



Shire of Ngaanyatjarra
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

29 March 2023

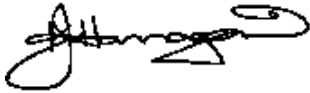
at

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: 30-3-2023

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 29 March 2023.

Presiding Member: _____



Date: 26 / 4 / 2023

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00pm.

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 28//3/23) D Frazer (President phone approval given 28//3/23) J Frazer (President phone approval given 28//3/23) J Porter A Jones
Staff:	CEO CFO AC GMO	K Hannagan (via video-conference) K Fisher (via video-conference) S Richardson D Mosel (via video-conference)
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

DGC, Cary Green at WHS Training

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

The President advised that Cr L West following a medical incident is still 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 April & May 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 or;
- (b) At the Meeting, immediately before the matter is discussed.

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor, or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.

5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act, or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Declarations of Interest provided:

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

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

8. PETITIONS, DEPUTATIONS, PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 ORDINARY MEETING OF COUNCIL

Voting Requirement
Simple Majority

<p>Council Resolution</p> <p>Moved: Cr A Jones Seconded: Cr J Porter</p> <p>That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 22 February 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.</p> <p style="text-align: right;">Carried: 6/0</p>
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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

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 ATTENDANCE AT ALGA NATIONAL GENERAL ASSEMBLY

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

Summary

For Council to nominate Deputy President, Cr Thomas as the Shire's representative at the 2023 Australian Local Government Associations, National General Assembly.

Background

The Australian Local Government Association's National General Assembly (NGA), incorporating the Regional Cooperation and Development Forum attracts more than 870 representatives from councils across the states and territories.

This years NGA is again to be held at the National Convention Centre in Canberra from 13-15 June 2023.

The theme for the 2023 NGA is "Our Communities, Our Future".

The Australian Council of Local Government (ACLG), will also meet in Canberra for the first time in more than a decade immediately following the NGA on 16 June, which will provide a valuable opportunity for Mayors, Presidents and Councilors to hear directly from the Prime Minister and engage with Federal Ministers.

Comment

Cr Thomas has represented the Shire in past meetings.

Statutory Environment

Not applicable.

Financial Implications

A budget allocation for attendance was made in the 2022/23 Adopted Budget.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

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's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

Not applicable

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That Council;

- 1. Approves Deputy President, Cr P Thomas attendance at the Australian Local Government Associations, 2023 Regional Forum and National General Assembly; and**
- 2. Endorse Cr P Thomas as the Shires' voting representative.**

Carried: 6/0

April, Minutes Adoption Resolution 9.1 includes amendment to the above Minute to include President, Cr D McLean attendance.

10.3 COUNCIL ELECTIONS 2023

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

Summary

For Council to appoint the Western Australian Electoral Commission to undertake the October 2023 Ordinary Election.

Background

The Minister for Local Government has written to all local governments advising that the State Government is continuing to work with the local government sector to deliver the most significant package of local government reforms in more than 25 years. These reforms include several measures to strengthen local democracy and increase community engagement, including new requirements for:

- the introduction of optional preferential voting for all local government elections;
- directly-elected Mayors and Presidents for all Band 1 and 2 local governments;
- the abolition of wards for all Band 3 and 4 local governments; and
- aligning the size of councils with the size of the population of each district.

The most significant matter impacting the Shire of Ngaanyatjarraku is the reduction in Councilors from the current number of eight Councilors. At Council's October the Shire resolved and advised the Minister for Local government the following:

<p>Council Resolution</p> <p>Moved: Cr D Frazer Seconded: Cr A Jones</p> <p>That Council advises the DLGSC before 28 October 2022 that:</p> <p>1. The Shire prefers the use of the Reform Election Pathway, to be implemented through reform elections in 2023; and</p> <p>2. The Shire's choice is for five Councilors (including the President).</p> <p style="text-align: right;">Carried: 6/0</p>
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The departments preferred number of Councilors for the Shires population as being under 5000, was that the Shire has a choice of between 5 to 7 Councilors (including the President). The Shire has had no feedback from the department as to whether the Shires preferred number of Councilors will be accepted.

The State Government is continuing to work to implement election reforms ahead of the October 2023 Ordinary Elections. The reforms will introduce Optional Preferential Voting (OPV) for all local government elections. OPV is similar to preferential voting used in State and Federal Elections, and for local government elections in every other Australian state. OPV provides that electors can preference as many or as few candidates as they decide, and there will be no transfer of preferences other than the preferences electors mark on their ballot paper.

The reforms will also include related new changes for the backfilling of vacancies, including:

- in the event that a member of the council is directly elected as the Mayor or President, the

consequent vacancy can be filled by the next highest-polling candidate through the relevant district or ward council election held on the same day;

- if a vacancy arises within one year of a council member being elected at an ordinary election, that vacancy may be filled by the next highest-polling candidate; and
- the timeframes for which certain vacancies can remain unfilled ahead of an upcoming ordinary election will also be extended.

