



# **Shire of Ngaanyatjaraku**

ON A JOURNEY

**ORDINARY MEETING OF COUNCIL**

**MINUTES**

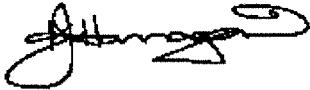
**Tjulyuru Cultural and Civic Centre  
Warburton Community**

**29 August 2018  
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.

ACEO



Date: 29-08-2018

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 29 August 2018.

Presiding Member: \_\_\_\_\_

Date: 19/9/2018

**DISCLAIMER**

*The resolutions contained in these Minutes have been confirmed by Council. The Shire of Ngaanyatjarraku warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ngaanyatjarraku for any act, omission or statement or intimation occurring during a Council meeting.*

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.00 pm.

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr D McLean Cr A Bates Cr L West Cr P Thomas Cr D Frazer	Shire President, (Presiding Member) Councillor Councillor Councillor (by telephone) Councillor
<b>Staff:</b>	C Paget K Hannagan G Handy A Shinkfield	Chief Executive Officer Deputy Chief Executive Officer Finance & Admin Coordinator Early Years Program Coordinator (from 1.10pm)
<b>Guests:</b>		
<b>Members of Public:</b>	There was one member of the public in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr. J Frazer  
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**

<b>Moved: Cr A Bates</b>	<b>Seconded: Cr L West</b>
<b>That Cr J Frazer be granted a leave of absence for the next Council meeting.</b>	
<b>Carried: 5/0</b>	

**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 11 JULY 2018 (ATT 9.1)**

<p><b>Officers Recommendation and Council Resolution</b></p> <p><b>Moved: Cr D Frazer                      Seconded: Cr P Thomas</b></p> <p><b>That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 11 July 2018 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.</b></p> <p style="text-align: right;"><b>Carried: 5/0</b></p>
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The Chief Executive Office tabled Minutes for the 30 May 2018 Council Meeting.

<p><b>Moved: Cr D Frazer                      Seconded: Cr P Thomas</b></p> <p><b>That the unconfirmed Minutes of the Ordinary Meeting of Council held on 30 May 2018 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community as tabled be confirmed as a true and accurate record.</b></p> <p style="text-align: right;"><b>Carried: 5/0</b></p>
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## 10. CEO REPORTS

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

<b>FILE REFERENCE:</b>	GV.05
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	24 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	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 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 10.1 - Council Resolutions - Status Report for the month to July 2018.

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr A Bates**

**Seconded: Cr L West**

**That Council notes:**

- 1. the attached Council Resolutions – Status as at July 2018 (Attachment 10.1) and this report, and**
- 2. that the Chief Executive Officer and Acting Chief Executive Officer will be meeting Thursday 30 August 2018 for the Chief Executive Officer to hand-over outstanding Minutes and the draft annual Reports for 2014/15 & 2015/16.**

**Carried: 5/0**



## 10.2 ADMINISTRATIVE COMPLIANCE

<b>FILE REFERENCE:</b>	CS.06
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	23 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	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 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 main remaining items outstanding to achieve compliance are the Annual Report for 2014/15, 2015/16 and 2016/17, Audit for 2016/17 Financial Year End and Council Minutes for 2015/16 (part), 2016/17 and 2017/18 (part).

### 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 Ngaanyatjarraku'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 23 August 2018

**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 23 August 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:** 23 August 2018

**DISCLOSURE OF FINANCIAL INTEREST:** 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.

#### Comment

Not applicable

#### 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 subregulation (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 D Frazer**

**Seconded: Cr A Bates**

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

**Carried: 5/0**

## 10.4 POLICY – DRUG AND ALCOHOL

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	23 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to consider adopting a new Council Policy CS2.29 Drug and Alcohol.

### Background

Council is required to regularly review its policies and consider new ones where appropriate.

### Comment

The Shire of Ngaanyatjaraku and its employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and other drug usage becomes an occupational safety and health issue if a worker's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired.

Under the Occupational Safety and Health Act 1984 (the OSH Act), workers must take reasonable care of their own safety and health and not endanger the safety and health of others at the workplace. Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely.

