



Shire of **Ngaanyatjaraku**  
ON A JOURNEY

# MINUTES

**Ordinary Council Meeting  
30 October 2024**

**1:00pm**



# Shire of Ngaanyatjarraku

## Ordinary Council Meeting 30 October 2024


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



**David Mosel**  
**Chief Executive Officer**

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The minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on 30 October 2024.



**Damian McLean**  
**Shire President**  
**27 November 2024**

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**1. DECLARATION OF OPENING**

Meeting to be declared open by the Presiding Member at 1.01pm

**2. ANNOUNCEMENT OF VISITORS**

Welcoming and recording of visitors to the public gallery by the Presiding Member.

**3. RECORD OF ATTENDANCE**

**3.1 Present**

<b>Elected Members:</b>	President Deputy President Councillor Councillor	D McLean D Frazer J Frazer (via telephone) J Porter (via telephone)
<b>Staff:</b>	CEO MO EO	D Mosel S Latham (via video conference) T Baldock (via video conference)
<b>Guests:</b>	Judy Thompson – UHY Haines Norton WA Grants Commission: Mr Luke Stevens, Deputy Chairperson Mrs Taryn Cox, Manager Board Governance and Reporting) Dr Wendy Giles (Country Urban Member)	
<b>Members of the Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	

**3.1 Apologies**

Nil

**3.2 Approved Leave of Absence**

Nil

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**5. DECLARATION OF INTEREST**

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

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.

Declarations of Interest provided:

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

## 6. PUBLIC QUESTIONS

### 6.1 Response to Previous Public Questions Taken on Notice

Nil

### 6.2 Public Questions

Questions invited from the public gallery by the Presiding Member.

## 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

## 8. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

### 8.1 Petitions

No petitions have been received.

### 8.2 Presentations

No awards or gifts have been accepted by the Council on behalf of the Shire of Ngaanyatjarraku or the community.

### 8.3 Deputations

No requests to formally address the Council have been received.

## 9. CONFIRMATION OF MINUTES

### 9.1 Confirmation of Minutes from the Ordinary Meeting of Council Held on 25 September 2024

### Voting Requirement

Simple majority

**Officers Recommendation & Council Resolution**

**Moved: Cr J Porter**

**Seconded: Cr J Frazer**

That the minutes of the Ordinary Council Meeting held on 25 September 2024 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community be confirmed as a true and accurate record of that meeting.

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 10. CHIEF EXECUTIVE OFFICER REPORTS

### 10.1 Council Investments

<b>File Reference:</b>	FM.04
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

#### 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 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 considers the Shire's risk tolerance. Any additional target set by the Shire will also consider the risk limitation and prudent investment principles.

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*

##### *Regulation 19 – Investment of money, restrictions on (Act s. 6.14 (2)(a))*

- (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.*

##### *Regulation 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 Australia 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**

Shire of Ngaanyatjarraku 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 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 – Invest.

### **Attachments**

10.1 – Council Investment Register

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

**Moved: Cr D Frazer**

**Seconded: Cr J Porter**

That Council receive the Council Investment Register detailing investment activity for October 2024. (Attachment 10.1).

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 10.2 Payments by Employees Via Purchasing Cards 28 August to 29 September 2024

<b>File Reference:</b>	FM.02
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

### Summary

To provide Council with the list of payments made by authorised employees using transaction cards for the period 28 August 2024 to 29 September 2024.

### Background

On 1 September 2023, Regulation 13A of the *Local Government (Financial Management) Regulations 1996* was introduced requiring local governments to prepare a list of all payments made by an authorised employee using a credit, debit or other purchasing card.

Credit card payments were previously included in the accounts for payment listing presented to Council and are now provided as a separate attachment to distinguish these from the list of account payments made under delegated authority.

The listing of relevant cards has been prepared to highlight the information required by legislation:

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment;
- (d) sufficient information to identify the payment.

### Comment

Purchasing card payments for the period 28 August 2024 to 29 September 2024 of \$6,287.46 via credit card payments totalling \$6,287.46 are presented to Council to be received.

The attached schedule provides the information required by legislation. A detailed copy of the payments and statements with supporting information will be kept in the Finance Office.

The list of payments made by authorised employees using transaction cards to be received by Council for the period 28 August 2024 to 29 September 2024 (Attachment 10.2) are presented to Council.

