



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

**Tjulyuru Cultural and Civic Centre
Warburton Community**

26 June 2019

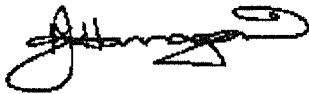
at

1.15 pm

after the Audit Committee Meeting

SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

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



Date: 26-6-2019

Acting Chief Executive Officer

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 26 June 2019:

Presiding Member: _____

Date: 29/7/19

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.15 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 Councillor Councillor	D McLean P Thomas (by telephone) A Bates J Frazer L West D Frazer
Staff:	Kevin Hannagan Kerry Fisher	Acting Chief Executive Officer Director Corporate Services
Guests:		
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr. A Jones

3.3 APPROVED LEAVE OF ABSENCE

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

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

Declarations of Interest provided:

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

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7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President tabled the following update on the complaint to the Australian Human Rights Commission as follows:

Announcement by President without Discussion

Shire of Ngaanyatjarraku
Ordinary Meeting 26th of June 2019.

Update

The Shire of Ngaanyatjarraku has made a complaint to Australian Human Rights Commission that the Commonwealth Community Development Program is in breach of the Race Discrimination Act of 1975.

The Complaint was made under Sec 10. of the RDA. A complaint under Sec.10 requires the complainant to enter in to mediation to resolve the matter.

The AHRC appointed The Hon Robert French QC AM to mediate the Complaint. The mediation took place over a period of two years.

Mr French terminated the mediation and advised the AHRC.

The AHRC terminated the Complaint.

The Complaint has been made out as a Statement of Claim. The Statement of Claim is being proofed by Mr Brett Walker QC.

The finalised Statement of Claim will be filed in the Federal Court by mid- July 2019 to be listed for hearing.

The Hon Robert S French AC

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24 April 2019

Mr Chin Tan
Race Discrimination Commissioner
Australian Human Rights Commission
Level 3, 175 Pitt Street
Sydney NSW 2000

Dear Mr Tan

Re: Shire of Ngaanyatjarraku and Others v The Commonwealth of Australia

On 7 September 2016 the Shire of Ngaanyatjarraku and a number of other complainants lodged an application with the Australian Human Rights Commission contending that the Commonwealth's Community Development Program (CDP) is racially discriminatory. After discussion with the Australian Human Rights Commission it was agreed that the parties would enter into an external mediation process. I was appointed as Mediator under a Mediation Agreement entered into in May 2017.

Pursuant to the Mediation Agreement the complainants and their representatives attended a meeting with the Commonwealth on 18 and 19 July 2017 at Warburton in my presence as Mediator. During the mediation the complainants, other Indigenous CDP participants and community leaders provided information of their experiences with CDP.

There has since that time been a number of teleconferences at which I presided as Mediator and exchange of correspondence between the parties in an endeavour to resolve the dispute. Regrettably it has not been possible for the parties to reach agreement and at a teleconference held today I formally terminated the mediation. As I understand it the matter is now back in the hands of the Australian Human Rights Commission.

Yours sincerely,

Robert S French AC

- 8. PETITIONS, DEPUTATIONS, PRESENTATIONS**
- 8.1 PETITIONS**
- 8.2 DEPUTATIONS**

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 MINUTES OF ORDINARY MEETING OF COUNCIL (ATT 9.1)

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr A Bates

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 22 May 2019 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.

Carried: 6/0

9.2 MINUTES OF AUDIT COMMITTEE MEETING HELD 26 June 2019 (Tabled)

Officers Recommendation and Council Resolution

Moved: Cr A Bates Seconded: Cr D Frazer

That Council:

- 1. Notes the Unconfirmed Minutes of Audit Committee Meeting held on Wednesday 26 June 2019 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (To be tabled); and**
- 2. Adopts the Recommendations from the Audit Committee.**

Carried: 6/0

10. CEO REPORTS

10.1 REVIEW OF 2017/18 ANNUAL FINANCIAL STATEMENTS, INDEPENDENT AUDIT REPORT AND MANAGEMENT REPORT

FILE REFERENCE:	FM.02
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	3 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

The Auditors conducted the Annual Financial Audit for 2017/18 during March 2019 to May 2019.

This report discusses outcomes of the Audit including the Independent Auditors Report and Management Letter and recommends that Council accept the Independent Auditors Report, Management Letter and Annual Financial Report and actions contained in this report in respect of the audit conducted.

Background

The following reports have been presented by the Auditors for the year ended 30 June 2018:

- Independent Auditors Report to the Electors of the Shire of Ngaanyatjarraku (Auditor's Report);
- Management Report for the year ended 30 June 2018 (Management Report); and
- Annual Financial Report 2017/18.