As such it is appropriate for the Shire to implement a Policy to inform staff of the Shire's commitment to the safety and health of staff and their responsibilities in relation to drug and alcohol.

### Statutory Environment

*Local Government Act 1995*

#### 2.7. *Role of council*

(1) *The council —*

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

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

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

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

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

### Financial Implications

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**

This is a new Policy.

**Attachments**

Attachment 10.4 – Policy CS2.29, Drug and Alcohol

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer**

**Seconded: Cr A Bates**

**That Council adopts Council Policy CS2.29, Drug and Alcohol as per Attachment 10.4.**

**Carried: 5/0**

## 10.5 COUNCILLOR RESIGNATION

<b>FILE REFERENCE:</b>	GV.07
<b>AUTHOR'S NAME AND POSITION:</b>	Chris Paget Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Chris Paget Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	24 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author / authorising officer has no financial, proximity or impartiality interests in the proposal.

### Summary

The purpose of this agenda item is for Council to consider requesting the approval of the Electoral Commissioner to allow the vacancy caused through the resignation of Cr. Beverley Thomas to remain unfilled until the next ordinary Council election in accordance with section 4.17 of the Local Government Act 1995.

### Background

Councillor Beverley Thomas submitted a written notice to the Shire President stating that she would be resigning from her position with the Shire of Ngaanyatjarraku, the President duly forwarded this notice to the CEO. Further clarification was sought from Cr. Thomas as to when her resignation was intended to take effect, to which she confirmed that it would be from 31<sup>st</sup> July 2018.

Cr. Thomas was first elected to the Council of the Shire of Ngaanyatjarraku in May 2003. She has served in this role for 15 years, also holding the position of Deputy Shire President for almost 9 years from November 2008 to October 2017.

### Statutory Environment

*Local Government Act 1995:*

#### **2.31. Resignation**

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

#### **2.32. How extraordinary vacancies occur in offices elected by electors**

*The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —*

- (a) *dies; or*
- (b) *resigns from the office; or*
- (c) *does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or*
- (d) *advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or*
  - (da) *is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or*

- (e) becomes the holder of any office or position in the employment of the local government; or
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.

#### **4.17. Cases in which vacant offices can remain unfilled**

(1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

(2) If a member's office becomes vacant under section 2.32 —

(a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but

(b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

(3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

\* Absolute majority required.

(4A) Subsection (3) applies —

(a) if —

(i) the office is for a district that has no wards; and

(ii) at least 80% of the number of offices of member of the council in the district are still filled; or

(b) if —

(i) the office is for a ward for which there are 5 or more offices of councillor; and

(ii) at least 80% of the number of offices of councillor for the ward are still filled.

(4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

#### **Consultation**

West Australian Electoral Commission

#### **Comment**

Pursuant to Section 4.17(3) and (4A) of the *Local Government Act 1995* the Council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and on that basis the term of the member who held the office is to be regarded to end on the day on which it would have ended if the vacancy had not occurred. Cr. Beverley Thomas was re-elected to office in October 2017, and her four-year term was to expire in October 2021. The next ordinary elections for Council are to be held in October 2019.

#### **Financial Implications**

There would be a cost to hold an in-person extraordinary election if Council wished to fill the vacancy, this would vary in price depending on if it is conducted 'in-house' or via engaging the WA Electoral Commission (WAEC) to run the process on the Shire's behalf. Council's annual budget has generally made provision of approximately \$5,000 for the costs of running elections in-house; appointing the WAEC to oversee and manage the election is likely to cost significantly more and a quotation would be sought to ascertain the amount should Council wish to proceed in this way.

#### **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**

Not applicable

**Attachments**

Nil

**Voting Requirement**

Absolute majority required

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr L West**

**That pursuant to section 4.17(3) and 4 (A) of the Local Government Act 1995, Council requests the WA Electoral Commissioner to permit the vacancy created by the resignation of Councillor Beverley Thomas to remain unfilled until the next ordinary election in October 2019.**

**Carried: 5/0**

## 10.6 ADOPTION OF 2018/19 BUDGET

<b>FILE REFERENCE:</b>	FM.05
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	27 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author / authorising officer has no financial, proximity or impartiality interests in the proposal.