### **Statutory Environment**

*Regulation 13A of the Local Government (Financial Management) Regulations 1996 provides that a list of all payments made by an authorised employee using a credit, debit or other purchasing card be prepared and presented to Council.*

*This list must include all payments made since the list was last prepared and presented to Council and included in the minutes of the meeting.*

### **Financial Implications**

Expenditure relating to payments made using transaction cards is included in the 2023/24 budget.

### **Strategic Implications**

Shire of Ngaanyatjarraku 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 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 10.2 – Schedule of Payments Made by Employees via Purchasing Cards – 28 August 2024 to 29 September 2024.

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

**Moved: Cr D Frazer**

**Seconded: Cr J Frazer**

That Council receive the listing of payments made by authorised employees using transaction cards for the period of 28 August to 29 September 2024 (Attachment 10.2)

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

### 10.3 Chief Executive Officer Report

<b>File Reference:</b>	GV.05
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Information Only report

#### Summary

This monthly report provides Council with a regular update of key activities and issues of the Chief Executive Officer (CEO) and is provided for information.

The CEO maintains regular communication with the Shire President both in person and via phone to discuss Council business.

Calendar of meetings and events		Meeting Format
<b>September 2024</b>		
25	Shire of Ngaanyatjarraku Council meeting	In person
26	Site visits to Blackstone Community and Warrakuna Community with Executive Officer & Roads Officer.	In person
<b>October 2024</b>		
1	Outback Way Project – meeting with CEO	Online
	Meeting with UHY Haines Norton	In person
	Goldfields District Leadership Group meeting	Online
2	Fortnightly Great Central Road Maintenance planning meeting	Online
	NT-SA-WA Tri-State Stakeholder meeting	Online
5	DFES Pre High Threat Period webinar	Online
7	Meeting – McLeods Lawyers (Road Contract Management)	Online
8	Meetings with Executive Officer & Roads Coordinator	Online
9	BHP (Contract Management)	Phone
10	CEO Travel to Perth	
	Meeting with McLeods Lawyers and Breakaway Earthmoving re Contract Management	In person
11	Roads budget meeting	Online

14	Meeting with Executive Officer	Online
	Road Asset Management	Phone
	Roads budget meeting	Online
	Meeting - McLeod Lawyers on Council Budget – Divesting Funds.	Online
	UHY Haines Norton meeting re Sport and Rec funding	Online
15	Warburton District Leadership Group subcommittee meeting	Online
	Audit Document Preparations	Online
16	Golden Outback Virtual Member Meeting	Online
	Fortnightly Great Central Road Maintenance Planning Meeting	Online
	Meeting with Westpac re Term Deposit rates	Online
	BlueSalt consulting: GVROC Climate Change consultation	Online
	Meeting with Finance Officer	Online
17	GVROC Regional Climate Alliance Working Group meeting	Online
	Meeting with CEO of Shire of Leonora	Online
	Meeting with Chief People Officer of Ngaanyatjarra Council	Online
	Meeting with Manager Operations	Online
18	GVROC Special Out of Session meeting	Online
	Meeting with General Manager, Outback Highway Development Council	Online
21	Administration Coordinator Interview	In person
	Meeting with the Auditors and Audit Documentation Preparation	Online
22	Career Campaign Working Group – LG Professionals WA	Online
	Meeting with the Auditors and Audit Documentation Preparation	Online & via Phone
23	LG Professionals Goldfields Branch Session	Online
	Meeting with the Auditors and Audit Documentation Preparation	Online & via Phone
24	Northern GVROC Shire’s Regional Road Group Technical Working Group discussion	Online

	Meeting with the Auditors and Audit Documentation Preparation	Online & via Phone
	Travel to Perth	
25	Travel Perth - Kalgoorlie	
	Meeting with CEO Goldfields-Esperance Development Commission	In person
	Technical Working Group meeting	In person
	Meeting with Auditors	Online
	Travel Kalgoorlie - Perth	

### Officers Recommendation and Council Resolution

**Moved: Cr J Porter**

**Seconded: Cr D Frazer**

That Council receive the Chief Executive Officers Report for 25 September – 25 October 2024.

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 10.4 Outback Way Action Plan 2024

<b>File Reference:</b>	RD.00
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

### Summary

To inform Council on the status of the Outback Way Action Plan 2024.

### Background

The initial draft of the Outback Way Action Plan was prepared by the Outback Highway Development Council (OHDC) with input from interviews and participants at the 2024 Outback Way Forum, held in Canberra in June and July. Since then, the OHDC has worked closely with member councils and stakeholders to incorporate feedback, aiming to ensure the Action Plan reflects the shared vision of stakeholders while addressing the specific needs and priorities of each region along the Outback Way.

