



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

**Tjulyuru Cultural and Civic Centre
Warburton Community**

19 December 2018

at

1.00 pm

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.

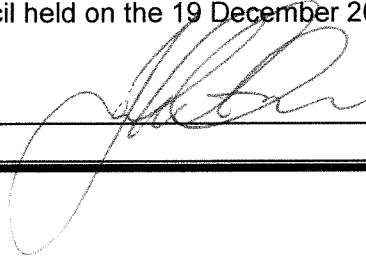


Acting Chief Executive Officer

Date: 20-12-2018

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 19 December 2018.

Presiding Member: _____



Date:.....

27/2/19

1.	DECLARATION OF OPENING	4
2.	ANNOUNCEMENT OF VISITORS.....	4
3.	ATTENDANCE	4
3.1	PRESENT.....	4
3.2	APOLOGIES.....	4
3.3	APPROVED LEAVE OF ABSENCE.....	4
4.	PUBLIC QUESTION TIME.....	4
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2	PUBLIC QUESTION TIME	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.	DECLARATION BY MEMBERS.....	4
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA	4
6.2	DECLARATIONS OF INTEREST.....	5
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	6
8.	PETITIONS, DEPUTATIONS, PRESENTATIONS.	6
8.1	PETITIONS.....	6
8.2	DEPUTATIONS	6
8.3	PRESENTATIONS	6
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	6
9.1	MINUTES OF ORDINARY MEETING OF COUNCIL HELD 28 NOVEMBER 2018 (ATT 9.1).....	6
10.	CEO REPORTS.....	7
10.1	PROGRESS ON THE IMPLEMENTATION OF COUNCIL DECISIONS	7
10.2	ADMINISTRATIVE COMPLIANCE WITH THE LGA 1995.....	9
10.3	ATTENDANCE BY TELEPHONE CR THOMAS.....	11
10.4	PROPOSED REVOCATION OF MOTION – ADOPTION OF 2018/19 BUDGET.....	13
10.5	PROPOSED REVOCATION OF MOTION – ADOPTION OF 2018/19 BUDGET.....	17
10.6	RE-ADOPTION OF 2018/19 BUDGET	20
11.	DEPUTY CEO REPORTS	26
11.1	PAYMENTS LISTING, NOVEMBER 2018	26
11.2	COUNCIL INVESTMENTS AS AT 10 DECEMBER 2018.....	28
11.3	DEBTORS – SUNDRY	31
12.	EHO & BUILDING SERVICES REPORTS	33
12.1	ACTION REPORT – EHO / BUILDING SERVICES.....	33
13.	EYP REPORTS	34
14.	NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION.....	35
15.	CONFIDENTIAL MATTERS	35
16.	NEXT MEETING	35
17.	CLOSURE OF MEETING	35

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.01 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	D McLean P Thomas D Frazer J Frazer L West
Staff:	ACEO F&C Coord	K Hannagan (by telephone) G Handy
Guests:		
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr. A Bates

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

--	--	--

- 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**
- 8. PETITIONS, DEPUTATIONS, PRESENTATIONS**
 - 8.1 PETITIONS**
 - 8.2 DEPUTATIONS**
 - 8.3 PRESENTATIONS**
- 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 24 October 2018 (ATT 9.1)**

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 28 November 2018 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.

Carried: 5/0

10. CEO REPORTS

10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL DECISIONS, STATUS REPORT FOR NOVEMBER 2018

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 December 2018
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests 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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

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 10.1 - Council Resolutions - Status Report to November Council meeting 2018.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council notes the attached Council Resolutions – Status as at November Council meeting 2018 (Attachment 10.1) and this report.

Carried: 5/0

10.2 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:	12 December 2018
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests 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 Councillors information. Further monthly reports will be made to Council advising progress against the task 'due dates'.

The Auditors Report for FYE 2017 may be finalised December 2018 and AFS provided to the DLGSCI by end December. The Shire would technically be 'compliant' until the end of December 2018 when the AFS 2017/18 is due.

