



Shire of Ngaanyatjarra
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

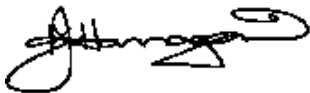
MINUTES

22 February 2023
at
1.11 pm

SHIRE OF NGAANYATJARRAKU

ORDINARY MEETING OF COUNCIL

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



Chief Executive Officer

Date: 22-2-2023

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 22 February 2023.

Presiding Member: _____



Date: 29 / 3 / 2023

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.11pm.

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 Councilor Councilor Councilor Councilor	D McLean P Thomas (phone approval given 21/2/23) D Frazer (phone approval given 21/2/23) J Frazer (phone approval given 21/2/23) J Porter A Jones
Staff:	CEO CFO AC DGC GMO	K Hannagan K Fisher (via video-conference) S Richardson C Green (via video-conference) D Mosel (via video-conference)
Guests:	Nil	
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr. Cr. L West.

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

The President advised that Cr L West has had a medical incident and has been flown out of community and it is unknown when she will be able to resume her Cr role. As such the President requested Council to consider approving a leave of absence for the next two meetings until further medical information came to hand.

Council Resolution

Moved: Cr J Porter

Seconded: Cr A Jones

That Council approves a leave of absence for Cr L West for the March & April Ordinary Council Meetings.

Carried: 6/0

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;
- (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 measured in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with 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 ORDINARY MEETING OF COUNCIL

Voting Requirement
Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr J Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 21 December 2022 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (as circulated and available on the Shires official website) be confirmed as a true and accurate record.

Carried: 6/0

9.2 AUDIT AND RISK COMMITTEE

Voting Requirement
Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr P Thomas

That Council:

- 1. Notes the Unconfirmed Minutes (Tabled) of the Audit and Risk Committee Meeting held on Wednesday 22 February 2023 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community; and**
- 2. Adopts the Recommendations from the Audit & Risk Committee.**

Carried: 6/0

10. CEO REPORTS

10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

FILE REFERENCE: GV.05

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

DATE REPORT WRITTEN: 20 January 2023

DISCLOSURE OF INTERESTS: The author has no direct financial interests, indirect financial interests, proximity and 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.

Generally, all resolutions have been enacted. Some matters are of an on-going nature and will take several months to complete. Attached is a list of those items not yet completed.

Statutory Environment

Local Government Act 1995:

Section 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."*

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'.

Section 5.100 of the Act expressly provides that a person who is a committee member but is not a council member or an employee is not to be paid a fee for attending any meeting.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

10.1 – Table of items not yet completed

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr J Porter

That Council notes the monthly report, Progress on the implementation of Council Resolutions.

Carried: 6/0

10.2 WARBURTON BUSH FIRE BRIGADE LOCAL LAW

FILE REFERENCE:	FM.02
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	17 January 2023
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to start the process for the adoption of a Warburton Bush Fire Brigade (WBFB) Local Law to support the recently created brigade.

Background

WALGA was recently contacted by the Dept of Fire and Emergency Services, who informed of State Solicitor's Office advice questioning the legality of Bush Fire Brigades established by Local Governments in the absence of an associated Bush Fire Brigades Local Law.

WALGA obtained its own separate, independent legal advice that confirmed the same; having established a Bush Fire Brigade, it is a requirement that the Local Government to also adopt an associated Bush Fire Brigades Local Law. DFES and WALGA have received separate, independent legal advice on the establishment of Bush Fire Brigades (BFB) by Local Governments under s.41 of the Bush Fires Act 1954 (BF Act). At the same time the Shire has also been provided similar advice from its own lawyers, McLeods.

The consistent legal position is that a Local Government, having exercised discretion to establish a BFB, must do so by making a Local Law – ref s.41(1) of the BF Act; The head of power to make a BFB Local Law is under s.62 of the BF Act. The Parliamentary Joint Standing Committee on Delegated Legislation has reported a similar requirement: 'Where a local government elects to establish a bush fire brigade it must do so in accordance with local laws it has made for that purpose' (Ref: Report 16, June 2019 at 2.2).