Comment

In accordance with Section 7.12A of the Local Government Act 1995, a local government is to meet with the auditor of the local government at least once in every year.

Shire officers have made a recommendation below for the Council to meet with the Auditor by telephone.

Material matters raised by the Auditor are similar in nature to matters raised in the 2016/17 Audit considered by Council at its February 2019 meeting. As such those matters have been substantially progressed and are commented along with other matters from the Management Report as follows:

Own Source revenue coverage ratio

Given the level of disability of the shire due to population, size and geographical location it is difficult to raise to the Shires Ratio of 10% to that of the benchmark ratio of 40%, requiring a 400% increase. The Shire will consider a 20% increase in rubbish collection fees in its 2019/20 Budget.

Lack of controls for making Creditor and Payroll payments

In February 2019 changes were made to the Westpac Bank online signatory process requiring two officers to authorize payments.

Employee records

All staff employment arrangements have been reviewed and Classification Levels independently reviewed by WALGA. Letters will now be sent to each employee confirming their employment arrangements. This is expected to be completed by end of June 2019.

Leave forms

The Shire does have leave forms in place for use by staff and this is adhered to. The Audit comment is in relation to the former CEO not completing leave forms signed off by the President.

Isolation Leave

The end of year liability calculation process has been amended by the Shire's BPMS provider to be more accurate. A review of all employee entitlements and packages has also been undertaken and since October 2018 the Shire's Isolation Leave entitlement ceased and is not available to employees since that date. All officers now on employment contracts also do not have access to this entitlement.

Depreciation

The Shires BPMS provider is making amendments to the asset register and depreciation rates to align with the Shires adopted depreciation rates.

Statutory Environment

Local Government Act 1995

7.12AD. Reporting on a financial audit

- (1) The auditor must prepare and sign a report on a financial audit.*
- (2) The auditor must give the report to —*
 - (a) the mayor, president or chairperson of the local government; and*
 - (b) the CEO of the local government; and*
 - (c) the Minister.*

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —*
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and*
 - (b) ensure that audits are conducted successfully and expeditiously.*
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) A local government must —*
 - (aa) examine an audit report received by the local government; and*
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - (b) ensure that appropriate action is taken in respect of those matters.*
- (4) A local government must —*
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

Financial Implications

The Shire has made a Budget Allocation for this Audit in its 2018/19 Adopted Budget.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku's 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, other than contained in the Recommendation.

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 10.1 (a) – Cover letter from Auditor, Independent Auditors Report and Management Report

Attachment 10.1 (b) – Annual Financial Statements 2017/18

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr A Bates

That Council meet with Mr. David Tomasi, Auditor by teleconference call and request Shire Officers present to telephone him. The Auditor will then address the Council on the 2017/18 Audit Reports.

Carried: 6/0

Auditor, D Tomasi joined the meeting by telephone and gave the Council a summation of his Audit Report for 2017/18.

Officers Recommendation and Council Resolution

Moved: Cr A Bates Seconded: Cr D Frazer

That Council:

- 1. Accepts the Independent Auditors Report, Management Letter and Annual Financial Report and actions contained in the reports in respect of the 2017/18 audit conducted;**
- 2. Notes progress made on addressing material matters raised in the Audit Report and other matters in the Management Report.**
- 3. Acknowledges the work of the Acting Chief Executive Officer and the Director Corporate Services in progressing and resolving issues raised in the current and previous Audits.**

Carried: 6/0

10.2 ANNUAL REPORT 2017/18 AND AGM OF ELECTORS

FILE REFERENCE:	CS.13
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	3 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

The Local Government Act 1995 ("the Act") requires that Council accepts the draft Annual Report for 2017/18, including the Financial and Auditor's Report, no later than 31 December or within two months of the Auditor's Report becoming available if that is not received prior to 31 December of that FYE.

Council is also required to select a date, time and venue for the Annual General Meeting of Electors.

Background

Under section 5.53 of the Act, the Shire is required to prepare an Annual Report for each financial year. The report is to contain:

- A report from the Shire President and the Chief Executive Officer;
- An overview of the Plan for the Future, including any major initiatives that are proposed to commence or continue in the next financial year;
- The Financial Report;
- Prescribed information in relation to payments made to employees;
- The Auditor Report;
- A report under section 29(2) of the Disability Services Act 1993;
- Entries made under section 5.121 during the financial year in the register of complaints; and
- Any other prescribed information.