The main remaining items outstanding to achieve compliance would then be the Annual Reports for 2016/17 & 2017/18 and Audits for 2017/18 Financial Year End. Significant progress is now being made and it is proposed to be compliant by the end of February 2018.

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

The costs associated with the Approved Adviser are to be borne by Council, the Annual Budget takes this into account.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

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 as at 12 December 2018

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council notes Compliance / Action Calendar as at 12 December 2018 (Attachment 10.2) and this Report.

Carried: 5/0

10.3 ATTENDANCE BY TELEPHONE CR THOMAS

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	12 December 2018
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 only attended by telephone for the August and November 2018 meetings this financial year.

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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

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

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 need be.

Carried: 5/0

10.4 PROPOSED REVOCATION OF MOTION – ADOPTION OF 2018/19 BUDGET

FILE REFERENCE:	FM.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	30 November 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

The adopted 2018/19 budget requires revocation and readoption, as the budgeted general rate is beyond the limit set by Section 6.34 of the Local Government Act 1995 due to an error in the determination of the budgeted deficiency.

Background

The 2018/19 budget was adopted by Council at its Ordinary Meeting held 29th August 2018. Following adoption of the budget, an amendment was recommended to Council and subsequently adopted at its Ordinary Meeting held 19th September 2018. This amendment corrected due dates for the payment of rates by instalments.

Since the adoption of the 2018/19 budget, and the adopted budget amendment, the Department of Local Government, Sport and Community Interests (DLGSCI) has advised that the adopted budget is not compliant, and would require revocation and readoption, once corrected. Subsequently, the adopted 2018/19 budget amendment will also need to be rescinded, which is presented as a separate item for consideration.

Comment

A budgeted transfer to reserves was omitted in error resulting in an overstatement of the budgeted deficiency. A new budget has been prepared for adoption where the budgeted deficiency is equivalent to the amount to be raised from general rates, which remains unchanged from the general rates adopted at the Ordinary Meeting of Council held 29th August 2018. Subject to the determination by DLGSCI, the rates raised for 2018/19 may be quashed by the State Administrative Tribunal, in which case new rates would be raised in accordance with the budgeted deficiency as defined in the budget to be adopted. The new rates would be raised at the same level as the previously adopted 2018/19 rates.

It is noted that the same error within the Rate Setting Statement was also contained within the 2016/17 and 2017/18 Adopted Budgets. However this was not brought to the Shire's attention by DLGSCI or the Shire's Accounting services provider.

Statutory Environment

Section 6.2 (1) of the Local Government Act 1995 requires that a local government is to prepare (in the prescribed manner) and adopt (by absolute majority), between 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

Section 5.25 (1)(e) of the Local Government Act 1995 outlines that regulations may make provision in relation to the circumstances and manner in which a decision made at a council or a

committee meeting may be revoked or changed (which may differ from the manner in which the decision was made)

Regulation 10 of the Local Government (Administration) Regulations 1996 provides that:

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first mentioned decision must be made —*
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (b) in any other case, by an absolute majority.*
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

Financial Implications

The adopted budget outlines planned expenditure and revenue and determines the financial parameters for the Shire of Ngaanyatjarraku to operate within for the 2018/19 financial year. The current budget is non-compliant and will need to be readopted once corrected.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Adoption of statutory compliant budget is required to ensure the general rates raised are compliant with Section 6.34 of the Local Government Act 1995. Adoption of a budget in November following the rescinding of the previous motion will be a breach of Section 6.2 (1) as the budget will not have been adopted prior to the 31 August.

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 high prior to treatment, the rescinding and re adoption of a statutory compliant budget will reduce the risk to medium.

Policy Implications

There are no known policy implications for this matter

Attachments

Nil

Voting Requirement

Recommendation 1 – 1/3 of number of offices required

Recommendation 2 – Absolute Majority Required

Officers Recommendation 1 and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That pursuant to Reg 10(1)(a) of the Local Government (Administration) Regulations 1996, Council agree to consider a rescission of its previous decision at item 10.6 of the minutes of the Ordinary Meeting of Council held 29th August 2018, relating to the adoption of the 2018/19 annual budget.