Where a BFB has been established in the absence of a Local Law, WALGA's legal advice indicates that the registration of the Brigade and Brigade membership under s.41(2) is likely to be invalid.

In the absence of a Local Law, the election and duties of BFB officers under s.43 is likely to be invalid.

In the absence of a Local Law, the powers of BFB officers relevant to preventing, controlling and extinguishing a bush fire under s.44 is likely to be invalid.

Comment

Although not having adopted a BFB Local Law will mean that the WBFB is not properly constituted, we have been advised that the appointment of Bush Fire Control Officers will mean that Local Governments can effectively ensure the conduct of normal brigade activities, including responding to bush fires and directing firefighting assets and volunteers.

In the short term, Local Governments should ensure that a sufficient number of bush fire control officers (BFCO) are appointed under s.38(1) of the BF Act:

'A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it';

BFCO's special powers are set out in s.39 of the BF Act and this appointment will also ensure the proper direction of Brigades in responding to a bush fire, as set out in s.44(4) of the BF Act:

'(4) Subject to the provisions of sections 13(6) and 45, where a bush fire control officer of a local government is present at a fire which is burning in the district of the local government, he has supreme control and charge of all operations, and the officers and members of all bush fire brigades present at the fire are subject to and shall act under his orders and directions.'

WALGA has developed a template BFB Local Law addressing the BF Act local law-making requirements. Attached is an amended copy for adoption by the Shire of Ngaanyatjarraku.

Statutory Environment

Bush Fires Act 1954

s.38(1):

'A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it';

Bush Fires Regulations 1954

41. Bush fire brigades, local government to keep register of
A local government shall keep a register of bush fire brigades established by it in the form of Form 12

Local Government Act 1995

s.3.12 Procedure for making local laws

(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

Financial Implications

The Shire will need to make a Budget Allocation for the WBFB in its 2022/23 Mid-Year Budget Review. Funding is provide thru the Local Government Grant Scheme for uniforms, training, and operating costs of the brigade.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 1, Our People

Outcome 2, Healthy people

Strategy 2.1, Advocate for adequate health and emergency services provision

Action 2.1.2, Lobby for appropriate levels of health and emergency services provision

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, other than contained in the Recommendation.

Policy Implications

There are no known policy implications for this matter.

Attachments

10.2 – Draft, Warburton Bush Fire Brigade Local Law.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council:

1 Appoints the following:

- a) Daniel Birleson, A/District Officer Emergency Management, DFES as Chief Bushfire Control Officer: and**
- b) Steve Austin, Warburton CDA, NCAC as Deputy Bushfire Control Officer.**
- c) Steve Latham, Building / Maintenance Officer, SoNG as Secretary, WBFB and removes Les Morgan as such.**

2 requests the President presiding at this meeting to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner as follows and attached.

3 The local government is to —

(a) give local public notice stating that —

- (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and**
- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and**
- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and**

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

*** Absolute majority required.**

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

- (a) stating the title of the local law; and**
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and**
- (c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.**

Carried: 6/0

10.3 APPOINTMENT OF STAFF TO COMMITTEES

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	20 January 2023
DISCLOSURE OF INTERESTS:	The author has an impartiality interest shared in common as the position of CEO is to be appointed to some committees.

Summary

For Council to approve amendment to staff representation on various Committees / Groups due to changes in staff.

Background

Following the Election on the 16 October 2021, Council established Committees or Working Groups of Council that it considered were required and appointed delegates to those and also nominating delegates to any external committees or organisation as it deemed appropriate.

Comment

Since the election a number of new staff have joined the organisation and some have left. The CEO has reviewed the Committees, Working Groups and External Committees in an effort to ensure they are up to date and the various groups are detailed in the recommendation.

Statutory Environment

Local Government Act 1995

Part 5 Subdivision 2, Sections 5.8 to 5.18

Local Government (Administration) Regulations 1996

Part 2, Council and committee meetings.

A local government may establish (by an absolute majority) committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Council. Council may also nominate Councilors (or staff) to represent it on external committees such as those established by the State Government (e.g., Land Conservation District Committees).