Copies of the Annual Report for 2017/18 will be placed on the Shire's website when adopted.

Council is also requested to give consideration to determining the date, time and location of the Annual General Meeting (AGM). The meeting must be held within 56 days from the date Council accepts the Annual Report and Financial Statements. If Council accepts the Annual Report at this meeting the latest possible date for the AGM is Tuesday, 20 August 2019.

Copies will be provided to Councilors and tabled at the meeting and will also be publicly available at the Shire Office Reception or on request 3 days prior to the meeting.

Comment

It is recommended the Annual Report be considered by the electors of the Shire at an AGM to be held on the 24 July 2019 commencing at 1.00 pm prior to the Ordinary Meeting of Council in Warburton.

Statutory Environment

Local Government Act 1995

5.27. *Electors' general meetings*

- (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —*
 - (a) at least 14 days' local public notice; and*
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- 2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.*
- (2) The annual report is to contain —*

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
- * Absolute majority required.*

Financial Implications

The financial implications are detailed in the Annual Financial Report.

Strategic Implications

Integrated Strategic Plan 2018 - 2028
 Goal 3, Leadership
 Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

Not Applicable

Attachments

Attachment 10.2 – Annual Report 2017/18

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council:

- 1. Accepts the 2017/18 Annual Report as per Attachment 10.2;**
- 2. Hold the Annual General Meeting of Electors on Wednesday 24 July 2019 commencing at 1.00 pm prior to the Ordinary Meeting of Council in Warburton; and**
- 3. Advertise the 2017/18 Annual Report and Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the Local Government Act 1995.**

Carried: 6/0

10.3 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

FILE REFERENCE:	GV.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	12 June 2019
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

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

Background

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

Comment

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

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

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

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

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

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

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

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku's 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 - Council Resolutions - Status Report

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr J Frazer

That Council notes the attached Council Resolutions – Status as at May 2019 (Attachment 10.2) and this report.

Carried: 6/0

10.4 ADMINISTRATIVE COMPLIANCE

FILE REFERENCE:	CS.06
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	19 June 2019
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to consider the Monthly Report of outstanding actions to achieve administrative compliance with the Local Government Act 1995 and other projects / tasks.

Background

The Minister for Local Government appointed an Approved Adviser to work with the Shire to meet the administrative requirements of the Local Government Act 1995. The Approved Advisers' Scope of Work is to "Undertake a review of the Shire's policies, systems and procedures to establish the level of compliance with the legislative provisions of the Local Government Act 1995". The Approved advisor has also requested that other important projects / tasks / actions involving operational matters also be added to the calendar.

Comment

Shire Staff have compiled for the Approved Adviser and Council a list of tasks to be undertaken, commonly known as a Compliance / Action Calendar.

A copy of the list of tasks is attached for Councilors information. Further monthly reports will be made to Council advising progress against the task due dates.

The adoption of the Annual Report 2017/18 and Audit for 2017/18 Financial Year End as per reports in this agenda will be the final matters in achieving compliance with the Local Government Act and associated Legislation. The ACEO will then focus on compliance with other Acts and Legislation such as the Disability Services Act and Equal Employment Opportunity that is also addressed in this agenda.

It is now proposed that the Compliance Calendar be updated for 'business as usual' tasks and perhaps report compliance with all legislation via regular updates to the Audit Committee. This will be the subject of a separate report to Council at a future date.

Statutory Environment

Local Government Act 1995, various sections

Local Government (Financial Management) Regulations 1996, various sections

Local Government (Audit) Regulations 1996, various sections

Local Government (Administration) Regulations 1996, various sections

Financial Implications

There should be no financial implications for the Shire as action being undertaken is now being performed by Shire staff and the Department are no longer using the Approved Advisers' services.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership
Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "High" risk and will require excellent controls, managed by senior management / executive and subject to monthly monitoring with specific application of resources.

Policy Implications

There are no known Policy implications for this matter.

Attachments

Attachment 10.2 - Compliance Action List

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Bates Seconded: Cr D Frazer

That Council notes the Compliance / Action Calendar as at 19 June 2019 (Attachment 10.2) and this Report.

Carried: 6/0

10.5 ATTENDANCE BY TELEPHONE CR THOMAS

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	12 May 2019
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider a request from Cr Thomas to attend the next Ordinary meeting of Council by telephone.

Background

Cr P Thomas has advised that he may not be able to attend the next ordinary meeting of Council in person and has requested Council approval to attend by telephone if necessary.