Carried: 5/0

Officers Recommendation 2 and Council Resolution

Moved: Cr P Thomas Seconded: Cr D Frazer

That pursuant to Reg 10(1)(b) of the Local Government (Administration) Regulations 1996, Council agree to rescind its previous decision at item 10.6 of the minutes of the Ordinary Meeting of Council held 29th August 2018 as presented below:

That Council, with respect to the attached 2018/19 Budget (including Fees and Charges), adopts the following:

For the purpose of yielding the deficiency disclosed by the proposed Municipal Fund Budget and pursuant to sections 6.32 and 6.35 of the Local Government Act 1995, Council impose the following general and minimum rates on Unimproved Values:

UV Mining	\$0.2100 in the \$
General Minimum	\$245 per rateable property

Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government Financial Management Regulations 1996, Council adopt the following due dates for the payment or rates by instalments:

Date of issue, 18 September 2018

Option 1 (Full Payment)

Full amount of rates and charges including arrears, to be paid on or before 31 December 2018 or 35 days after the date of service appearing on the rate notice whichever is the later.

Option 2 (Two Instalments)

First instalment to be made on or before 31 December 2018 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges; and

Second instalment to be made on or before 29 February 2019

Option 3 (Four Instalments)

First instalment to be made on or before 27 October 2018 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges;

Second instalment to be made on or before 29 December 2018;

Third instalment to be made on or before 2 March 2019; and

Fourth instalment to be made on or before 4 May 2019

Pursuant to section 6.51 (1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopt an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Councillor Allowances

In accordance with Section 5.98 (1)(b) of the Local Government Act, Local Government (Administration) Regulation 30, Part 2.2 (1) and Part 2.3 (1)(a) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the Salaries and Allowances Act, Councillor meeting attendance fees be set at \$200 per Council meeting, and \$100 per committee meeting.

In accordance with Section 5.98 (1)(b) of the Local Government Act, Local Government (Administration) Regulation 30, Part 2.2 (1) and Part 2.3 (1)(a) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the Salaries and Allowances Act, meeting attendance fees for the Shire President be set at \$400 per Council meeting, and \$100 per committee meeting.

In accordance with Section 5.98(5) of the Local Government Act, Local Government (Administration) Regulation 33, Part 2.2 (1) and Part 3.2 (4) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the Salaries and Allowances Act, the annual allowance for the Shire President remains set at \$4,000.

In accordance with Section 5.98A (1) of the Local Government Act, Local Government (Administration) Regulation 33A, Part 2.2 (1) and Part 3.3 of the Determination for Local Government Elected Council Members pursuant to Section 7B of the Salaries and Allowances Act, the annual allowance for the Deputy Shire President remains set at \$1,000.

In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulation 1996, Council adopt the following materiality thresholds:

<u>Condition</u>	<u>Action</u>
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Variance exceeding 10% and a greater value than \$20,000	Must Report

Carried: 5/0

10.5 PROPOSED REVOCATION OF MOTION – AMENDMENT TO 2018/19 BUDGET

FILE REFERENCE:	FM.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	30 November 2018
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

The adopted 2018/19 budget requires revocation and readoption. Subsequently, the adopted 2018/19 budget amendment also needs to be rescinded.

Background

The 2018/19 budget was adopted by Council at its Ordinary Meeting held 29th August 2018. Following adoption of the budget, an amendment was recommended to Council and subsequently adopted at its Ordinary Meeting held 19th September 2018. This amendment corrected due dates for the payment of rates by instalments.

Since the adoption of the 2018/19 budget, and the adopted 2018/19 budget amendment, the Department of Local Government, Sport and Community Interests (DLGSCI) has advised that the adopted budget is not compliant, and would require revocation and readoption, once corrected. Subsequently, the adopted 2018/19 budget amendment will also need to be rescinded.