Financial Implications

There are no financial implications relevant to this appointment process, but expenses will be incurred to facilitate attendance at some of the listed meetings (e.g. airfares/accommodation to attend GVROC Regional Council Meetings).

Secretariat services of the various Council Committees or Working Groups is detailed as being relevant to the relevant Directorate. That notwithstanding the Office of CEO will assist as required with minute taking and governance control processes as usual.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

Council Policy, 1.12 - Committees

Attachments

Not Applicable

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That with respect to the appointment of Staff to Committees, Council:

- 1. Confirm that all previous appointments of Councilors to Shire of Ngaanyatjaraku Committees, and the Committees themselves, are unchanged.**
- 2. Amend staff representation to the following Committees of Council:**
 - 1. Local Emergency Management Committee**
Chief Executive Officer, General Manager Operations and Local Recovery Co-ordinator
 - 2. Roadwise Advisory Group**
General Manager Operations
- 3. Nominate or appoint (as applicable) the following staff appointments to External Groups:**
 - a) Goldfields Voluntary Regional Organisation of Councils**
Chief Executive Officer
Deputy: General Manager Operations
 - b) MRWA Regional Road Group**
Chief Executive Officer
Deputy: General Manager Operations
 - c) MRWA Regional Road Group – Technical Working Group**
General Manager Operations
 - d) MRWA Great Central Road Sealing Governance Group**
Chief Executive Officer
Deputy: General Manager Operations
 - e) Outback Highway Development Council**
Chief Executive Officer
Deputy: General Manager Operations
 - f) Northern Goldfields Working Group**
Chief Executive Officer
Deputy: General Manager Operations.

Carried: 6/0

10.4 NEW SHIRE WEBSITE

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	10 February 2023
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to be advised of the implementation of a new website for the Shire hosted by Council Connect.

Background

In 2017 the Shires existing website was upgraded and content added as there are now requirements within the Local Government Act 1995 legislating certain public information to be available on the Shire's web-site.

Most local governments are now on a state-wide website called Council Connect which is managed by Market Creations, who are also the Shires media advisors.

Local Government has moved to a common platform to give the public an up to date similar user experience across the whole of local government.

Comment

There were only two Shires in the State that had not adopted the new platform format. The existing website has mainly been wholly maintained by the Chief Executive Officer as he has some understanding of using Joomla Website software to do so. The Shire has not previously moved to the new platform due to the cost (approximately \$20k) to migrate the Shires existing data content to a new platform and the previous lack of staff to do so. It is common in other LGs for the CEO not to be the maintainer of their website but have various staff in the departments trained up to do so.

As Market Creations (MC) have been the Shires contracted media advisor for the last 12 months they are now more aware of the issues facing the Shire and lack of funding from other levels of government to provide appropriate services to the community. As such MC provided a quote to the Shire to provide the content transfer cost 'pro-bono' to assist the Shire to be able to join other local governments across the state on the statewide platform. Shire management have been working thru the process and hope to 'go live' mid-February 2023. From a public perspective the user experience of the new website will be enhanced (e.g. all access compliant).

Some examples of the type of information now required on shire websites are:

- Council Agendas
- Council Minutes
- Codes of Conduct
- Policy Manual
- Public Notices
- Annual Reports
- Annual Budgets
- Fees and Charges
- Organisation structure
- CEO Standards
- Gifts and Contributions to Travel Register
- Primary or annual returns
- Elected Member Training
- Register of fees and allowances paid to Elected Members

- Election Candidate Profiles
- Meetings and Public Question Time
- Register of Complaints of minor breach
- Freedom of Information
- Integrated Planning and Reporting (SCP, CBP, AMP, LTFFP, WFP)
- Record Keeping Plan
- Disability Access & Inclusion Plan
- Local Emergency Management Arrangements
- Tenders and Quotations
- Job Vacancies
- Objects and reasons for the imposition of differential rates
- Business plan for a major land transition or major trading undertaking
- Proposed and current local laws
- Shire Maps and Boundary

Statutory Environment

Local Government Act 1995

Various Sections

Financial Implications

Financial implications have been mentioned in this report. Whilst the content transfer has been provided free of charge the Shire has had to purchase some additional modules e.g. road condition report etc but a budget item has been allowed in the 2022/23 Annual Budget for this.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

Not Applicable

Attachments

Not Applicable

Voting Requirement

Simple Majority.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council notes this report and the shift of the Shires website to the Council Connect platform.