### Summary

The Statutory form of the Budget has now been finalised, the document is now submitted to Council for formal adoption.

### Background

The 2018/19 Annual Budget has been prepared based on the principles contained in the Long Term Financial Plan (LTFP) and Corporate Business Plan as well as taking into account substantive matters raised with the Shire President as well as review of expenditure and efficiency measures.

### Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

The *Local Government Act 1995* [Section 5.63 (1) (b)] specifically excludes the need for Elected Members to "Declare a Financial Interest" in imposing a rate, charge or fee.

The Section reads as follows:

*"5.63 (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –*  
*(b) an interest arising from the imposition of any rate, charge or fee by the local government;"*

Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

Divisions 5 and 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2018/19 Annual Budget as presented is considered to meet statutory requirements.

### Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. General Comments include:

- General Minimum Rate increase \$5 (four assessments affected);
- Rates increase for UV from 19c to 21c in dollar;
- Community Ex-gratia Rates unchanged;
- Community Rubbish Charges increase 10%; and

- Warburton Community Resource Centre office rental increased 3% in line with rental agreements.

The Budget contains efficiency gains made across the following areas:

- Reduction in Consultancy Costs (Approved Adviser) of \$50,000;
- Reduction in Land management Program Contribution \$50,000;
- Reduction in Legal Expenses (HREOC) \$80,000; and
- Warakurna / Blackstone Community swimming pools no longer managed by the Shire's Youth Services staff (contribution to chemicals etc retained).

With Reviews of the following to be undertaken:

- Youth / Recreation Services;
- Rubbish Collection;
- Environmental Health Program;
- Dog Control Program;
- Car / Plant Fleet;
- GVROC Regional Records Facility;
- Staff Rates of Pay; and
- Organisation Structure.

### **Financial Implications**

The Budget is a deficit budget and will result in a decrease in the Shires Cash by \$2,379,158. It must be noted that \$1,993,455 in Financial Assistance Grants for the 2018/19 year was pre-paid by the Federal Government into the 2017/18 FYE.

### **Strategic Implications**

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Outcome 4.3, Sustainable service delivery

### **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**

Not applicable

### **Attachments**

Attachment 10.6 (a) – 2018/19 Statutory Budget;

Attachment 10.6 (b) – 2018/19 Schedule of Fees and Charges

### **Voting Requirement**

Absolute majority required

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr A Bates**

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

- 1. 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.**

- 2. 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 received 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 received 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 one quarter of 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.**

- 3. 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.**

**4. Councillor Allowances**

1. 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.
2. In accordance with Section 5.98(1) (b) of the Local Government Act, Local Government (Administration) 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.
3. In accordance with Section 5.98(5) of the Local Government Act, Local Government (Administration) Regulation 33 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.
4. In accordance with Section 5.98A(1) of the Local Government Act, Local Government (Administration) Regulation 33A 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.

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

<b>Condition</b>	<b>Action</b>
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

## 10.7 APPROVAL FOR USE OF SHIRE VEHICLE FOR COMMUNITY USE

**FILE REFERENCE:** CR.00

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

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

**DATE REPORT WRITTEN:** 28 August 2018

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

### Summary

For Council to endorse actions of the Shire President and Acting Chief Executive Officer.

### Background

The Acting Chief Executive Officer was approached by WAPol with a request to use a Shire vehicle to enable Mr. Jones, in his capacity as Warburton Community's Vice-Chairman, to relocate offending juveniles from the Warburton Community, back to the communities in which they should actually reside.

Mr. Jones and two other community members intend to use this vehicle to travel to Jameson, Wingellina and Wanarn communities, to drop one juvenile in each, before returning to Warburton.

Warburton Police were not carrying out these actions however they fully back them and are pleased to receive assistance from the community in solving the current issues. As such, they requested the support of the Shire, in providing the use of a vehicle.

### Comment

The Acting Chief Executive Officer sought permission from the Shire President for Councillor Jones (Warburton Community's Vice-Chairman) to use a Shire vehicle to relocate the juveniles. It was agreed that the Shire President and Acting Chief Executive Officer would seek the Council's endorsement of their actions at the next Council meeting.