Comment

A budgeted transfer to reserves was omitted in error resulting in an overstatement of the budgeted deficiency. A new budget has been prepared for adoption where the budgeted deficiency is equivalent to the amount to be raised from general rates, which remains unchanged from the general rates adopted at the Ordinary Meeting of Council held 29th August 2018. The 2018/19 budget requires revocation and readoption resulting in the budget amendment passed at item 10.4 of the minutes of the Ordinary Meeting of Council held 19th September 2018 no longer being valid and also requiring revocation.

It is noted that the same error within the Rate Setting Statement was also contained within the 2016/17 and 2017/18 Adopted Budgets. However this was not brought to the Shire's attention by DLGSCI or the Shire's Accounting services provider.

Statutory Environment

Section 6.2 of the Local Government Act 1995 requires that a local government is to prepare (in the prescribed manner) and adopt (by absolute majority), between 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

Section 6.2 (5)(c) of the Local Government Act 1995 outlines that the regulations may provide for the information to be contained within or to accompany the annual budget. Section 6.45 of the Local Government Act 1995 provides for options for payment of rates and services charges. Regulation 27(c)(i) of the Local Government (Financial Management) Regulations 1996 sets out that the budget is to include the due dates of each instalment under each option for payment of rates and service charges.

Section 5.25 (1)(e) of the Local Government Act 1995 outlines that regulations may make provision in relation to the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made)

Regulation 10 of the Local Government (Administration) Regulations 1996 provides that:

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Financial Implications

The adopted budget outlines planned expenditure and revenue and determines the financial parameters for the Shire of Ngaanyatjarraku to operate within for the 2018/19 financial year. The current budget is non-compliant and will need to be readopted once corrected.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Adoption of statutory compliant budget is required to ensure the general rates raised are compliant with Section 6.34 of the Local Government Act 1995. Adoption of a budget in November following the rescinding of the previous motion will be a breach of Section 6.2 (1) as the budget will not have been adopted prior to the 31 August.

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 high prior to treatment, the rescinding and re adoption of a statutory compliant budget will reduce the risk to medium.

Policy Implications

Not applicable

Attachments

Not applicable

Voting Requirement

Recommendation 1 – 1/3 of number of offices required

Recommendation 2 – Absolute Majority Required

Officers Recommendation 1 and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That pursuant to Reg 10(1)(a) of the Local Government (Administration) Regulations 1996, Council agree to consider a rescission of its previous decision at item 10.4 of the minutes of the Ordinary Meeting of Council held 19th September 2018, relating to an amendment to the adopted 2018/19 annual budget.

Carried: 5/0

Officers Recommendation 2 and Council Resolution

Moved: Cr L West Seconded: Cr D Frazer

That pursuant to Reg 10(1)(b) of the Local Government (Administration) Regulations 1996, Council agree to rescind its previous decision at item 10.4 of the minutes of the Ordinary Meeting of Council held 19th September 2018 as presented below:

That Council, with respect to the attached 2018/19 Budget and Statutory Budget Notes, amend the Rate Notice issue and instalment dates as follows:

Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government Financial Management Regulations 1996, Council adopt the following due dates for the payment of rates by instalments:

Date of issue, 21 September 2018

Option 1 (Full Payment)

Full amount of rates and charges including arrears, to be paid on or before 29 October 2018 or 35 days after the date of service appearing on the rate notice whichever is the later.

Option 2 (Two Instalments)

First instalment to be made on or before 29 October 2018 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges; and

Second instalment to be made on or before 4 March 2019

Option 3 (Four Instalments)

First instalment to be made on or before 29 October 2018 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges;

Second instalment to be made on or before 28 December 2018;

Third instalment to be made on or before 1 March 2019; and

Fourth instalment to be made on or before 6 May 2019.

Carried: 5/0

10.6 RE-ADOPTION OF 2018/19 BUDGET

FILE REFERENCE:	FM.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	30 November 2018
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

The adopted 2018/19 budget was determined to be non-compliant, as the budgeted general rate was beyond the limit set by Section 6.34 of the Local Government Act 1995 due to an error in the determination of the budgeted deficiency. The budget has been corrected and is presented for consideration for adoption.