Carried: 6/0

11. GENERAL MANAGER OPERATIONS

11.1 MRWA AUTHORISATION UNDER ROAD TRAFFIC ACT 2000

FILE REFERENCE: RD.00

AUTHOR'S NAME AND POSITION: David Mosel
General Manager Operations

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 16 February 2023

DISCLOSURE OF INTERESTS: The author and the authorising officer have no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

Summary

To inform Council of the Shire to seek authorisation from the Commissioner of Main Roads to erect, establish or display, alter or take down any road sign or traffic control signals

Background

The Commissioner of Main Roads has the authority under Regulation 297 of the Road Traffic Code 2000, to erect, establish or display, alter or take down any road sign or traffic control signals.

The same legislation allows the Commissioner of Main Roads ("the Commissioner") to authorise Local Government ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") from the approved date to erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

Comment

Prior to the Commissioner authorising the Local Government to act under Regulation 297 of the Road Traffic Code 2000, an Instrument of Authorisation must be entered into between the Commissioner and the Local Government.

Due to an oversight by the Shire, the Instrument of Authorisation has never been executed and therefore the Shire does not have the authority to erect, establish or display, alter or take down any road sign or traffic control signals.

Statutory Environment

Road Traffic Code 2000
Regulation 297

Financial Implications

No known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 - 2031
Goal 2, Our Land
Outcome 5, Travelling our Land
Strategy: 5.1, Effective management and planning of road infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 11.1 – Instrument of Authorisation

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Porter

That Council authorises the use of the Common Seal to complete the Instrument of Authorisation as per Attachment 11.1, to be sent to the Commissioner of Main Roads.

Carried: 6/0

11.2 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE: EM.00

AUTHOR'S NAME AND POSITION: Gordon Houston
EHO & Building Officer

AUTHORISING OFFICER AND POSITION: David Mosel
General Manager Operations

DATE REPORT WRITTEN: 16 February 2023

DISCLOSURE OF INTERESTS: The author and the authorising officer have no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

Summary

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

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Plan for the Future 2021 - 2031

Goal 1, Our People

Outcome 2, Healthy People

Strategy: 2.2, Ensure appropriate regulatory health and waste services provision with funding

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 11.2 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council receives the Action Report, EHO / Building Services for January & February 2023.

Carried: 6/0

12 CHIEF FINANCIAL OFFICER REPORTS

12.1 MONTHLY PAYMENTS LISTING

FILE REFERENCE: FM.07

AUTHOR'S NAME AND POSITION: Kerry Fisher
Chief Financial Officer

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 14 February 2023

DISCLOSURE OF INTERESTS: The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

Summary

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

Background

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

Comment

The payments made are consistent with previous months.

Statutory Environment

Local Government (Financial Management) Regulations 1996

S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

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

Financial Implications

The Shire makes annual budget allocations for payment of accounts.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

12.1(a) – Payment Listing, December 2022

12.1(b) - Payment Listing, January 2023

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council receives the Payment Listings for

- a) December 2022 totaling payments of \$872,114.76 as per Attachment 12.1(a);
and**
- b) January 2023 totaling payments of \$348,468.78 as per Attachment 12.1(b).**

Carried: 6/0

12.2 COUNCIL INVESTMENTS

FILE REFERENCE:	FM.04
AUTHOR'S NAME AND POSITION:	Kerry Fisher Chief Financial Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	15 February 2023
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

Summary

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

Background

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

Comment

Preservation of capital is to be the principal objective with consideration given to liquidity, cashflow 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.