Comment

In accordance with Regulation 14A (2) Cr Thomas has attended by telephone for the August, November 2018, February and April 2019 meetings this financial year. This is a total of 4 of the 10 meetings held.

Statutory Environment

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (a) *the matters to be dealt with at ordinary or at special meetings of councils; and*
 - (b) *the functions of committees or types of committee; and*
- (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means;*

Local Government (Administration) Regulations 1996

14A. Attendance by telephone etc. (Act s. 5.25 (1) (ba))

- (1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*
- (a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*
 - (b) *the person is in a suitable place; and*
 - (c) *the council has approved* of the arrangement.*
- (2) *A council cannot give approval under sub-regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.*

(3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*

(4) *In this regulation —*

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

(a) *in a townsite or other residential area; and*

(b) *150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;*

townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

** Absolute majority required.*

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

Financial Implications

There are no known financial implications.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's 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

Not applicable

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council approves Cr P Thomas request to attend the next Ordinary Meeting of Council by telephone if necessary.

Carried: 6/0

10.6 ORGANISATION STRUCTURE

FILE REFERENCE: PL.00

AUTHOR'S NAME AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 1 June 2019

DISCLOSURE OF INTERESTS: The author has a financial interest in the proposal as the position of CEO is in the organisation structure.

Summary

For Council to consider an Organisation Structure for the administration of the Shire.

Background

The Local Government Act 1995 requires Council to ensure there is an appropriate organisation structure for administration of the local government.

Comment

It is generally accepted that an organisation structure should contain all positions contained in the Shires Annual Budget.

In response to issues identified in the Shire's Long Term Financial Plan related to the financial sustainability of the Shire restructuring of the Shire's operations have been undertaken to reduce costs. A summary of changes is:

- Combine the Deputy CEO and Director Corporate Services positions;
- Cessation of Environmental Health DoH program due to inadequate grant funding;
- Reduction in remote community rubbish services due to inadequate fees and charges;
- Reduction in remote community recreation services due to lack of grant funding;
- Cessation of Early Years services Warakurna and reduced service Blackstone / Jameson due to inadequate funding;
- Use of Shire staff for maintenance and mowing of staff housing / offices to reduce cost of using contractors;
- Creation of Casual Works Engineer to reduce cost associate with consultants; and
- Creation of Casual Building Maintenance Officer to reduce cost of using contractors.

It is now appropriate for Council to consider an organisation structure as a result of these changes to be reflected in the 2019/20 Annual Budget.

Statutory Environment

Local Government Act 1995

5.2. *Administration of local governments*

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

Financial Implications

The reduction in positions will contribute to the Shire's Long Term Financial Sustainability. The impact of these changes will not be known until the 2019/20 Budget is completed and the Long Term Financial Plan reviewed.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's 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

10.6 – Proposed Organisation Structure 2019/20

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council approves the attached Proposed Organisation Structure 2019/20 as an appropriate structure for administering the local government.

Carried: 6/0

10.7 AMENDMENT TO DELEGATIONS REGISTER

FILE REFERENCE:	CM.14
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	15 June 2019
DISCLOSURE OF INTERESTS:	The author has an impartiality interest in the proposal as the position of CEO is to be delegated an additional power.

Summary

For Council to consider an additional Power of Delegation to the Chief Executive Officer.

Background

The Shire's Delegation Register had a comprehensive review undertaken in 2017 in consultation with the Shire legal representative McLeods, Barristers and Solicitors.

Comment

It is proposed for Council to delegate power to write off debts to a maximum value of \$20.

From time to time small interest amounts may be charged to a debtors account even though the debt may have been paid. This can happen due to when the amount received is credited to the debtor account and when interest charges are raised prior.

Statutory Environment

Local Government Act 1995.

In particular:

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.*

Financial Implications

There are no known financial implications.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku's 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

10.7 – Proposed new delegation 1.1.16 Power to Write Off Debts

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr A Bates

That Council amends its' Delegation Register (Oct 2018) to include a new delegation to delegate authority to the Chief Executive Officer, or person Acting in that capacity from time to time, to write off debts up to a value of \$20.00 pursuant to the Local Government Act 1995, Section 5.42 as per Attachment 10.7.

Carried: 6/0

10.8 CORPORATE BUSINESS PLAN ACTIONS

FILE REFERENCE:	CM.13
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	15 June 2019
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider a progress report on implementation of the Corporate Business Plan Actions contained in the Integrated Strategic Plan 2018-2028.