The juveniles were relocated and below is copy of email from WAPol thanking the Shire for its assistance in assisting with a local community issue.

*Hi Kevin,*

*I would like to thank you for your support last week while we attempted new methods of dealing with incidents at the direction of the community chairmen.*

*In regards to the vehicle, I spoke with Mr HUNT and Mr HARRIS on Friday morning and they both supported the action and helped locate the youth.*

*To my knowledge the trip was successful and two youth were relocated to other communities, One of the 3 youth had already left community with his parents. Andrew JONES was going to speak with them in Wanarn.*

*Andrew conveyed the two others in company with Carey SIMMS, I believe they returned about 9-10pm and returned the vehicle to someone at the shire.*

*Once again, thank you for your support.*

**Statutory Environment**

Local Government Act 1995

2.7. *Role of council*

(1) *The council —*

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

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

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

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

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

**Financial Implications**

The associated cost of fuel can be absorbed within the Shire's existing operating budget.

**Strategic Implications**

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.4.3, Provide local government services

**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**

Council Policy 1.15 - Donation & Contribution Requests from Public

**Attachments**

Not Applicable

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas                      Seconded: Cr A Bates**

**That Council endorses the action of the Shire President and Acting Chief Executive Officer in agreeing to the use of a Shire vehicle as outlined in this report.**

**Carried: 5/0**

## 11. DEPUTY CEO REPORTS

### 11.1 PAYMENTS LISTING, June and July 2018

<b>FILE REFERENCE:</b>	FM.07
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	15 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	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, June and July 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

Not applicable.

#### 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.*



## **PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL 29 August 2018**

### **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 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, June and July 2018

### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr P Thomas**

**Seconded: Cr L West**

**That Council receives the Payment Listings, June and July 2018 totaling payments of \$1,173,194.14 and \$1,084,822.35 as per Attachment 11.1.**

**Carried: 5/0**

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### 11.2 COUNCIL INVESTMENTS AS AT 27 AUGUST 2018

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	27 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	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 11 August 2018.

#### **Background**

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

#### **Comment**

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

The Shire had in its Asset Replacement Reserve, funds from the State Government's grant for Royalties for Regions for the Early Years Learning Centre for the building extensions. Now that the project has been finished the funds plus interest (\$625,253) have been transferred to the Shire's Municipal Account as project payment have been made from that account.

#### **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.*

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- (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**

The amount invested in the Cash Management Account includes \$1,993,455.00 of 2018/19 Financial Assistance Grants paid in advance.

### **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

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL 29 August 2018**

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer**

**Seconded: Cr A Bates**

**That the report on Council Investments as at 11 August 2018 be received.**

**Carried: 5/0**

## PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL 29 August 2018

### 11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 JUNE AND 31 JULY 2018

<b>FILE REFERENCE:</b>	FM.10
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	23 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	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 for the period ended 30 June and 31 July 2018.

#### **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 Report attached for June 2018. As the 2018/19 Budget has not been adopted yet, there are no Variance Explanations for the July 2018 Financial Report.

#### **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.

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- (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**

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.

## **PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL 29 August 2018**

### **Attachments**

Attachment 11.3(a) - Monthly Financial Report for the period to 30 June 2018

Attachment 11.3(b) - Monthly Financial Report for the period to 31 July 2018

### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr P Thomas**

**Seconded: Cr A Bates**

**That Council receives the monthly financial reports as at 30 June and 31 July 2018.**

**Carried: 5/0**

## PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL 29 August 2018

### 11.4 WRITE OFF OF SUNDRY DEBTORS – RATES (MINING TENEMENTS)

<b>FILE REFERENCE:</b>	FM.08
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	23 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

#### **Summary**

For Council to consider writing off minor rate debtor balances for mining tenements.