Background

The 2018/19 budget was adopted by Council at its Ordinary Meeting held 29th August 2018. Following adoption of the budget, an amendment was recommended to Council and subsequently adopted at its Ordinary Meeting held 19th September 2018. This amendment corrected due dates for the payment of rates by instalments.

Since the adoption of the 2018/19 budget, and the adopted budget amendment, the Department of Local Government, Sport and Community Interests (DLGSCI) has advised that the adopted budget is not compliant, and would require revocation and re-adoption, once corrected.

Consideration for the rescission of both the 2018/19 budget and 2018/19 budget amendment have both been presented as separate items for consideration.

Comment

A budgeted transfer to reserves was omitted in error resulting in an overstatement of the budgeted deficiency. A new budget has been prepared for adoption where the budgeted deficiency is equivalent to the amount to be raised from general rates, which remains unchanged from the general rates adopted at the Ordinary Meeting of Council held 29th August 2018. Subject to the determination by DLGSCI, the rates raised for 2018/19 may be quashed by the State Administrative Tribunal, in which case new rates would be raised in accordance with the budgeted deficiency as defined in the budget to be adopted. The new rates would be raised at the same level as the previously adopted 2018/19 rates.

It is noted that the same error within the Rate Setting Statement was also contained within the 2016/17 and 2017/18 Adopted Budgets. However this was not brought to the Shire's attention by DLGSCI or the Shire's Accounting services provider.

These changes will also impact the first-year budget figures in the Shires adopted Long Term Financial Plan and consequentially the Integrated Strategic Plan. As such the plans will be reviewed to see if the impact warrants changes and re-adoption by Council.

Statutory Environment

Section 6.2 of the Local Government Act 1995 requires that a local government is to prepare (in the prescribed manner) and adopt (by absolute majority), between 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

Section 6.16 of the Local Government Act 1995 allows a local government to impose and recover a fee or charge for any goods or services it provides or proposes to provide (absolute majority required).

Section 6.51 of the Local Government Act 1995 allows a local government to charge interest on a rate or service charge that remains unpaid after it is due and payable (absolute majority required).

Section 6.32 of the Local Government Act 1995 states that a local government in order to make up the budget deficiency is to impose a general rate on rateable land that may be imposed uniformly or differentially. A local government may also impose a minimum payment (absolute majority required).

Regulation 17 of the Local Government (Financial Management) Regulations 1996 states that a reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.

Regulation 23(a) of the Local Government (Financial Management) Regulations 1996 requires the annual budget to include the objects and reasons of any differential rates imposed.

Regulation 26 of the Local Government (Financial Management) Regulations 1996 requires that the annual budget is to include details for each discount, incentive, concession and waiver to be allowed.

Regulation 27 of the Local Government (Financial Management) Regulations 1996 sets out the detail accompanying notes to the budget are to contain.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 states that each financial year a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.

Regulation 64(2) of the Local Government (Financial Management) Regulations 1996 sets out the local government is to determine the due date of instalments after the first instalment.

Regulation 70 of the Local Government (Financial Management) Regulations 1996 states that the maximum interest rate for overdue rates under section 6.51(1), is 11%.

Section 67 of the Waste Avoidance and Resource Recovery Act 2007 enables a local government to impose an annual charge in respect of premises provided with a waste service by the local government.

Section 5.98 of the Local Government Act 1995 sets out fees etc payable to Council members.

Section 5.98A of the Local Government Act 1995 sets out fees etc payable to sets out allowances payable to deputy Presidents or deputy Mayors.

Section 7B(2) of the Salaries and Allowances Act 1975 requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine –

- the amount of fees to be paid to Council members;
- the amount of expenses to be reimbursed to Council members;
- the amount of allowances to be paid to Council members.

Regulations 30-34AD of the Local Government (Administration) Regulations 1996 set the limits, parameters and types of allowances that can be paid to elected members.

