



Shire of Ngaanyatjarra
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

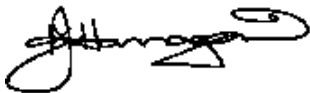
MINUTES

**26 April 2023
at
1.00 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: 27-4-2023

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 26 April 2023.

Presiding Member: _____



Date: 31 / 5 /2023

1.	DECLARATION OF OPENING.....	4
2.	ANNOUNCEMENT OF VISITORS.....	4
3.	ATTENDANCE	4
3.1	PRESENT	4
3.2	APOLOGIES.....	4
3.3	APPROVED LEAVE OF ABSENCE.....	4
4.	PUBLIC QUESTION TIME	4
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2	PUBLIC QUESTION TIME	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
6.	DECLARATION BY MEMBERS.....	4
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA.....	4
6.2	DECLARATIONS OF INTEREST	4
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	6
8.	PETITIONS, DEPUTATIONS, PRESENTATIONS	6
8.1	PETITIONS.....	6
8.2	DEPUTATIONS	6
8.3	PRESENTATIONS	6
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	6
9.1	ORDINARY MEETING OF COUNCIL.....	6
10.	CEO REPORTS.....	7
10.1	PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS	7
10.2	REVIEW OF COUNCIL POLICY 2.10 CORPORATE CREDIT CARDS.....	9
10.3	GVROC MEMORANDUM OF UNDERSTANDING 2023-2025	11
10.4	BUSH FIRE BRIGADES LOCAL LAW 2023	13
11.	GENERAL MANAGER OPERATIONS REPORTS.....	17
12.	CHIEF FINANCIAL OFFICER REPORTS	17
12.1	MONTHLY PAYMENTS LISTING	17
12.2	COUNCIL INVESTMENTS.....	19
12.3	MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDED	22
13.	DIRECTOR GOVERNANCE & STRATEGIC REPORTS.....	25
14.	NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION	25
15.	CONFIDENTIAL MATTERS.....	25
15.1	STAFF MATTER, CEO RECRUITMENT	25
15.2	ORGANISATIONAL STRUCTURE	25
16.	NEXT MEETING.....	27
17.	CLOSURE OF MEETING	27

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**

Elected Members:	President Deputy President Councilor Councilor Councilor Councilor	D McLean P Thomas (President phone approval given 24//4/23) D Frazer J Frazer J Porter A Jones
Staff:	CEO CFO AC GMO	K Hannagan (via video-conference) K Fisher (via video-conference) S Richardson D Mosel
Guests:	HR Consultant	R Withoos
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 **APOLOGIES**

Nil

3.3 **APPROVED LEAVE OF ABSENCE**

Cr L West

4. **PUBLIC QUESTION TIME**

4.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

4.2 **PUBLIC QUESTION TIME**

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

6. **DECLARATION BY MEMBERS**

6.1 **DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

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

6.2 **DECLARATIONS OF INTEREST**

Councillors to Note

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

member, must disclose the nature of the interest:

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor, or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) without 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

Council Resolution

Moved: Cr D Frazer Seconded: Cr J Porter

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 29 March 2023 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 as amended.

Carried: 6/0

Resolution 10.2 Minute amended as it should have included President, Cr D McLean attendance at the Australian Local Government Associations, 2023 Regional Forum and National General Assembly.

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: 22 March 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

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

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

Carried: 6/0

10.2 REVIEW OF COUNCIL POLICY 2.10 CORPORATE CREDIT CARDS

FILE REFERENCE:	CM.14
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	5 April 2023
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to consider a review of policy to increase the total credit card limit with Westpac Bank.

Background

Council's current policy advises that:

The provision of a corporate credit card is a facility for certain officers which must be authorised by the CEO. The CEO will determine and authorise appropriate monthly limits for each cardholder, with limits not to exceed \$15,000 in total.

Comment

More and more institutions are not supporting the opening of Credit Accounts which would enable the issuing of Purchase Orders for minor purchases as the processing costs of purchase orders is much higher than credit cards and payment is affected much quicker.

As such it is proposed to increase a number of credit cardholders limits to reduce Shire processing of 'recharges' to the credit card as monthly limits are exceeded. This is increasing processing times and is an inefficient use of staff time.

This is within the banks approved limits for a Council our size. As such it is proposed to amend the total limit of cards issued not to exceed \$30,000 in total.

It is noted that the Shires Auditors have not raised any inappropriate use of Shire Credit Cards or non-compliance with Procedures during their Audits.

Statutory Environment

Section 2.7(2)(b) of the Local Government Act 1995 sets out the role of council that includes determining Council policies.

Financial Implications

There are no known financial implications for this matter and the proposal is supported by Westpac Bank.