As part of this effort, a series of focused meetings were held to refine the Plan, with a particular emphasis on how the OHDC can advocate for each locality as the road sealing progresses. The Shire of Ngaanyatjarraku has actively contributed to these discussions, helping shape a comprehensive Action Plan ready for further review. Moving forward, the Plan will remain a living document, subject to updates as new developments and consultations take place.

### Comment

The OHDC are seeking the Shire of Ngaanyatjarraku endorsement of the Outback Way Action Plan 2024 with the OHDC moving the following motion pass at the recent Action Plan Review OHDC meeting

*‘Motion: The OHDC endorses in principle the Outback Way Action Plan 2024 and requests member councils consider endorsement at their next general meeting, noting that further financial contribution remains outside the scope of this decision’.*

Whilst no additional financial contributions are being sought currently, there may be future discussion on funding mechanisms that align with the needs of all stakeholders.

### Statutory Environment

Not applicable.

### Financial Implications

There are no financial implications resulting for this matter.



## **Strategic Implications**

Shire of Ngaanyatjarraku 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 – Our Land

Outcome 5 – Travelling our Land

Strategy 5.1 – Effective management and planning of road infrastructure

### Goal 3 – Our Leadership

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

Strategy 7.2 – Advocate on behalf of our communities

## **Risk Management**

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

## **Policy Implications**

There are no known policy implications for this matter.

## **Attachments**

10.4 Outback Way Action Plan 2024

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

**Moved: Cr J Frazer**

**Seconded: Cr D Frazer**

That the Council endorses in principle the Outback Way Action Plan 2024 noting that further financial contribution remains outside the scope of this decision.  
(Attachment 10.4)

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 10.5 Provision of Staff Housing to Ngaanyatjarra Council Group to Reinitiate Community Program

<b>File Reference:</b>	FM.09
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

### Summary

For Council to consider further provision of staff housing to the Ngaanyatjarra Council Group to reinitiate a program in the community.

### Background

Playgroup WA withdrew the delivery of a program within the Warburton community. Ngaanyatjarra Council Group is in the final stages of reinitiating a program and part of this process was the securement of staff housing. In July 2024 Council ratified to support the Ngaanyatjarra Council Group in providing short term accommodation until alternative accommodation can be found.

Whilst the Ngaanyatjarra Council Group are finalising arrangements for ongoing funding for the playgroup program, it is recommended that the Shire of Ngaanyatjarraku provide additional support the Council during this time through the provision of Lot 255b Motel Street, Warburton for a three month period, followed by a review.

### Comment

Lot 255b Motel Street Warburton was previously under a rental agreement with Playgroup WA and was vacant when the program was withdrawn in May 2024.

To assist the Ngaanyatjarra Council Group in finalising the process it is recommended that the Shire provide housing on a month-to-month arrangement, with a report to Council to review the arrangement in three months.

### Statutory Environment

*Local Government Act 1995*

#### 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**

The current rent is set at \$511.15 per week, according to the 2024-2025 Schedule of Fees and Charges. The Shire Council has the power to rent staff housing for less than the Adopted Fees and Charges set by Council.

### **Strategic Implications**

Plan for the Future 2021 – 2031

Goal 1, Our People: looking after our people.

Outcome 3, Informed People.

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

Action 3.1.1, Advocate for early years learning service.

### **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

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

**Moved: Cr J Frazer**

**Seconded: Cr D Frazer**

That Council

1. Authorised the Chief Executive Officer to waive adopted Fees and charges for the rental of Lot 255b Motel Street, Warburton; and
2. Authorises Lot 255b Motel Street to be provided to Ngaanyatjarra Council Group on a month to month basis, to be reviewed in 3 months.

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 10.6 Provision of Lot 183 Warburton (Early Years Complex) to Ngaanyatjarra Council to reinstate community service

<b>File Reference:</b>	FM.09
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

### Summary

For Council to approve the use of Lot 183 Warburton (Early Years complex) to the Ngaanyatjarra Council Group to reinitiate a program in the community.

### Background

Playgroup WA withdrew the delivery of a program within the Warburton community.

Whilst the Ngaanyatjarra Council Group are finalising arrangements for ongoing funding for the playgroup program, the Shire of Ngaanyatjarraku support the Council during this time through the provision of Lot 183 Warburton, (Early Years Complex) for a three month period, followed by a review.