Financial Implications

The adopted budget outlines planned expenditure and revenue and determines the financial parameters for the Shire of Ngaanyatjarraku to operate within for the 2018/19 financial year. The current non-compliant budget has now been corrected and is now presented to Council to be readopted.

Strategic Implications

Strategic Community Plan 2016 - 2026
Goal 4, Our Leadership
Outcome 4.2, A capable and compliant local government

Adoption of statutory compliant budget is required to ensure the general rates raised are compliant with Section 6.34 of the Local Government Act 1995. Adoption of a budget in November following the rescinding of the previous motion will be a breach of Section 6.2 (1) as the budget will not have been adopted prior to the 31 August.

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 high prior to treatment, the rescinding and re adoption of a statutory compliant budget will reduce the risk to medium.

Policy Implications

Not applicable

Attachments

10.6A – 2018/19 Draft Statutory Budget
10.6B - 2018/19 Schedule of Fees and Charges

Voting Requirement

Recommendation 1 – Absolute Majority Required
Recommendation 2 – Absolute Majority Required
Recommendation 3 – Absolute Majority Required
Recommendation 4 – Absolute Majority Required
Recommendation 5 – Absolute Majority Required
Recommendation 6 – Absolute Majority Required
Recommendation 7 – Absolute Majority Required
Recommendation 8 – Absolute Majority Required

Officers Recommendation 1 and Council Resolution

Moved: Cr P Thomas Seconded: Cr D Frazer

For the purpose of yielding the deficiency disclosed by the proposed Municipal Fund Budget and pursuant to sections 6.32 and 6.35 of the Local Government Act 1995, Council impose the following general and minimum rates on Unimproved Values:

UV Mining	\$0.2100 in the \$
General Minimum	\$245 per rateable property

Carried: 5/0

Officers Recommendation 2 and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council offer the following options for the payment of rates by instalments:

Option 1 (Full Payment)

Full amount of rates and charges including arrears, to be paid on or before 29 October 2018 or 35 days after the date of service appearing on the rate notice whichever is the later.

Option 2 (Two Instalments)

First instalment to be made on or before 29 October 2018 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges; and

Second instalment to be made on or before 4 March 2019

Option 3 (Four Instalments)

First instalment to be made on or before 29 October 2018 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges;

Second instalment to be made on or before 28 December 2018;

Third instalment to be made on or before 1 March 2019; and

Fourth instalment to be made on or before 6 May 2019

Carried: 5/0

Officers Recommendation 3 and Council Resolution

Moved: Cr J Frazer

Seconded: Cr L West

Pursuant to section 6.51 (1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopt an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Carried: 5/0

Officers Recommendation 4 and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council, in accordance with Section 67 of the Waste Avoidance and Recovery Act 2007, impose the following receptacle charge for 2018/19:

- **Domestic rubbish removal \$290 (GST Free) per bin; and**
- **Commercial rubbish removal - \$1,100 (GST Free) per service**

Carried: 5/0

Officers Recommendation 5 and Council Resolution

Moved: Cr P Thomas Seconded: Cr L West

That Council, in accordance with Section 6.16 of the Local Government Act 1995, adopt the attached Schedule of Fees and Charges as presented in the Budget for the year ending 30 June 2019.

Carried: 5/0

Officers Recommendation 6 and Council Resolution

Moved: Cr P Thomas Seconded: Cr D Frazer

That Council, in accordance with section 6.2 of the Local Government Act 1995, adopt the attached annual Budget for the year ended 30 June 2019.

Carried: 5/0

Officers Recommendation 7 and Council Resolution

Moved: Cr P Thomas Seconded: Cr J Frazer

That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulation 1996, Council adopt the following materiality thresholds:

<u>Condition</u>	<u>Action</u>
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Variance exceeding 10% and a greater value than \$20,000	Must Report

Carried: 5/0

Officers Recommendation 8 and Council Resolution

Moved: Cr L West Seconded: Cr D Frazer

That Council adopt the following Councillor Allowances for the 2018/19 period:

In accordance with Section 5.98 (1)(b) of the Local Government Act 1995, Local Government (Administration) Regulation 30, Part 2.2 (1) and Part 2.3 (1)(a) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the Salaries and Allowances Act, Councillor meeting attendance fees be set at \$200 per Council meeting, and \$100 per committee meeting.