#### **Background**

Every month the Valuer Generals Office of Landgate issues interim rating valuations which in the case of mining tenements can arise following increases to the annual rental charges by the Department of Mines, Industry Regulation and Safety (DMIRS). Some of these interim rates calculate out at amounts ranging from a couple of dollars up to approximately \$30.00. The imposition of these interim rates can become a problem to collect particularly when a ratepayer has already paid the annual amount assessed by the council following the adoption of the budget. In addition, the amounts of the interim rates are often so small as to be effectively uneconomical for the Shire to seek to levy and collect.

In previous years Council has resolved to write off amounts raised in the accounts in those circumstances where the interim rates arising from increases in rental charges by DMIRS are assessed after ratepayers have paid their assessments in full provided the amounts in question do not exceed the sum of \$55. During the 2015 to 2018 rating years the same situations have arisen and accordingly council approval to the application of the same policy is sought.

#### **Comment**

A review of the rate records has been undertaken for the 2015/16, 2016/17 and 2017/18 financial years that has disclosed that there are minor rate debtors that are not economical for the Shire to recover, as such write-off approval for the attached assessments as at 30 June 2018 and penalty interest for July 2018 to be reversed 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) waive 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.*



## **PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL 29 August 2018**

### **Financial Implications**

The write-off of the rate debtors will result in an expense to the Shire for the 2017/18 Financial Year End of \$50.35.

### **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**

Attachment 11.4 – Outstanding Rate Debtors as at 12 August 2018.

### **Voting Requirement**

Absolute Majority Required.

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

**Moved: Cr P Thomas**

**Seconded: Cr A Bates**

**That Council approves the write-off of the rate debtors as per Attachment 11.4 for 2017/18 of \$50.35 and 2018/19 reversal of penalty interest.**

**Carried: 5/0**

## PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL 29 August 2018

### 11.5 REVIEW OF SUNDRY DEBTORS – RATES (MINING TENEMENTS)

<b>FILE REFERENCE:</b>	FM.08
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	23 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

#### Summary

For Council to consider writing-off irrecoverable rate debtor balances and initiating debt recovery action for mining tenements.

#### Background

A review of remaining rate debtor balances has been undertaken to determine action required to clean up the outstanding debtors.

After writing off debts as per preceding Council Report 11.4 the following types of rate debtors remain:

- Old balances considered irrecoverable;
- Credit balances that need further investigation; and
- Current balances that need further investigation before implementing recovery action.

#### Comment

A review of the rate records has been undertaken for the 2015/16, 2016/17 and 2017/18 financial years and has disclosed that there are rate debtors that are either:

- Old balances that are not economical for the Shire to recover, as such write-off approval for the attached assessments (highlighted in brown colour) as at 30 June 2018 and penalty interest for July 2018 to be reversed is sought;
- Credit balances (highlighted in green colour) that need further investigation as they may have been credited to the wrong debtor account or are genuine overpayments due to downward revaluations from Landgate that the tenement holder is happy to be offset against next years rates; and
- Current balances (not highlighted) that need further investigation before recovery action is initiated.

#### 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.*

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*\* Absolute majority required.*

### **Financial Implications**

The write-off of the rate debtors considered irrecoverable will result in an expense to the Shire for the 2017/18 Financial Year End of \$2,282.78.

### **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**

Attachment 11.5 – Outstanding Rate Debtors as at 12 August 2018.

### **Voting Requirement**

Absolute Majority Required.

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

**Moved: Cr P Thomas**

**Seconded: Cr D Frazer**

**That Council approves the write-off of the rate debtors as per Attachment 11.5 for 2017/18 of \$2,282.78 and 2018/19 reversal of penalty interest.**

**Carried: 5/0**

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### 11.6 EMPLOYEE ENTITLEMENTS RESERVE

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	26 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have an indirect financial interest in the proposal as he is a Casual Employee of the Shire.

#### **Summary**

For Council to consider introducing a new Reserve Account within the Shires Bank Account to Cash Up employee entitlements.

#### **Background**

The Shire already has two 'Cashed Up' Reserve accounts with Term deposits related to:

- Asset Replacement, Acquisition & Development Reserve, and
- Cultural Centre Reserve.

#### **Comment**

The Shire has in its Current and Non-Current Liabilities recognition of employee entitlements for:

- Employees Accrued Leave
- Current Long Service Leave Liability
- Non Current LSL Liability
- Provision for Isolation Leave.