### Comment

Lot 183 Warburton (Early Years Complex) was previously under a rental agreement with Playgroup WA and was vacant since delivery of the program was withdrawn in May 2024.

To assist the Ngaanyatjarra Council Group in finalising the process it is recommended that the Shire waive rent on a month-to-month basis, with a report to Council to review the arrangement in three months.

### Statutory Environment

*Local Government Act 1995*

#### 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

The current rent is set at \$866.30 per week, according to the 2024-2025 Schedule of Fees and Charges.

### **Strategic Implications**

Plan for the Future 2021 – 2031

Goal 1, Our People: looking after our people.

Outcome 3, Informed People.

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

Action 3.1.1, Advocate for early years learning service.

### **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**

Nil

#### **Officers Recommendation and Council Resolutions**

**Moved: Cr J Porter**

**Seconded: Cr J Frazer**

That council:

1. Authorises the CEO Officer to waive adopted Fees and Charges for the rental of Lot 183 Warburton (Early Years Complex).
2. Authorises Lot 183 Warburton (Early Years Complex) to be provided to Ngaanyatjarra Council Group on a month-to-month basis, to be reviewed in 3 months.

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 10.7 Resignation of Councillor and Extraordinary Election

<b>File Reference:</b>	GV.05
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

### Summary

Cr Andrew Jones resigned as an elected member from the Shire of Ngaanyatjarraku, effective from 21 October 2024.

### Background

Mr Jones was elected at the 2023 elections with his term due to expire at the 2025 Ordinary elections.

The Local Government Act 1995 requires the council to fix a date for an extraordinary election within one (1) month of when the vacancy occurs. The date must be within four (4) months after the office became vacant.

### Comment

Following Mr Jones resignation, an extraordinary election will be required to fill the vacancy for the remainder of the resigned Councillor's term ending in 2025 (s. 4.8 Local Government Act).

The backfilling provisions prescribed in Schedule 4.1A of the Local Government Act 1995 (Act) do not apply, as the vacancy did not occur within the first 12 months of Mr Jones term.

Staff have liaised with the Electoral Commission in relation to the running of an extraordinary election.

As per the s.4.9 of the Act, a date for the election can be decided and fixed by the Shire President or by the Council at a meeting held within a month after the vacancy occurred. If at the end of one month after the vacancy occurs an election date has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commission is to fix a day for the holding of the poll, that allows enough time for the electoral requirements to be complied with; and advise the CEO of the day fixed.

Upon the fixation of a date for the election to occur, the returning officer (CEO) can commence the election process.

## **Statutory Environment**

### **Local Government Act 1995**

#### **s2.31. Resignation**

- (1) An elector mayor or president may resign from the office of mayor or president.
- (2) A councillor may —
  - (a) resign from the office of councillor;
  - (b) resign from the office of councillor mayor or president, deputy mayor or deputy president.
- (3) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.
- (4) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

#### **s.4.8. Extraordinary elections**

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32, an election to fill the office is to be held, except if the vacancy is filled under Schedule 4.1A or 4.1B.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an extraordinary election.

#### **s.4.9. Election day for extraordinary election**

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
  - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
  - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
  - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
  - (b) advise the CEO of the day fixed.

## **Financial Implications**

The cost of the extraordinary election has not been budgeted for, as such an eventuality was not anticipated. This will need to be accounted for through the Budget Review.

## **Strategic Implications**

Shire of Ngaanyatjarraku Plan for the Future 2021-2031

### **Goal 3 – Our Leadership**

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

Strategy 7.2 – Advocate on behalf of our communities

## **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “High” risk with prioritised action required.

## **Policy Implications**

There are no known policy implications for this matter.

## **Attachments**

Nil

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

**Moved: Cr J Frazer**

**Seconded: Cr J Porter**

1. Acknowledges former Cr Andrew Jones resignation as of the 21 October 2024.
2. The Shire of Ngaanyatjarraku to be responsible for the conduct of the extraordinary election.
3. In accordance with section 4.9 (1)(b) fixes Friday 29 November 2024 as a date for an extraordinary election with the CEO as the Returning Officer.
4. Decide, in accordance with section 4.61 (2) of the Local Government Act 1994 that the method of conducting the extra ordinary election will be as a postal election.
5. Authorises the CEO to convey this information (Items 2 to 3) to the Western Australian Electoral Commission.