In accordance with Section 5.98 (1)(b) of the Local Government Act 1995, Local Government (Administration) Regulation 30, Part 2.2 (1) and Part 2.3 (1)(a) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the Salaries and Allowances Act, meeting attendance fees for the Shire President be set at \$400 per Council meeting, and \$100 per committee meeting.

In accordance with Section 5.98(5) of the Local Government Act 1995, Local Government (Administration) Regulation 33, Part 2.2 (1) and Part 3.2 (4) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the Salaries and Allowances Act, the annual allowance for the Shire President remains set at \$4,000.

In accordance with Section 5.98A (1) of the Local Government Act 1995, Local Government (Administration) Regulation 33A, Part 2.2 (1) and Part 3.3 of the Determination for Local Government Elected Council Members pursuant to Section 7B of the Salaries and Allowances Act, the annual allowance for the Deputy Shire President remains set at \$1,000.

Carried: 5/0

Council Resolution

Moved: Cr P Thomas Seconded: Cr D Frazer

That Council instructs the Chief Executive Officer to advise its Accounting Adviser that the Shire will not be extending contract T02 15/16 Accounting Services beyond the 2018/19 FYE.

Carried: 5/0

Council Resolution

Moved: Cr P Thomas Seconded: Cr L West

That Council instructs the Chief Executive Officer to commence the process of advertising Accounting Services for matters relevant to the 2019/20 FYE in early 2019.

Carried: 5/0

11. DEPUTY CEO REPORTS

11.1 PAYMENTS LISTING, NOVEMBER 2018

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: 19 November 2018

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 Accounts for Payment, November 2018.

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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

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 11.1 – Payment Listings, November 2018

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr J Frazer

That Council receives the Payment Listings, November 2018 totalling payments of \$798,730.45 as per Attachment 11.1.

Carried: 5/0

11.2 COUNCIL INVESTMENTS AS AT 10 DECEMBER 2018

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:	10 December 2018
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 at 10 December 2018.

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.

Council will note that the new Term Deposit for Employee Entitlements Reserve has been set up in the Shire's Westpac Accounts and an initial reserve amount of \$300,000 allocated until the actual 2017/18 entitlements have been Audited and the balance adjusted at the next six monthly maturity interval.

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

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

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

Corporate Policy CS2.7 Investments.

Attachments

Attachment 11.2 – Westpac screen print of Municipal and Investment Accounts

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That the report on Council Investments as at 10 December 2018 be received.

Carried: 5/0

11.3 DEBTORS – SUNDRY

FILE REFERENCE:	FM.08
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	13 December 2018
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider writing-off an irrecoverable sundry debtor for house rental for an Alice Springs builder in December 2014, Debtor Number 235.

Background

An ongoing review of remaining debtor balances is being undertaken to determine action required to clean up the outstanding debtors.

Comment

A follow up letter to the last known address has resulted in no response.

As such it is highly unlikely the Shire will be able to recover the debt. Given its small value, it is not cost effective to use a debt collection agency.

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 write-off of the sundry debtor considered irrecoverable will result in an expense to the Shire for the 2018/19 Financial Year End of \$672.00 as at the date of this report.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

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 P Thomas

Seconded: Cr D Frazer

That Council approves the write-off the balance of sundry debtor Number 235 of \$672.00.

Carried: 5/0

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: 11 December 2018

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 through the period on-site November 2018.

Background

Not applicable

Comment

Not Applicable

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

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, November 2018

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council receives the Action Report, EHO / Building Services for November 2018.

Carried: 5/0

13. EYP REPORTS

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

15. CONFIDENTIAL MATTERS

16. NEXT MEETING

Scheduled for Wednesday, 23 January 2019 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

17. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 1.25 pm.