Better rates have been thru a quotation process with Commonwealth Banking and as such \$5.7m are deposited there. Westpac have now agreed to be more competitive and \$3.6m has been invested with them. Westpac's 31 day Notice account interest rate has also improved and a further \$0.8m is held here, with \$0.74m in the Shires Muni Operating a/c. These funds are mainly from the Commonwealth's FAG's 2022/23 and Roads grants paid in advance along with shire reserve accounts. Attached is a copy of the Shire Investment Register recording the details of these longer-term investments.

Statutory Environment

Local Government Act

1995 Section 6.14

Power to Invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be*

- invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local 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

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

Corporate Policy Finance 2.12 Investment.

Attachments

12.2 – Westpac screen prints of Municipal Accounts and CBA / Westpac Investment Register.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr J Frazer

That the report on Council Investments as at 14 February 2023 as per Attachment 12.2 be received.

Carried: 6/0

12.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDED

FILE REFERENCE:	FM.10
AUTHOR'S NAME AND POSITION:	Kerry Fisher Chief Financial Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	24 November 2022
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

Summary

For Council to receive the monthly financial report.

Background

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

Council has resolved those details and explanations of the material variances reflected on the Statement of Financial Activity are provided as required by Local Government (Financial Management) Regulation 34(1) (d). The attached statements include details of variances between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold of \$20,000 or 10.00% whichever is the greater (refer last page of statements). These materiality levels have been applied in the preparation of this report.

Comment

Comments in relation to budget to actual variances are included as notes (last page) in the Financial Reports attached for December 2022 and January 2023. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred.

'Permanent' variances to note as at end of the month are:

- Rate Income over budget \$168k due to Rates now charged due to the Oz Minerals mining development
- Building Fees over budget \$113k due to Oz Minerals building applications for their mine construction
- Other revenue higher due to Income received from insurance claims
- Profit on Disposal higher as vehicle resale price much higher than anticipated
- Employee Costs underbudget due to staff vacancies
- Insurance expenses slightly higher than budgeted slightly offset by an adjustment required to incorrectly coded Workers Comp.

The 2021/22 opening surplus amount brought forward has been reduced in the 2021/22 Annual Audit by \$144,000 and this is now included in the monthly financial statements.

Statutory Environment

Local Government Act 1995

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.

Local Government (Financial Management) Regulations 1996.

34. Financial activity statement required each month (Act s. 6.4)(1A) In this regulation —
- committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - (2) Each statement of financial activity is to be accompanied by documents containing
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
 - (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
 - (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
 - (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Financial Implications

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

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership: Showing the way for our communities

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

12.3(a) - Monthly Financial Report, December 2022

12.3(b) - Monthly Financial Report, January 2023

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazier

Seconded: Cr A Jones

That Council receives the monthly financial reports for December 2022 and January 2023.

Carried: 6/0

13. DIRECTOR GOVERNANCE & STRATEGIC REPORTS

13.1 QUARTERLY PROGRESS REPORT ON THE PLAN FOR THE FUTURE

FILE REFERENCE:	CM.14
AUTHOR'S NAME AND POSITION:	Cary Green Director Governance and Strategic
AUTHORISING OFFICER AND POSITION	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	24 January 2023
DISCLOSURE OF INTERESTS:	The author has no direct financial interests, indirect financial interests, proximity and impartiality interests in the proposal.

Summary

To provide Council with a quarterly progress report on the Plan for the Future (2021 – 2031), including a summary of current Strategic Projects as at 24 January 2023.

Background

The Plan for the Future (2021 – 2031) was adopted by the Shire on the 26 May 2021 and was developed after extensive community engagement with the community's aspirations and needs at its heart. The Plan for the Future, combines both the Shire's Strategic Community Plan and Corporate Business Plan into one simple, easily understood document that is scale appropriate for the Shire of Ngaanyatjarraku. It will help shape the services that the Shire of Ngaanyatjarraku will deliver over the next ten years.

The Plan for the Future is underpinned by a 10-year Long-Term Financial Plan, a 20-year Asset Management Plan and a Workforce Plan which will set out the resources required to deliver the CBP.

Comment

This report provides a quarterly progress update on the strategic goals listed in the plan, to ensure Council and the community are kept abreast of the achievements of the plan. The Shire will conduct a major review of the plan every four years with a desktop review every two years

The Shire is currently progressing the following Strategic Projects, to deliver on the strategic outcomes detailed in the Plan.