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**



## 11. OPERATIONS REPORTS

### 11.1 Action Report – Operational Services

<b>File Reference:</b>	CP.00, PE.00, RD.00, WM.00
<b>Business Area:</b>	Operations
<b>Authorising Officer:</b>	Stephen Latham, Manager Operations
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

#### 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 for actions achieved.

#### Statutory Environment

Not applicable.

#### Financial Implications

There are no financial implications resulting for this matter.

#### Strategic Implications

Shire of Ngaanyatjaraku Plan for the Future 2021-2031

##### Goal 1 – Our People

Outcome 2 – Healthy People

Strategy 2.2 – Ensure appropriate regulatory health and waste services provision with funding.

##### Goal 2 – Looking after our Land

Outcome 6 – Living on our Land

Strategy 6.1 – Maintain Shire owned buildings and facilities.

##### Goal 3 – Our Leadership

Outcome 8 – A well-functioning Organisation

Strategy 8.2 – Provide a good place to work.

### **Risk Management**

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

### **Policy Implications**

There are no known policy implications for this matter.

### **Attachments**

11.1 – Operations Report September/October 2024.

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

**Moved: Cr D Frazer**

**Seconded: Cr J Frazer**

That Council receive the Operational Services Action Report for September/October 2024. (Attachment 11.1).

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 11.2 Action Report – Environmental Health and Building Services

<b>File Reference:</b>	EM.00
<b>Business Area:</b>	Operations
<b>Authorising Officer:</b>	Terry Sargent, Environmental Health Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

### 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 for actions achieved.

### Statutory Environment

Not applicable.

### Financial Implications

There are no financial implications resulting for this matter.

### Strategic Implications

Shire of Ngaanyatjarraku 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 – Environmental Health and Building Services Action Report October 2024.

**Officers Recommendation and Council Resolution**

**Moved: Cr J Frazer**

**Seconded: Cr D Frazer**

That Council receive the Environmental Health and Building Services Action Report for October 2024 (Attachment 11.2).

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 12. CORPORATE AND COMMUNITY SERVICES REPORTS

### 12.1 Monthly Payments Listing – September 2024

<b>File Reference:</b>	FM.02
<b>Business Area:</b>	Corporate & Community Services
<b>Authorising Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

#### Summary

For Council to receive the list of payments made by authority as attached in the Monthly Payments Listing for September 2024 (Attachment 12.1).

#### Background

In accordance with Regulation 13 of 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 list of payments made during the month of September is consistent with previous months, as per Attachment 12.1, though the payments made by employees who are authorised to use credit cards have been removed from this listing and are presented in a separate report and listing.

#### Statutory Environment

*Local Government (Financial Management) Regulations 1996*

*Section 13 – 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 powers 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 for approval to be paid is to be prepared each month showing*  
–

- 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 sub regulation (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 payments of accounts.

### **Strategic Implications**

Shire of Ngaanyatjarraku 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 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 2024

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

**Moved: Cr J Frazer**

**Seconded: Cr D Frazer**

That Council receive the monthly payment listing for September 2024 totalling payments of \$1,667,715.42 (Attachment 12.1).

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

## 12.2 Monthly Statement of Financial Activity for the Month of September 2024

<b>File Reference:</b>	FM.10
<b>Business Area</b>	Corporate and Community Services
<b>Authorising Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

### Summary

For Council to receive the monthly financial report for September 2024.

### 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 and 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.

### Comment

Over recent weeks, a new financial reporting tool has been implemented via the Local Government Solutions (LGS) portal. The new monthly reporting format is prepared for September 2024.

Administration will continue to progress implementation of this new reporting format, which will evolve to allow alignment of budget timings with actual expenditure and timely variance reporting. This new format will result in financial data being presented in an alternative reporting sequence, updates will be communicated as they occur, with the main changes to date being outlined as below; no changes since last reported.

### Table: Revised Format Changes to Financial Reporting

Old/ Existing Format	New LGS Format
Financial Activity & Activity Information	Cashflow and Statement of Financial
Note 3: Cash & Financial Assets	Cash & Cash Equivalents
Note 4: Reserve Accounts	Reserve Accounts
Note 5/6/7: Capital Acquisitions	Infrastructure movement and balances
Note 8: Receivables	Trade & Other Receivables
Note 9: Payables	Trade and Other Payables
Note 10: Rate Revenue	Rating Information

Once completed, this new monthly reporting will reflect the financial statements format on a monthly basis and so minimise the annual financial statements procedure at year end.