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's Risk Management Strategy, 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

Updated policies are intended to provide the Shire with clearer direction to guide the CEO / administration in the execution of decisions of Council, achieve the strategic direction of the Shire of Ngaanyatjarraku and maintain legislative compliance.

Attachments

Attachment 10.2 – Amended Policy 2.10 – Corporate Credit Cards

Voting Requirement

Absolute Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council:

- 1. adopts by absolute majority the amended Council Policy 2.10 – Corporate Credit Cards as per Attachment 10.2 to this report; and**
- 2. updates the policy manual on the Shire’s official website.**

Carried: 6/0

10.3 GVROC MEMORANDUM OF UNDERSTANDING 2023-2025

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	13 April 2023
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to sign and seal the GVROC Memorandum of Understanding 2023-2025.

Background

The current GVROC MoU has expired and needs to be renewed.

Comment

There are now nine member councils to the MoU.

Statutory Environment

Local Government Act 1995

3.61. *Establishing regional local government*

(1) *Two or more local governments (referred to in this Division as the participants) may, with the Minister's approval, establish a regional local government to do things, for the participants, for any purpose for which a local government can do things under this Act or any other Act.*

(2) *An application for the Minister's approval is to be —*

(a) *in a form approved for that purpose by the Minister; and*

(b) *accompanied by a copy of an agreement between the participants to establish the regional local government (referred to in this Division as the establishment agreement).*

(3) *The participants are to supply the Minister any further information about the application that the Minister asks for.*

(4) *If the Minister approves the application the Minister is to declare, by notice in the Gazette, that the regional local government is established —*

(a) *on the date; and*

(b) *under the name; and*

(c) *for the purpose,
set out in the notice.*

3.64. *Establishment agreement, what it must contain*

The following matters are to be set out or provided for in the establishment agreement for a regional local government —

(a) *the name of the regional local government; and*

(b) *a description of the region for which the regional local government is established; and*

(c) *the number of offices of member on the council of the regional local government and, in respect of each participant, the number of members to be appointed by that participant; and*

(d) *the appointment and tenure of members and deputy members of the council of the regional local government; and*

(e) *the election or appointment of a chairperson and deputy chairperson of the regional local government from amongst members of its council and the term of office of a chairperson and deputy chairperson, which is not to exceed 2 years; and*

(f) *the purpose for which the regional local government is established; and*

(g) *a means of determining the financial contributions of the participants to the funds of*

the regional local government; and

(h) procedures for the winding up of the regional local government or for the withdrawal of a participant from the regional local government; and

(i) procedures for the division of assets and liabilities between the participants in the event of the regional local government being wound up or a participant withdrawing from the regional local government; and

(j) a means of resolving disputes between participants as to matters relating to the regional local government; and

(k) any other prescribed matter.

Financial Implications

The Shires makes allowance for membership subscription in its 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 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 10.3 – GVROC MOU 2023-2025

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council authorises the use of the Common Seal to enable the President and General Manager Operations to sign and seal the GVROC Memorandum of Understanding 2023-2025 as per Attachment 10.3.

Carried: 6/0

10.4 BUSH FIRE BRIGADES LOCAL LAW 2023

FILE REFERENCE:	FM.02
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	14 April 2023
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider submissions made and adopt an amended Shire of Ngaanyatjaraku, Bush Fire Brigades Local Law 2023 to support the recently created brigade in Warburton.

Background

At Council's February Meeting the following resolution was made:

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council:

1 Appoints the following:

- a) Daniel Birlson, 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

Comment

Above resolution items 1 – 3 have been completed.

Item 4 – Submissions.

One submission was received from the Acting Principal Strategy Officer, Department of Local Government, Sport and Cultural Industries. The submission contained some minor edits and advice to ensure the process was followed correctly. On process, once the Shire has published a local law in the Government Gazette, the Shire must comply with the requirements of the Minister's Local Laws Explanatory Memoranda Directions 2010. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee.

The suggested minor edits have been made to the draft local law. Further advice was given that:
Please note that my comments:

- *have been provided to assist the Shire with drafting matters in relation to the local law;*
- *do not constitute legal advice;*
- *have been provided in good faith for the Shire's consideration; and*
- *should not be taken as an approval of content.*

Legal Advice

After suggested minor edits, the draft was sent to Mcleod's Lawyers for checking and they picked up some typographical errors and suggested that it was not necessary to make specific reference to the Warburton Bush Fire Brigade in the forms or in the name of the local law. As this is the Shire of Ngaanyatjarraku Bush Fire Brigades Local Law it enables the Shire to form any number of different bush fire brigades in various locations. So those details (ie. name of specific brigade) can be inserted when the relevant forms are used for the relevant brigade.