Comment

These reforms will greatly reduce the need for extraordinary elections, saving costs for ratepayers and administrative burden for local governments in the longer term. However, these changes will require specific attention on election night, and returning officers will need to identify the candidates who are next in line to fill further vacancies for inclusion on the declaration of results.

Council may declare the Electoral Commissioner as responsible to conduct postal elections under sections 4.20 and 4.61 of the Local Government Act 1995 (the Act). Section 4.28 of the Act further provides that the local government is to meet the costs incurred by the Western Australian Electoral Commission (WAEC) in conducting such elections.

Alternatively, if council decides that the CEO (or other appointee) is to be the returning officer, local governments will have the option to purchase a license for access to the WAEC's CountWA software to facilitate the counting of votes. CountWA software is used to count votes in State Elections, and involves data entry of preferences indicated on ballot papers. This provides for preferences to be counted and re-counted using the software.

If a local government decides to license the software instead of appointing the Electoral Commissioner to conduct the election, the CEO (or other appointee) will remain wholly responsible for the conduct of the count, the use of the software, the introduction of the new OPV counting and backfilling provisions, and dealing with any disputes or complaints. The WAEC will only be able to provide general assistance on accessing and using the software.

The department has strongly recommended that the decision for whether to declare the Electoral Commissioner as responsible for the election is put to Council at its March meeting. This will allow sufficient time for the WAEC to work with Shires to deliver the election, or provide you with a software license, if preferred.

Furthermore, it is advised that local governments should be mindful that the WAEC will require sufficient lead time to plan ahead. Accordingly, the department strongly urges all local governments to make arrangements as early as possible, and consider the appointment of the WAEC to conduct the elections.

Statutory Environment

Local Government Act 1995

Section 4.20. CEO to be returning officer unless other arrangements made.

Section 4.28. Fees and expenses

Section 4.61. Choice of methods of conducting election

Financial Implications

A budget allocation for the WAEC to conduct the October 2023 election would need to be made in the 2023/24 Annual Budget. The WAEC have provide a ball-park estimate of between \$6k (no election required) to circa \$14k if a full postal vote election is required. The actual cost may be higher:

- if legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns
- the cost of any casual staff to assist the Returning Officer on election day or night
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

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's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "High" given the new complexities of introducing Optional Preferential Voting and the available staff resources of the Shire across 10 remote communities separated by large distances with little support services.

Policy Implications

There are no known policy implications for this matter.

Attachments

Not applicable

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council:

- 1 declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required;**
- 2 decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election; and**
- 3 makes a budget allocation in the 2023/24 Annual Budget to meet the costs incurred by the Western Australian Electoral Commission (WAEC) in conducting the 2023 ordinary elections.**

Carried: 6/0

10.4 WILURARRA CREATIVE REQUEST TO RENT STAFF ACCOMMODATION

FILE REFERENCE:	FM.09
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	17 March 2023
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to consider a staff housing rental proposal from Wilurarra Creative.

Background

Wilurarra creative have written to the Shire advising the program has lost key staff housing when their accommodation was demolished as a result of un-manageable asbestos contamination risks. The loss of staff accommodation has significantly disrupted their program. As such they are seeking Council's support in providing short term accommodation relief until alternative accommodation can be found. They have requested for the Shire to supply Lot 104A rent free for an immediate period until 30 June 2024.

Comment

The unit has been vacant since August 2022 due to the position of Operations Coordinator being vacant, and the Shire has been unsuccessful in recruiting anyone to the position. The unit was used for a while for an additional Sport & Recreation Officer over the school holiday period. The unit has been broken into and the Shire has been waiting for several months for Ngaanyatjarra Repairs and Maintenance to undertake the repairs. Wilurarra Creative have been made aware of this situation and that occupancy could not happen until repairs are made.

CEO has advised Wilurarra Creative that he is unable to gift staff housing to them as the Shire is also not a fully funded organisation and the rent from the staff housing is utilised to upgrade community facilities and roads etc.

Only the Shire Council has the power to rent staff housing for less than the Adopted Fees and Charges set by Council. The current rental is \$477.41 per week.

Wilurarra Creative have advised they would be supportive of acknowledging the Shire's support of the youth support program by acknowledging the Shire as a key sponsor in its program literature.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

(1) The council —

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

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

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

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

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

Financial Implications

As the unit is currently vacant and the Shire does not currently have any potential renters. It is positive to have the unit occupied to deter future break-in damage.