It is common practice for Shires to 'Cash-up' these entitlements by creating a separate Term Deposit.

The Acting Chief Executive Officer has sought advice from the Shires accounting provider Paxon Group on this matter. The Executive Director of Paxon Group has provided the following advice:

*I believe this is an appropriate course of action. I believe that to ensure strict adherence to this for future managers and council that it should be written in policy.*

*Pending the financial position of the Shire and due to the transit nature of the majority of the staff and do not necessarily believe that you should not put 100% of all of the entitlements into a cash reserve. My suggestion is as follows:*

#### **100% into Cash Reserve:**

- 1) *Accrued Annual Leave, current*
- 2) *Isolation Leave, current*

**80% into Cash Reserve:**

- 1) *Long Service Leave, both current and non-current.*

*If you look at the two options, the reason to split the two is due to the fact that AL and Isolation leave will generally get cleared within 12 months, with LSL depending on the staff mixture there will be tendency for the majority of staff not to meet the full liability, but this % amount can be reviewed annually pending on the amount of LSL is being approached each year. It will require some further monthly and annual reconciliations from an accounting point of view as when you pay any entitlements, the funds would need to be transferred from the reserve. I would suggest that the transfer is done annually at year end.*

After initially transferring the liability as at 30 June 2018 (estimated at \$ 350,000) from the Shires General, Cash Management Account to a new Term Deposit Account (to be created) it is proposed to adjust the balance each year to align with that Financial Year Ends Annual Financial Statements balance.

Attached is amended Council Policy CS2.7 – Investments, to reflect the required changes in Policy to manage the new term deposit arrangement.

CEO Procedure 5 – Internal Control, Section, 6.4 Investments, does not need amendment as the same procedures apply to all Shire investments.

**Statutory Environment**

*Local Government Act 1995*

*Section 6.14 Power to Invest*

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
- (a) *make provision in respect of the investment of money referred to in subsection (1); and*
  - [(b) deleted]*
  - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
  - (d) *provide for the application of investment earnings; and*
  - (e) *generally provide for the management of those investments.*

*Local Government (Financial Management) Regulations 1996*

19. *Investments, control procedures for*
- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
  - (2) *The control procedures are to enable the identification of —*
    - (a) *the nature and location of all investments; and*
    - (b) *the transactions related to each investment.*
- 19C. *Investment of money, restrictions on (Act s. 6.14(2)(a))*
- (1) *In this regulation —*
    - authorised institution means —*
      - (a) *an authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*

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*(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**

The amount invested in the new Employee Entitlements Term Deposit will be adjusted by depositing or withdrawing funds to match the liability identified in the Annual Financial Statements.

### **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 11.6 - Corporate Policy CS2.7 Investments.

### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr P Thomas**

**Seconded: Cr A Bates**

**That Council authorises the Chief Executive Officer to:**

- 1. Create a new Term Deposit – Employee Entitlements within the Shire's Westpac Account;**
- 2. Transfer funds from the Cash Management Account to the new Term Deposit Account for Employee Entitlements as identified in the 2017/18 Annual Financial Statements as outlined in this report; and**
- 3. Make annual adjustments to the balance held in the Employee Term Deposit to reflect movements in the liability from one Financial Year End to the next.**

**Carried: 5/0**

## 12. EHO REPORTS

### 12.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

<b>FILE REFERENCE:</b>	EM.00
<b>AUTHOR'S NAME AND POSITION:</b>	Phil Swain Principal EHO & Building Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	26 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	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 July 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, July 2018

#### **Voting Requirement**

Simple Majority Required.

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**Officers Recommendation and Council Resolution**

**Moved: Cr A Bates                      Seconded: Cr D Frazer**

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

**Carried: 5/0**



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### 12.2 WANARN COMMUNITY LAYOUT PLAN – PROPOSED AMENDMENT

<b>FILE REFERENCE:</b>	DB:02
<b>AUTHOR'S NAME AND POSITION:</b>	Phil Swain Health & Building Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	27 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

#### Summary

Ngaanyatjarra Construction & Maintenance Services (NCAMS) have requested Shire approval to amend the existing Community Layout plan for the community of Wanarn. The amendment is to enable a designated area, near the existing Aged Care facility, to be set aside for the construction of a Respite or Home and Community Care Centre.