Background

In November 2018 the Shire adopted its new, integrated strategic plan, combining both the Shire's Strategic Community Plan and Corporate Business Plan into one simple, easily understood document that is scale appropriate for the Shire of Ngaanyatjarraku. It also helps key stakeholders including State and Federal Government agencies and other community partners such as Ngaanyatjarra Council, understand what the Shire does and importantly what it doesn't do.

Comment

Adopting, implementing and regularly reviewing the ISP (SCP/CBP) is required for the Shire to comply with the provisions of the Integrated Planning & Reporting Framework.

Statutory Environment

Local Government Act 1995

5.56. *Planning for the future*

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

19DA. *Corporate business plans, requirements for (Act section 5.56)*

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

Financial Implications

The Shire must consider Actions contained within its Corporate Business Plan before adopting the 2019 / 20 budget.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" 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

10.8 – Corporate Business Plan Actions – Progress Report

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council notes the Corporate Business Plan Actions – Progress Report update as per Attachment 10.8.

Carried: 6/0

11. DEPUTY CEO & DCS REPORTS

11.1 PAYMENTS LISTING, MAY 2019

FILE REFERENCE:	FM.07
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	15 June 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

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

Background

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

Comment

The payments made are consistent with previous months.

Statutory Environment

Local Government (Financial Management) Regulations 1996

- S13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (2) *A list of accounts for approval to be paid is to be prepared each month showing-*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;*
and
 - (b) *the date of the meeting of the council to which the list is to be presented.*
 - (3) *A list prepared under subregulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Financial Implications

The Shire makes annual budget allocations for payment of accounts.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 11.1 – Payment Listings

Voting Requirement

Simple Majority Required.

Cr D Frazer left the chamber at 1.52pm

Officers Recommendation and Council Resolution

Moved: Cr A Bates Seconded: Cr J Frazer

That Council receives the Payment Listing, May 2019 totaling payments of \$1,275,354.89 as per Attachment 11.1.

Carried: 5/0

11.2 COUNCIL INVESTMENTS AS AT 18 JUNE 2019

FILE REFERENCE:	FM.04
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	18 June 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

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

Background

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

Comment

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

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

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

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

As discussed at last Council Meeting, Shire staff have now sought quotations from three banks for investment of additional funds. The NAB provided the best alternative and the rate of 2.22% for 3 months was secured before interest rates were lowered by the Reserve Bank of Australia.

Statutory Environment

Local Government Act 1995

Section 6.14 Power to Invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*

- (a) *make provision in respect of the investment of money referred to in subsection (1); and*
- [(b) deleted]*
- (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
- (d) *provide for the application of investment earnings; and*
- (e) *generally provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

19. *Investments, control procedures for*
- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
 - (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*
- 19C. *Investment of money, restrictions on (Act s. 6.14(2)(a))*
- (1) *In this regulation —*
 - authorised institution means —*
 - (a) *an authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
 - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
 - foreign currency means a currency except the currency of Australia.*
 - (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 3 years;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.*

Financial Implications

Not applicable.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku's 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 CS2.7 Investments.

Attachments

Attachment 11.2 – Westpac and NAB screen prints of Municipal and Investment Accounts

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That the report on Council Investments as at 18 June 2019 be received.

Carried: 5/0

11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED MAY 2019

FILE REFERENCE:	FM.10
AUTHOR'S NAME AND POSITION:	Kerry Fisher Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	17 June 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to receive the monthly financial report.

Background

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

Council has resolved that details and explanations of the material variances reflected on the Statement of Financial Activity are provided as required by Local Government (Financial Management) Regulation 34(1) (d). The attached statements include details of variances between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold of 10% (refer last page of statements). These materiality levels have been applied in the preparation of this report.

Comment

Comments in relation to budget to actual variances are included as notes (last page) in the Financial Reports attached. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred. Adjustments to the Adopted Budget have now been made in the Mid-Year Budget Review for permanent differences. Generally, the Budget is on-track.

Statutory Environment

Local Government Act 1995

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.

Local Government (Financial Management) Regulations 1996.

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under

- regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in 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 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 subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
 - (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Financial Implications

Monthly financial reporting is a primary financial management and control process. It provides the Council with the ability to oversee the Shire's financial performance against budgeted targets.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11 - Monthly Financial Report

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr A Bates

That Council receives the monthly financial report for May 2019.

Carried: 5/0

11.4 PROPOSED SCHEDULE OF FEES AND CHARGES 2019/20

FILE REFERENCE:	FM.09
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	5 June 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

The Shires proposed Fees and Charges are presented to Council for consideration for the Financial Year 2019/20. The proposal is required to be advertised prior to effect. It is proposed the new Fees and Charges will become effective from the start of the 2019/20 financial year (1 July 2019), dependent upon advertising requirements.

