receives the Action Report – Operational Services for November 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: 11 December 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 and equipment, road and waste 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 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

11.2 – Action Report – Environmental Health & Building Services

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

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

Carried: 4/0

12 FINANCE

12.1 MONTHLY PAYMENTS LISTING FOR NOVEMBER 2023

FILE REFERENCE: FM.07

AUTHORS NAME AND POSITION: Fiona Butler
Finance and Administration Officer

AUTHORISING OFFICER AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 11 December 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 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

12.1 – Payment Listing, November 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 November 2023 totalling payments of \$1,020,883.85 as per attachment 12.1

Carried: 4/0

12.2 COUNCIL INVESTMENTS FOR NOVEMBER 2023

FILE REFERENCE: FM.04

AUTHORS NAME AND POSITION: Fiona Butler
Finance and Administration Officer

AUTHORISING OFFICER AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 11 December 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 Ngaanyatjaraku surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

Comment

Preservation of capital is to be the principal objective with consideration given to liquidity, cash flow requirements and return on 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 received through a quotation process with the Westpac and Commonwealth Bank and as such funds have been deposited with the bank providing better interest rates. Westpac Business Premium Reserve Account has also been opened with the intention of keeping surplus operating funds in this bank account yielding higher interest income. Money is also held in Westpac's 31-day Notice account. 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 government's 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 November 2023 as per attachment 12.2

Carried: 4/0

12.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING NOVEMBER 2023

FILE REFERENCE: FM.10

AUTHORS NAME AND POSITION: Fiona Butler
Finance and Administration Officer

AUTHORISING OFFICER AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 11 December 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 two monthly financial reports for November 2023.

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, November 2023

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

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

Carried: 4/0

13 NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION

14 CONFIDENTIAL MATTERS

14.1 PROCUREMENT – CONSULTING SERVICES (ACCOUNTING AND GOVERNANCE SUPPORT)

FILE REFERENCE: CM.19, FM.00, GV.00

AUTHORS NAME AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 14 December 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.

Attachments

Attachment provided under separate cover – Confidential Report 14.1

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council

1. Resolves that Report 14.1 are confidential in accordance with s5.23(2) of the Local Government Act 1995.
2. Close the meeting to the public at 1.06 pm pursuant to subsection 5.23 (2)(a) of the Local Government Act 1995.
3. Authorises the Chief Executive Officer and Administration Coordinator to remain in the meeting for Report 14.1

Carried: 4/0

All members of the public gallery and staff left the meeting at 1.06 pm (Note: Chief Executive Officer to remain to answer any questions and Administration Coordinator to remain to take minutes).

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

That Council reopen the meeting to the public.

Carried: 4/0

Staff members Susan Toska and Stephen Latham re-entered the room at 1.12 pm.

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

14.1 Officer Recommendation and Council Resolution**Moved: Cr J Porter****Seconded: Cr D Frazer****That Council accepts the proposal submitted by Moore Australia dated December 2023.****Carried: 4/0****15 NEXT MEETING**

Scheduled for Wednesday, 28 February 2024 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 1.17 pm.