#### Background

Community Layout Plans (CLP's) were established for each indigenous community, within the Shire, and were prepared in conjunction with the State Government. The CLP's are to help guide appropriate development within the plan. The CLP's are not typical Local Planning Strategy documents, established via a Local Planning Scheme, but are intended to achieve a similar outcome without the Statutory intervention of a traditional planning scheme. Therefore, the procedure for amending the plans is relatively simple. Plan amendments should be based on sound planning principles and in consultation with the local community. The current CLP for Wanarn is shown in Attachment 12.2 (a).

#### Comment

The Ngaanyatjarra Council has advised that it requires an amendment, (Amendment 9) to the Wanarn Community Layout Plan 1 (LP1), for a 'Community' lot for a Respite Centre at Wanarn. There has been some conjecture as to the purpose of the proposed building, however the Shire Administration has proposed that rather than a spot amendment of the building area to create a separate lot that the areas currently encompassing the Aged Care Facility, the Health Clinic and the new building be collectively rezoned to "Community", to rectify the former classification errors within the Wanarn CLP. This will amalgamate existing Subject Lots (SL) - 50 and 56 to create one single 'Community' SL-lot 91. The proposed amendment plan is shown in Attachment 12.2 (b).

The proposed amendment will also provide community zoned land for future development of new, or expansion of existing, facilities. During community consultation, which has included Cr Bates, a preference to establish the building within the area bounded by the end of Thirteenth St and First St within the new lot. This will effectively dead-end Thirteenth St permanently.

The Amendment proposal also includes the rebounding of SL-87, due to spatial upgrading to reflect the on ground dimensions, obtained from aerial photography.

#### Statutory Environment

The CLP is not Statutory, however the good and proper planning of communities to ensure that adjacent developments are compatible should be a guiding principle for Council. The

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amendment will resolve a long-standing conflict within the Wanarn CLP and appropriately zone the existing clinic, aged care facility and the proposed Community Care Centre, whilst providing additional land area for the future development of like facilities.

### Financial Implications

Financial implications of this decision will be limited to staff time and resources to draft correspondence and provide advice during the completion of the amendment.

### 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

The State Government is currently introducing a new Sewer Policy which will be applied Statewide. Whilst the implications for remote communities are unclear at this stage the new policy will be more restrictive than the previous country policy where soil absorption will be critical to the size of development on a particular land area. Whilst the CLP is not a statutory document it is likely that some restrictions will be placed on unsewered developments in communities that don't have Septic Tank Effluent Disposal Systems (STED's), such as Wanarn. The allocation of additional land within the "Community" zoned area of the CLP may assist future development as it provides a clear planning direction for "Community" zoned land within Wanarn.

### Attachments

Attachment 12.2 (a) - Current Wanarn Community Layout Plan

Attachment 12.2 (b) - Draft Plan - Community Layout Plan Amendment 9

### Voting Requirement

Simple Majority Required.

### Officers Recommendation and Council Resolution

Moved: Cr A Bates

Seconded: Cr D Frazer

**That Council approves the proposed amendment to the Wanarn Community Layout Plan as outlined in Attachment 12.2 (b), being;**

- 1. that Subject Lots - 50 and 56 be amalgamated and extended to create a new Subject Lot - 91 for 'Community' land use; and**
- 2. that Subject Lot 87 be spatially upgraded to reflect the on ground dimensions, obtained from aerial photography.**

**Carried: 5/0**

### 13. EYP REPORTS

#### 13.1 ACTION REPORT – EARLY YEARS PROGRAM

<b>FILE REFERENCE:</b>	CS.13
<b>AUTHOR'S NAME AND POSITION:</b>	Anne Shinkfield Early Years Program Coordinator
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	22 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

#### **Summary**

To inform Council of Early Years Program activities over the last few months and to inform the Council of upcoming staff changes.