Background

A local government may impose and recover a fee or charge for goods or services it provides. The proposed Fees and Charges have been collated and compiled in consultation with Coordinators responsible for providing the relevant services to the community and where possible ensuring appropriate levels of income/cost recovery are generated for the Shire.

Comment

The proposed Fees and Charges 2019/20 include the following assumptions and changes:

- An increase of 3% has been applied to most services to reflect CPI;
- Rubbish services have been increased 20% as indicated in prior reports to Council associated with Long Term Financial Sustainability;
- Any legislated changes to Statutory Charges; and
- Community Resource Centre, Warburton increased 5% to recoup capital expenditure for caging of offices due to continued high cost of break-ins.

Proposed changes are hilited in blue.

Statutory Environment

Local Government Act 1995:

Section 6.16 sets out the Councils power to impose and recover fees and charges including what fees and charges can be imposed i.e. use of facilities, providing services etc. It also states Fees and Charges are to be imposed when adopting the Annual Budget but may be imposed during the financial year as well as amended from time to time during the financial year.

Section 6.17 addresses the level of funding to be set including consideration of costs to the local government based on such considerations as the importance of the service and the price at which the goods and services could be provided by an alternative provider.

Section 6.19 states that once adopted the Shire must give local public notice of its intention to do so and the date from which it is proposed the fees and charges will be imposed.

Section 1.7 requires a public notice to be given in a newspaper circulating in the district, exhibited on public notice boards at the local government's administration office.

Financial Implications

It is expected that the proposed changes will have minimal effect on the Shires Financial Ratios or Long Term Financial Sustainability given the small Fees and Charges base that the Shire has.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.4 – Proposed Fees and Charges 2019/20.

Voting Requirement

Absolute Majority Required.

Cr D Frazer returned to the chamber at 1.58pm

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr A Bates

That Council:

- 1. Pursuant to section 6.16 of the Local Government Act 1995 adopt the Fees & Charges Schedule as per Attachment 11.4 and give local public notice of the changes with effect from the date of that notice.**
- 2. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, adopt the charges for the removal of domestic and commercial waste as referenced in Attachment 11.4.**

Carried: 6/0

11.5 REVERSAL OF PENALTY INTEREST - SUNDRY DEBTORS – RATES

FILE REFERENCE:	FM.08
AUTHOR'S NAME AND POSITION:	Kerry Fisher Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	2 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider the reversal of penalty interest for rate debtor Redstone Resources on two of their mining tenements.

Background

Shire officers are now following up on outstanding debtors to ensure timely payment of debts to the Shire.

Comment

A review of the outstanding rate debtors was undertaken subsequent to the final notices being issued. Two assessments were discovered to be outstanding relating to previous years, totaling \$23,222.76. On contact with Redstone Resources the tenement holder, it appears to be an oversight on their behalf, seemingly due to address changes. An immediate payment was received for a total of \$21,119.18. The request to reverse penalty interest for the current portion 2018/19 is sought.

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*
- * Absolute majority required.*

Financial Implications

The reversal of interest to the rate debtors will result in lesser interest revenue to the Shire for the 2018/19 Financial Year of \$2,102.95.

Strategic Implications

Integrated Strategic Plan 2018 - 2028
Goal 3, Leadership
Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's 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

Not Applicable

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Bates Seconded: Cr P Thomas

That Council approves the reversal of 2018/19 penalty interest Redstone Resources:

- **A1727 \$1,780.38; and**
- **A2802 \$322.57.**

Carried: 6/0

11.6 EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN 2019-2022

FILE REFERENCE:	PL.09
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	14 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider an overview of the Shire's requirements under the Equal Opportunity Act 1984 and provide the opportunity for Council to adopt an Equal Employment Opportunity Management Plan to assist the Shire in achieving compliance.

Background

In accordance with Section 145(1) and 145(2) of the Equal Opportunity Act 1984 there is a requirement for the Shire Administration to develop an Equal Employment Opportunity Management Plan (EEOMP) outlining goals and strategies in key areas to eliminate discrimination in the workplace.

Comment

The creation, adoption and implementation of the EEOMP aims to ensure that the Shire not only meet its regulatory requirements, but also the executive's vision to actively support and commit to a workplace free from inequality, discrimination (including against those with disabilities), bullying, harassment and prejudice.

In ensuring that the Shire's culture is reflective of the commitments in the plan, it is also considered that this will have positive impacts on employment relations matters such as morale, employee effectiveness, recruitment and turnover.