Strategic Implications

Plan for the Future 2021 - 2031

Goal 1,: Our people: looking after our people

Outcome 3: Informed People

Strategy: 3.1: Support education opportunities and advocate for appropriate education services

Action 3.1.2: Support youth engagement and services initiatives

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

10.4, Letter from Wilurarra Creative

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr P Thomas

That Council:

- 1 authorises the Chief Executive Officer to waive adopted Fees and Charges rental of staff housing Lot 104A, Warburton for an immediate period until 30 June 2024; and**
- 2 requests Wilurarra Creative to acknowledge the Shire of Ngaanyatjarraku as an official corporate sponsor of the youth support program in Warburton in its program literature as outlined in this report.**

Carried: 6/0

10.5 2022/23 MID YEAR BUDGET REVIEW AS AT 28 FEBRUARY 2023

FILE REFERENCE:	FM.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	23 March 2023
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider and adopt the proposed amendments to the 2022/23 Budget as a result of the Mid-Year Budget Review process.

Background

The Department of Local Government and Communities has issued Circular No. 06/2006 to provide local governments with information about the budget review process. The following paragraphs are key points from the circular:

A budget review is a detailed comparison of the year-to-date actual results with the adopted budget. It establishes whether a local government continues meeting its budget commitments is in receipt of income and incurs expenditure in accordance with the adopted budget.

Shire Officers have completed a review of the Shire's 2022/23 budget as at 28 February 2023. This review is now presented to Council and the outcome of that review is to be considered for adoption by Council. As part of the process Officers have examined the operations of the Shire for the 2022/23 financial year to date identifying the reasons for significant variances and the action required to address them.

The attached review compares the year to date (YTD) Budget with YTD Actual, and commentary is provided on variances to the adopted budget (see Note 5). Officers have ensured that Council resolutions presented during the 2022/23 financial year have been incorporated in this Mid-Year Budget Review. Changes to the Adopted Budget are proposed by Officers where they believe that circumstances have occurred that impact permanently on the budget position for the financial year under review.

Comment

The 'net result' of the recommended changes is to have a balanced budget. 2022/23 Operational savings and projects that will not be completed are to be transferred to the Asset Replacement / Acquisition, Strategic and Cultural Centre Reserves for use in next years budget or future years asset renewals. Additionally, the Shire's financial surplus for 2021/22 was \$144,043 lower than budget and has been accounted for in the review.

The following are large items, with full details in the attached report::

- Additional Grant MRWA \$200k that has enabled road work improvements to be undertaken without using Own Source Funding (FAGs), e.g. Papulankutja Road.
- New Rate Income \$168k from the OZMinerals development.
- Increase building Fees \$70k for the OZMinerals development.
- Higher Interest Rates on investments \$120k
- Increase in Housing costs \$60k due to break-ins
- Second Waste Management Plan consultant costs \$45k

The above items and projects to be carried over, and staff vacancies have largely contributed to the savings.

Statutory Implications

Local Government Act 1995

6.8. *Expenditure from municipal fund not included in annual budget*

- 1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - b) *is authorised in advance by resolution*;*
 - c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

(1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- 2) *Where expenditure has been incurred by a local government —*
 - a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; an*
 - b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council*
 - c) *[Section 6.8 amended by No. 1 of 1998 s. 19.]*

Local Government (Financial Management) Regulations 1996

32. *Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3))*

A local government may exclude from the calculation of the budget deficiency —

- a) *money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year; and*
- b) *reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year; and*
- c) *in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year; and*
- d) *any proposed amounts of depreciation of non-current assets; and*
- e) *assets from grants or gifts or non-cash revenue or expenditure; and*
- f) *current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and*
- g) *any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.*

33A. *Review of Budget - Local Government (Financial Management) Regulations 1996*

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to*

*adopt the review, any parts of the review or any recommendations made in the review.
Absolute majority required.

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Financial Implications

After considering all adjustments considered to be permanent changes to the budget position for the 2022/23 financial year detailed in the mid-year Budget Review Report, the overall position of the Shire is forecast to have a balanced budget at year-end. There have been savings made and projects that will not be completed this year. It is proposed to transfer these into Asset Replacement / Acquisition, Strategic and Cultural Centre Reserves for future years asset renewals and project requirements.

Officers have ensured that Council resolutions presented during the financial year have been considered in the mid-year Budget Review Report. A summary of the financial implications is included in the report.

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

10.5 - 2022 / 23 Mid-Year Budget Review Report

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr A Jones

That Council:

- 1 Receives the Mid-Year Budget Review Report for the period ended 28 February 2023;**
- 2 Adopts the 2022/23 revised budget position and associated budget amendments as per the Tabled Report; and,**
- 3 Requests the Chief Executive Officer to, within 30 days of this determination, provide a copy of the review and determination to the Department of Local Government Sport and Community Industries.**

Carried: 6/0

11. GENERAL MANAGER OPERATIONS

11.1 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: 23 March 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 11.1 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr J Frazer

That Council receives the Action Report, EHO / Building Services for March 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: 13 March 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, February 2022

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council receives the Payment Listings for February 2023 totaling payments of \$841,927.56 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:	21 March 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.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That the report on Council Investments as at 21 March 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:	21 March 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 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 OzMinerals building applications for their mine construction, noting that approx. \$55k is payable Building Commission
- 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.
- Works Compound and Staff Housing projects are behind schedule and will be adjusted in the mid-Year Budget Review.