#### **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 1, Our Community  
Outcome 1.1 The best start in life for our youth

#### **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 13.1(a) – Activity Report, Early Years Program, August 2018

#### **Voting Requirement**

Simple Majority Required.

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**Officers Recommendation and Council Resolution**

**Moved: Cr A Bates                      Seconded: Cr L West**

**That Council receives the Action Report, Early Years Learning Services for July & August 2018.**

**Carried: 5/0**

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

The Acting Chief Executive Officer tabled a letter from BlackCat Civil requesting access to a Shire gravel pit 8km's from the Northern Territory (NT) border adjacent to the Great central Highway.

This pit has been exhausted and no more 'free gravel' can be pushed up, future gravel will require use of a mobile crusher to produce.

BlackCat Civil are proposing to use a mobile crusher to produce enough gravel for their road construction and seal project from the NT border to Docker River as part of the NT Government's work on sealing the Outback Way. They will also stockpile 2,000 tonnes of gravel in the pit for future shire use.

BlackCat Civil have also had discussions with the CEO of NG Council regarding access across the lands and to the Shire gravel pit.

### Council Resolution

Moved: Cr P Thomas      Seconded: Cr A Bates

#### That Council:

1. admits this item as urgent business;
2. receives the letter from BlackCat Civil; and
3. approves their proposal as outlined in their letter, subject to them receiving permission from NG Council regarding access as above.

Carried: 5/0

## 15. CONFIDENTIAL MATTERS

*Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:*

- (2) *If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
  - (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (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;*
  - (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;*
  - (e) *a matter that if disclosed, would reveal:*
    - (i) *a trade secret;*
    - (ii) *information that has a commercial value to a person; or*

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*(III) information about the business, professional, commercial or financial affairs of a person,*

*Where the trade secret or information is held by, or is about, a person other than the local government.*

*(f) a matter that if disclosed, could be reasonably expected to:*

*(I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*

*(II) Endanger the security of the local government's property; or*

*(III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*

*(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*

*(h) such other matters as may be prescribed.*

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### 15.1 CEO DEPARTURE ARRANGEMENTS

<b>FILE REFERENCE:</b>	PL.00
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	27 August 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial, proximity or impartiality interests in the proposal.

#### Declaration of Interest

Prior to consideration of this Agenda Item:

Christopher Paget declared an impartiality interest and a financial interest.

*Report / Attachments are Confidential as per Local Government Act 1995, Section 5.23*

#### **REASON FOR CONFIDENTIALITY**

*The report is confidential in accordance with s5.23(2) of the Local Government Act 1995 because it deals with matters affecting s5.23(2):*

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*

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

**Moved: Cr A Bates                      Seconded: Cr L West**

**That Council close the meeting to the public at 1.40 pm pursuant to sub section 5.23 (2)(a) and (b) of the Local Government Act 1995.**

**Carried: 5/0**

All members of the public gallery and staff member/s C Paget, A Shinkfield, G Handy left the meeting at 1.40 pm. (Note: Acting Chief Executive Officer, K Hannagan remained to take minutes.)

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

**Moved: Cr D Frazer                      Seconded: Cr L West**

**That Council approves the Chief Executive Officers:**

- 1. purchase of the Toshiba, Kira notebook computer for \$450 (GST inc); and**
- 2. use of Shire vehicle to relocate his personal effects to Dalyellup, Bunbury WA and claim reimbursement of fuel costs.**

**Carried: 5/0**

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### Council Resolution

Moved: Cr A Bates                      Seconded: Cr L West

That Council adopts the Confidential Schedule.

Carried: 5/0

### Officers Recommendation and Council Resolution

Moved: Cr A Bates                      Seconded: Cr L West

That Council re-open the meeting to the public at 1.43 pm.

Carried: 5/0

No members of the public gallery or staff members re-entered the room at 1.43 pm.

The Presiding Member advised of Council's decisions for the Confidential Agenda Items as above.

### 16.            **NEXT MEETING**

Scheduled for Wednesday, 26 September 2018 at 1pm, has been brought forward to 19 September 2018 to enable the Councillors to participate in other programs planned for that day.

### 17.            **CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 1.44 pm.