Statutory Environment

Equal Opportunity Act 1984.

'145. Preparation and implementation of management plans

(1) Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.

(2) The management plan of an authority shall include provisions relating to —

(a) the devising of policies and programmes by which the objects of this Part are to be achieved;

(b) the communication of those policies and programmes to persons within the authority;

(c) the collection and recording of appropriate information;

(d) the review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices;

(e) the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed;

(f) the means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a);

(g) the revision and amendment of the management plan; and

(h) the appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g)."

Financial Implications

Financial implications from the adoption and implementation of the EEOMP are thought to be minor in nature and mainly attributed to training requirements. As such, any relevant costs would be considered through the adoption of the annual budget which includes relevant training general ledger accounts.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

Without this EEOMP the Shire does not adhere to the requirements outlined in the Equal Opportunity Act 1984. This non-compliance may contribute towards possible financial, reputational and compliance risk for the Shire.

This item has been evaluated against the Shire of Ngaanyatjaraku's 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

The Council's decision will provide direction for relevant Shire Operational Directives and Procedures to ensure that the Shire addresses their requirements as provided for in the EEOMP and Equal Opportunity Act 1984.

Attachments

Attachment 11.6 – Equal Employment Opportunity Management Plan 2019-2021

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr L West

That Council adopts the Equal Employment Opportunity Management Plan 2019-2021 as per Attachment 11.6 of this report.

Carried: 6/0

11.7 DRAFT DISABILITY ACCESS AND INCLUSION PLAN 2019-2022

FILE REFERENCE:	PL.09
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	15 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider the draft Shire of Ngaanyatjarraku, Disability and Inclusion Plan (DAIP) 2019-2022 and seek approval to use the draft as the basis for public consultation.

Background

The Disability Services Act 1993 requires local authorities to produce a Disability Access and Inclusion Plan (DAIP). These plans must be lodged with the Disability Services Commission for 5-year periods. The current Shire of Ngaanyatjarraku DAIP expired in 2017. This DAIP will assist the Shire in achieving compliance with the Disability Services Act 1993.

Comment

The current Disability Access and Inclusion Plan 2012-2017 has been reviewed and updated to produce a consultation draft Disability Access and Inclusion Plan 2019-2022, which is attached to this agenda.

Since the current DAIP was last reviewed, Schedule 2 of the Disability Services Regulations 2004 has been amended to include a seventh requirement; namely, a means of reducing barriers to people with disability obtaining and maintaining employment. Consequently, this additional requirement has been provided for within the new draft.

There is a legislative requirement to undertake a consultation process before adopting the new DAIP, and the minimum is to invite public submissions. As the Shire does not have the resources for a more extensive consultation process, it is proposed to invite public submissions on the new draft DAIP closing on 30 July so that the new DAIP can be adopted at the August Council meeting.

It is also proposed to invite a submission from NG Health as the local institution that has the most dealings with and knowledge of local persons with disabilities.

It is recommended that a DAIP implementation plan be subsequently devised. The purpose of a DAIP implementation plan is to provide a plan that can be readily amended from time to time in response to the Shire's changing programs and operating environment. Although a DAIP can be reviewed and amended at any time, there is a statutory process for doing this whereas there is no statutory process required for the review and amendment of a DAIP implementation plan.

Statutory Environment

Disability Services Act 1993

Disability Services Regulations 2004

Financial Implications

The cost of giving public notice of the draft plan and inviting submissions can be accommodated within the current budget.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

Without this DAIP the Shire does not adhere to the requirements outlined in the Disability Services Act 1993. This non-compliance may contribute towards possible financial, reputational and compliance risk for the Shire.

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 11.7 – Draft, Disability Access & Inclusion Plan 2019-2022

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr A Bates

That:

- 1. The draft Shire of Ngaanyatjarraku Disability Access and Inclusion Plan 2019- 2022 as per Attachment 11.7 be approved as the basis for inviting public submissions;**
- 2. Public submissions be invited, closing on 30 July 2019;**
- 3. NG Health also be invited to make a submission on the draft Shire of Ngaanyatjarraku Disability Access and Inclusion Plan 2019-2022; and**
- 4. A further report be presented to the August 2019 Ordinary Council Meeting, including any public submissions received.**

Carried: 6/0

12. EHO & BUILDING SERVICES REPORTS

12.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE:	EM.00
AUTHOR'S NAME AND POSITION:	Phil Swain Principal EHO & Building Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	4 June 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

To inform Council of Environmental Health program & Building Services activities and actions for the preceding month.