Comments in relation to ‘timing’ variances for each monthly report refer to expenditure delays between the budgeted timings versus the actual costs once incurred.

Note: This report is an indicative result for 30 June 2024 closing YTD Actuals, as the end of year process is still being finalised.

‘Permanent’ variances to note as at month end are:

- Operating Grants - under budget are yet to be received.
- Building Fees - over budget due to building applications for the Oz Minerals mine construction, noting that some is payable to the Building Commission.

## **Statutory Environment**

*Local Government (Financial Management) Regulations 1996*

*Regulation 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 the previous month (the *relevant 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 relevant month; and
- c. actual amounts of expenditure, revenue and income to the end of the relevant month; 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 relevant month and a note containing a summary explaining the composition of the net current assets.

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.



- (2) Each statement of financial activity is to be accompanied by documents containing —
  - a. [deleted]
  - b. an explanation of each of the material variances referred to in subregulation (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 must be shown according to nature classification.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; 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.

*Regulation 35. Financial position statement required each month.*

- (1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the *previous month*) and —
  - (a) the financial position of the local government as at the last day of the previous financial year; or
  - (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.
- (2) A statement of financial position must be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and
  - (b) recorded in the minutes of the meeting at which it is presented.

**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**

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

### **Policy Implications**

No policy implications apply in the preparation of this report.

### **Attachments**

12.2 – Monthly Financial Report September 2024

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

**Moved: Cr D Frazer**

**Seconded: Cr J Porter**

That Council receive the Monthly Financial Report for the period ending 30 September 2024. (Attachment 12.2)

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

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

#### 13.1 Divesting of Sport and Recreation budget allocation for 2024/25

<b>File Reference:</b>	FM.05
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

#### Summary

Council to consider the divesting of funds and assets allocated to the Sport and Recreational program of the 2024/25 budget to the Ngaanyatjarra Council.

#### Background

Historically, the Shire of Ngaanyatjarraku has managed and delivered the Sport and Recreation program to three communities within its jurisdiction. However, over time, the Shire's capacity and resources have reduced, and as a result the program was only offered in Warburton.

#### Comment

Discussions held between the CEO of the Ngaanyatjarra Council (NG Council) and the Shire of Ngaanyatjarraku, have indicated that the NG Council is in a better position to deliver the Sport and Recreation program to the Ngaanyatjarra communities.

Following consultations with the Shire's legal and financial advisors, it has been confirmed that the Shire is authorised to gift its budgeted Sport and Recreational funding of \$270,000 to the NG Council. Additionally, the Shire could transfer ownership of the program's Toyota Landcruiser, valued at approximately \$50,000, to the NG Council.

The vehicle, which has a zero written-down value and no current depreciation expense in the 2024/25 budget, and could be considered surplus. Other options to consider could include either selling the vehicle. If sold, the income from the sale could contribute to the Shire's funds, while gifting it would result in the loss of potential sale income.

#### Statutory Environment

Local Government Act 1995

##### 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**

The amount of \$270,000 would be debited from the 2024/25 Annual Budget and the Asset PE082 (Toyota Landcruiser 1GJT224) gifted to the NG Council.

With the Shire gifting the vehicle to Council, the only financial impact would be the loss of this income if sold.

### **Strategic Implications**

Shire of Ngaanyatjarraku Plan for the Future 2021-2031

Goal 1 – Our People

Outcome 1.0 Happy People

Strategy 1.1 Support and facilitate community involvement and participation opportunities.

### **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

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

**Moved: Cr D Frazer**

**Seconded: Cr J Frazer**

1. That Council approve for the divesting of \$270,000 from the Sport and Recreation budget for 2024/25 to the Ngaanyatjarra Council.
2. That Council authorise the gifting of Asset PE082 (Toyota Landcruiser 1GJT224) to the Ngaanyatjarra Council.

**Carried 4/0**

**Voting for: Cr D McLean, Cr D Frazer, Cr J Porter, Cr J Frazer**

**Voting Against: Nil**

**14. CONFIDENTIAL ITEMS**

Nil

**15. NEXT MEETING**

The next meeting is scheduled for Wednesday 27 November 2024 at the Tjulyuru Cultural and Civic Centre, Warburton Community, commencing at 1.00pm.

**16. CLOSURE OF MEETING**

Meeting declared closed at 1.23pm