- Sport and Recreation Plan
- Warburton Concept Plan
- Fleet Management

Sport and Recreation Plan

- Sport and Recreation Plan completed.
- S&R Plan tabled at the Land Service Review committee meeting.
- Department of Local Government, Sport and Cultural (DLGSC) annual \$50,000 funding continuing to assist fund the S&R School Holiday Program in Warburton.
- Another successful summer School Holiday Program completed in January 2023.
- Ongoing discussions with key stakeholders to source funding for the S&R Plan.
- Meetings conducted with Lotterywest and Healthway to discuss funding opportunities.
- CEO & GMO lobbying WA / NT / SA, Federal Tri-State Stakeholder group to progress a three State Sport & Recreation / Youth Services approach as a major project.

Warburton Concept Plan

- Warburton Concept Plan completed
- Council noted the Plan (WCP) and endorsed the following:
 1. The implementation of a Project Steering Committee to install governance arrangements for the implementation of the project.
 2. The following key stakeholders for the Project Steering Committee
 - Shire of Ngaanyatjarraku
 - NCAC
 - Warburton Community Council

Fleet Management

- Vehicle Replacement Program (VRP) reviewed.
- VRP linked with the Long Term Financial Plan
- GTN Services continue to provide quality servicing for our fleet.
- Continuing the Annual replacement program.
- Scheduled ongoing maintenance program.
- Regular review of the VRP, in line with budget priorities

Projects

No.	Project	Action
1	Disaster Recovery Plan	Completed
2	Business Continuity Plan	Completed
3	CEO Procedures	Final Draft completed, being reviewed by GMO.
5	Housing Strategy	Ongoing
6	GVROC Regional Climate Alliance Program	Ongoing
7	Upgrade of the Community Drop-in Facility	Completed.

Statutory Environment

S5.56 (1) of the Local Government Act 1995.

Council's minimum obligations relating to planning for the future (IPR).

Financial Implications

The Plan for the Future is an informing document that links the Shires Strategic objectives with the operational functions. This plan provides a valuable management tool to allow the Shire to focus on financial sustainability and informs the Long-Term Financial Plan and the Annual Budgets.

Strategic Implications

Plan for the Future, 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is low, however, continuing to monitor the progress of the projects will further reduce the risk.

Policy Implications

Not Applicable.

Attachments

Attachment 13.1 - Plan for the Future (Strategic Community Plan / Corporate Business Plan) progress comments

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council notes the quarterly progress report on Actions from the Plan for the Future (2021 – 2031), including a summary of current Strategic Projects as at 24 January 2023.

Carried: 6/0

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

14.1 CHIEF EXECUTIVE OFFICER RESIGNATION

The Shire President advised Council that he had received a letter from the Chief Executive Officer that required Council consideration.

Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council admits as urgent business the letter from the Chief Executive Officer.

Carried: 6/0

The Shire President advised Council that the Chief Executive Officer had given him a letter of resignation which will now form Attachment 14.1 in the Minute Attachments.

Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council:

- 1. accepts the CEO's resignation letter dated 22 February 2023**
- 2. requests the Shire President to provide a letter of acceptance to the CEO**
- 3. requests the CEO to report back to Council on the steps to be undertaken to commence recruitment of a new CEO.**

Carried: 6/0

15. CONFIDENTIAL MATTERS

15.1 STAFF MATTER, SENIOR EMPLOYEE

FILE REFERENCE: PL.23

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 10 February 2023

DISCLOSURE OF INTERESTS: The authorising officer has no financial, proximity or impartiality interests in the proposal.

Attachments

Attachment provided under separate cover – Confidential Report 15.1

Voting Requirement

Simple Majority Required.

The Chief Executive Officer advised Council that subsequent to this report he had sought advice from McLeods Lawyers and they confirmed that this report was not required as the action taken by the Chief Executive Officer was within his authority as CEO.

16 NEXT MEETING

Scheduled for Wednesday, 29 March 2023 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 1.40pm.