Advice was also sought on the requirements of the Minister's Local Laws Explanatory Memoranda Directions 2010 as failure to comply with the directions may render the local law inoperable. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Joint Standing Committee on Delegated Legislation at their current address. The Committee examines local laws and by-laws, and other subsidiary legislation which are subject to section 42 of the Interpretation Act 1984. The Committee is charged to perform this scrutiny function to assist the Parliament of Western Australia.

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 has made a Budget Allocation for the WBFB in its 2022/23 Mid-Year Budget Review. Funding is provided through 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

10.4 – Bush Fire Brigades Local Law 2023.

Voting Requirement

Absolute Majority Required.

Advice has been received from Shire lawyers McLeods that the proposed Local Law will need re-advertising due to:

- Changes from being a Warburton specific brigade to Shire wide to enable future brigades to be established; and
- Due to the lack of a local newspaper or newsletter circulating in the Shire difficulties have been encountered in complying with legislation for providing 4 ways of public notice. The use of Community Notice Boards across the lands in this instance does not technically comply with stringent regulations regarding local law public notices. The Shire will now be required to pay for advertising in the Kalgoorlie Miner. Evidence must

be provided to the Joint Standing Committee on Delegated Legislation on every step of compliance (copies of advertisements / public notices / emails / resolutions / etc) with the process of introducing a local law, otherwise the local law will not be compliant. Shire Officers are still seeking legal advice on how the Shire can comply with this legislation.

Officer Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council:

- 1. 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.**
- 2. Gives:**
 - (a) 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.**
- 3. 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.**

Carried: 6/0

11. GENERAL MANAGER OPERATIONS

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:	17 April 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 – Payment Listing, March 2022

Voting Requirement

Simple Majority Required.

Officer Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council receives the Payment Listing for March 2023 totaling payments of \$795,884.05 as per Attachment 12.1.

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:	18 April 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 funds have been deposited there. Westpac have now agreed to be more competitive and funds have also been invested with them. Westpac's 31 day Notice account interest rate has also improved and with the Shires Muni Operating a/c remaining stable. 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 Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Corporate Policy Finance 2.12 Investment.

Attachments

12.2 – Investment Register.

Voting Requirement

Simple Majority Required.

Officer Recommendation and Council Resolution**Moved: Cr P Thomas****Seconded: Cr A Jones**

That the report on Council Investments as at 18 April 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:	20 April 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 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 Report attached. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred.

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

- Building Fees over budget due to OzMinerals building applications for their mine construction, noting that some is payable to the Building Commission
- Interest earnings are lower due to maturity of investments later than budgeted
- Profit on Disposal higher as vehicle resale price much higher than anticipated
- Employee Costs under budget due to staff vacancies and budget reprofiling being required
- Materials Costs under budget due to budget reprofiling being required
- Utility charges lower as meters estimated, not read yet.
- Insurance expenses slightly higher than budgeted budget due to budget reprofiling being required.
- Other expenditure under budget due to budget reprofiling being required.

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 - Monthly Financial Report, March 2022

Voting Requirement

Simple Majority Required.

Officer Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Porter

That Council receives the monthly financial report for March 2023.

Carried: 6/0

13. DIRECTOR GOVERNANCE & STRATEGIC REPORTS

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

15. CONFIDENTIAL MATTERS

15.1 STAFF MATTER, CEO RECRUITMENT

FILE REFERENCE: PL.23

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 6 April 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

15.2 ORGANISATIONAL STRUCTURE

FILE REFERENCE: PL.23

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 13 April 2023

DISCLOSURE OF INTERESTS: The author has an interest shared in common as the position of CEO is in the organisation structure.

Attachments

Attachments provided under separate cover – Confidential Report 15.2

Voting Requirement

Simple Majority Required..

Officer Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr D Frazer

That Council:

1. Resolve that Reports 15.1 and 15.2 are confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):

(a) a matter affecting an employee or employees;

2. Close the meeting to the public at 1.26 pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995.

Authorises the Chief Executive Officer and Human Resources Consultant to remain in the meeting for reports 15.1 & 15.2.

Carried: 6/0

All members of the public gallery and staff left the meeting at 1.26 pm. (Note: Chief Executive Officer and Human Resources Consultant to remain and take any minutes.)

Voting Requirement

Simple Majority.

Officer Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council re-open the meeting to the public 1.33 pm.

Carried: 6/0

No Members of the public gallery and staff members re-entered the room at 1.33 pm.

The Presiding Member advised of Council's decision for the Confidential Agenda Items.

Officer Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr D Frazer

That Council approves the CEO recruitment, Draft Interview Questions as per Confidential Attachment 15.1.

Carried: 6/0

Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council approves the amended Proposed Organisation Structure, 30 June 2023 as an appropriate structure for administering the local government. Noting that the Chief Financial Officer title is amended to Finance Manager to be consistent with other Senior Officer titles.

Carried: 6/0

16 NEXT MEETING

Scheduled for Wednesday, 31 May 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 1.35.pm.