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's 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 12.1 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council receives the Action Report, EHO / Building Services for May 2019.

Carried: 6/0

13. EARLY YEARS PROGRAM REPORTS

14. RECREATION SERVICES REPORTS

15. NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Bates Seconded: Cr J Frazer

That Council:

I. That Council admits urgent business Confidential Reports:

- a) 15.1 CEO Recruitment**
- b) 15.2 Deputy CEO TOIL**

II. Resolve that:

- a) 15.1 CEO Recruitment**
- b) 15.2 Deputy CEO TOIL**

Reports as attached are confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):

- (a) a matter affecting an employee or employees;**
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**

III. Close the meeting to the public at 2.10pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995.

Carried: 6/0

The Acting Chief Executive Officer left the chamber at 2.10 pm. (Note: Director Corporate Services to remain and take any minutes.)

Council considered the urgent new business confidential reports 'in camera'.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Bates Seconded: Cr P Thomas

That Council re-open the meeting to the public at 2.15 pm

Carried: 6/0

The Acting Chief Executive Officer returned to the chamber at 2.15 pm.

The Presiding Member advised of Council's decision for the urgent new business Confidential Items as follows.

15.1 CEO RECRUITMENT

FILE REFERENCE: PL.00

AUTHORS NAME AND POSITION Kerry Fisher
Director Corporate Services

AUTHORISING OFFICER NAME AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 25 June 2019

DISCLOSURE OF INTERESTS: The authorising officer has a financial interest in the proposal as he is Acting CEO and is an applicant for the position.

Officers Recommendation (as advised by President and Deputy President) and Council Resolution

Moved: Cr P Thomas Seconded: Cr A Bates

That Council:

- 1. appoint Mr. Kevin J Hannagan as its Chief Executive Officer;**
- 2. approve the attached Contract of Employment;**
- 3. authorise the President to approve the following matters in accordance with the Contract of Employment:**
 - a) 6.3 Professional development;**
 - b) 8 Expenses – 1 (b) Reimbursement;**
 - c) 8 Expenses – 2 (b) Credit Card Use;**
 - d) 9.1 Approval for leave**
 - e) 9.7 Study leave**
 - f) Fortnightly, daily attendance sheet, and**
- 4. authorise the President and Director Corporate Services to Execute (Sign and Seal) the Contract of Employment.**

Carried: 6/0

15.2 DEPUTY CEO TOIL

FILE REFERENCE: PL.00

AUTHORS NAME AND POSITION Kevin Hannagan
Deputy Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 2 June 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have a financial interest as he is the subject of the report.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr A Bates

That Council approves the Deputy Chief Executive Officers Time off in Lieu balance as at Pay Period End 26 to be converted to Annual Leave balance.

Carried: 6/0

16. CONFIDENTIAL MATTERS

16.1 REVIEW OF WASTE SERVICES

FILE REFERENCE: PL.00

AUTHOR'S NAME AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 10 June 2019

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial, proximity or impartiality interests in the proposal.

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr J Frazer

That Council:

- 1. Resolve that the Review of Waste Services Report as attached is confidential in accordance with s5.23 (2) the Local Government Act because it deals with:
(a) a matter affecting an employee or employees;**
- 2. Close the meeting to the public at 2.15pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995.**

Carried: 6/0

There were no members of the public gallery to leave the meeting at 2.15 pm. (Note: Acting Chief Executive Officer and Director Corporate Services remained to take minutes.)

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr D Frazer

That Council re-open the meeting to the public at 2.19 pm

Carried: 6/0

No members of the public gallery or staff members re-entered the room.

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

Officers Recommendation and Council Resolution

Moved: Cr A Bates Seconded: Cr P Thomas

That Council:

- 1. Requests the Acting Chief Executive Officer to write to Jameson, Blackstone and Wingelina Community Chairs and affected customers, copy NCAC advising that the Shire will formally cease rubbish services effective 31 August 2019;**
- 2. Commence the process in accordance with Section 3.58 of the Local Government Act 1995 to transfer ownership of the three Isuzu Rubbish Trucks to the respective communities for use in community rubbish collection services as outlined in this report;**
- 3. Authorise the Acting Chief Executive Officer to write off Sundry Debtors for;**
 - a) Debtor 93, Jameson Community \$11,540; and**
 - b) Debtor 150, Jameson Store \$1,100**

Carried: 6/0

17. NEXT MEETING

Scheduled for Wednesday, 24 July 2019 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

18. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 2.20pm.