The 2021/22 opening surplus amount brought forward has been reduced in the 2021/22 Annual Audit by \$144,043 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 - Monthly Financial Report, February 2022

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr A Jones

That Council receives the monthly financial report for February 2023.

Carried: 6/0

13. DIRECTOR GOVERNANCE & STRATEGIC REPORTS

13.1 2022/23 SUMMER SCHOOL HOLIDAY PROGRAM REPORT

FILE REFERENCE:	RC.00
AUTHOR'S NAME AND POSITION:	Cary Green Director Governance and Strategic
AUTHORISING OFFICER AND POSITION	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	15 March 2023
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For council to note the attached 2022/23 Term 4, School Holiday Program Report.

Background

The Term 4 School Holiday Program commenced on Thursday the 19 December 2022 and concluded on 27 January 2023. The Sports & Recreation Team School Holiday Program serves as a structured sport, recreation and nutrition program that operates during the Department of Education school term breaks.

Comment

The outcomes of the program are for the coordination and provision of out-of-school hours and holiday programs using sport and recreation in the identified community of Warburton.

The aim of the SHP is to meet the following strategic objectives as outlined in our Sport and recreation plan:

- Increased community cohesiveness/ sense of shared purpose;
- Health benefits to members from physical activity;
- Reduced crime (generally youth related);
- Physiological and social development for children and Youth;
- Employment opportunities; and
- Lower rates of depression, anxiety and improved mental wellbeing

The program has many benefits, and the success of the program can be measured by the high numbers of youth who attended. The attendance statistics show the activity and nutrition sessions had a consistent level of high engagement by youth in community. Anecdotally, it was observed by staff that youth responded positively to activities offered and enjoyed participating in the program.

This year's program marks a third consecutive term without any damage or break-ins to the school campus, it is concluded that this iteration of the school holiday program period was successful. With improved resources such as the new pool table and water activities, it is evident that the implementation of appropriate resources for the western desert improves engagement. Furthermore, increased staffing, the Hoops 4 Health Team, and School Caretakers allowed for extended contact hours for the youth, resulting in limited anti-social behaviour.

The inaugural leaders of the inducted leadership program were above all the most successful component of the School Holiday Program, there was a clear shift of behaviour of the youth selected and also were a great example to their peers. The main challenge is that many of the parents and guardians spent this holiday period outside of the community, meaning that further support of the youth was necessitated by the Sport and Recreation Team.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

1. The council —

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

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

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

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

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

Financial Implications

The program forms part of the Shires annual budget.

Strategic Implications

Plan for the Future 2021 – 2031

Goal 1, Our People

Outcome 1, Happy people

Strategy, 1.1.3, Implement Sport and Recreation Programs and services across the lands.

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

Not applicable

Attachments

13.1 - 2022/23 Term 4, School Holiday Program Report

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

For council to note this report and the attached 2022/23 Term 4, School Holiday Program Report.

Carried: 6/0

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: 20 March 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.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That Council:

- 1. Resolve that Report 15.1 is 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 1.22 pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995, and**
- 3 Authorises the Chief Executive Officer and Human Resources Consultants to remain in the meeting for report 15.1.**

Carried: 6/0

Cr J Porter, left the Chamber at 1.23pm

All members of the public gallery and staff left the meeting at 1.23 pm. (Note: Chief Executive Officer and Human Resources Consultant to remain and take any minutes.)

Cr J Porter, returned to the Chamber at 1.24pm

Voting Requirement

Simple Majority.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas Seconded: Cr A Jones

That Council re-open the meeting to the public 1.35pm.

Carried: 6/0

No members of the public gallery and staff members re-entered the room at 1.35pm.

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

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Porter

That Council:

- 1. Approves the selection and appointment process outlined in this report for recruitment of a new Chief Executive Officer;**
- 2. Approves the use of the attached (Att. 15.1) CEO Application Package (including Remuneration / Selection / Performance Criteria);**
- 3. Appoints Cr D McLean, President, Cr. P Thomas, Deputy President and John Thurtell as Independent Representative to undertake shortlisting of applicants, interviews and preferred candidate recommendation to full Council for appointment; and**
- 4. Notes that Draft Interview Questions will be developed for Council consideration prior to interviewing candidates and a Draft Employment Contract will be developed for Council consideration prior to appointment of the new CEO.**

Carried: 6/0

16 NEXT MEETING

Scheduled for Wednesday, 26 April 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 1.36pm.