



Shire of **Ngaanyatjaraku**
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

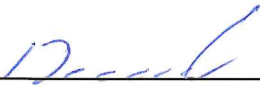
27 March 2024
1.00pm



SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

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

David Mosel
CHIEF EXECUTIVE OFFICER
27 March 2024



These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on 27 March 2024



Damian McLean
SHIRE PRESIDENT
24 April 2024

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1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.10 pm.

2 ANNOUNCEMENT OF VISITORS

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

3 ATTENDANCE

3.1 PRESENT

Elected Members:	President Deputy President Councillor Councillor	D McLean D Frazer J Frazer (President phone approval given 20/03/24) J Porter
Staff:	CEO AOM AC EA	D Mosel (via video conference) S Latham S Richardson S Toska (via video conference – arrived 1.30pm)
Guests:	Tanya Browning – Moore Australia	
Members of the 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 A Jones

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 INTEREST (FOR YOUR GUIDANCE)

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

These notes are included in each agenda so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor, or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with no 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 that 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 *Section 5.68 (1)(b)(ii)* of the *Local Government Act 1995*; or
 - 6.2 Where the Minister allows the Councillor to participate in under *Section 5.69 (3)* of the *Local Government Act 1995*, 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 THE PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL

Voting Required

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr D Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 28 February 2024 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (as circulated and available on the Shires official website) be confirmed as a true and accurate record.

Carried: 4/0

9.2 AUDIT AND RISK COMMITTEE

Voting Required
Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council:

- 1 Notes the Unconfirmed Minutes (tabled) of the Audit and Risk Committee Meeting held on 27 March 2024 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community; and**
- 2 Adopts the recommendations from the Audit and Risk Committee.**

Carried: 4/0

10 CEO REPORTS

10.1 2023 COMPLIANCE AUDIT RETURN

FILE REFERENCE: FM.02

AUTHORS NAME AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 18 March 2024

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

Summary

To provide Council with the Compliance Audit Return (CAR) for the period 1 January 2023 to 31 December 2023. Following Council endorsement, the CAR is to be certified and submitted to the Department of Local Government, Sport, and Cultural Industries (DLGSC) by 31 March 2024.

Background

The CAR is provided by the Department in a prescribed form approved by the Minister and is to be completed annually by each local government.

The 2023 CAR questions were provided by the DLGSC in late December 2023. This year, the CAR questions were reviewed and prepared by Moore Australia WA, in consultation with Shire officers. Completion of the CAR was performed through analysing responses to information requests with Shire officers and inspection of various documents and records including:

- Minute books
- Tender register
- Extracts from the Financial Interest and Return Register
- Complaints Register
- Delegations Register
- Council's Website

The areas of questioning in the 2023 CAR are in alignment with legislative requirements and are focused on key areas of potential non-compliance and areas affected by regulatory change.

The CAR is a tool for Council to monitor how the Shire is functioning in regard to compliance with the *Local Government Act 1995* and provides for the Audit and Risk Committee to report to Council any cases of non-compliance or where full compliance is not achieved.

The Audit and Risk Committee reviewed the CAR at its meeting held 27 March 2024 and resolved to receive the responses as presented and recommend for Council adoption of the 2023 CAR as well as authorisation for the Shire President and Chief Executive Officer to sign the CAR for submission to DLGSC.

Comment

For 2022, there were 94 questions over 11 disciplines. For the 2023 CAR, there are also 94 questions over 11 disciplines relating to the prescribed statutory requirements in regulation 13 of the *Local Government (Audit) Regulations 1996*.

The CAR is required to be presented to Council for adoption before its submission to the Department of Local Government, Sport, and Community Industries by 31 March 2024.

A summary of the matters noted during the completion of the 2023 CAR in relation to instances of non-compliance is attached for information. Where improvements to address the matters have been, or are being implemented, these are also noted along with any improvement opportunities to systems and processes which were identified through the completion of the CAR. These improvements may assist the Shire in its risk management activities and endeavours towards continual improvement of administrative and compliance functions.

Statutory Environment

Local Government (Audit) Regulations 1996

Regulation 14 Compliance audits by local governments

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be –*
 - (a) *Presented to the council at a meeting of the council; and*
 - (b) *Adopted by the council; and*
 - (c) *Recorded in the minutes of the meeting at which it is adopted.*

Regulation 15 Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) *After the compliance audit return have been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –*
 - (a) *A copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *Any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
- (2) *In this regulation –*

certified *in relation to a compliance audit return means signed by –*

 - (a) *The mayor or president; and*
 - (b) *The CEO.*

Local Government Act 1995

Section 7.13 Regulations as to audits

- (1) *Regulations make provisions as follows –*
 - (i) *Requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are –*
 - (i) *Of a financial nature or not; or*
 - (ii) *Under this Act or another written law*

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Plan for the Future 2021-2031

Goal 3 – Our Leadership: Showing the way for our communities.

Outcome 8 – A well-functioning organisation

Strategy 8.1 – Maintain corporate governance, responsibility, and accountability

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "medium" 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

10.1a – Compliance Audit Return 2023

10.1b – Compliance Audit Return 2023 – Summary of Matters Noted

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council:

- 1 Adopt the finalised Compliance Audit Return 2023 (Attachment 10.1a) of the Shire of the period 1 January 2023 to 31 December 2023; and**
- 2 Authorise the Shire President and Chief Executive Officer to sign the 2023 Compliance Audit Return for submission to the Department of Local Government, Sport, and Cultural Industries by 31 March 2024 in accordance with legislative requirements.**

Carried: 4/0

10.2 DEPARTMENT OF COMMUNITIES FUNDING CONTRIBUTION TO SUPPLEMENT WASTE MANAGEMENT EXPENDITURE

FILE REFERENCE:	WM.00
AUTHORS NAME AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	20 March 2024
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity, or impartiality interests in the proposal.

Summary

To consider acceptance of an offer of funding from the Department of Communities to facilitate waste services for Warburton, Warakurna, Wingellina, Wanarn, Jameson, and Blackstone.

The proposed funding of \$850k towards capital expenditure and on ongoing contribution of \$375k to supplement the Shire's existing level of waste management expenditure and support the Shire to work towards regulatory compliance.

Background

The Shire of Ngaanyatjarraku has been advocating to the Department of Communities since 2018 for opportunity to improve provision of waste services to its communities. At its Ordinary Council Meeting held 23 February 2022, a detailed update on the progress of waste management services was reported at item 10.3 indicating insufficient progress on the matter.

Following ongoing discussions, the Department of Communities is proposing to provide the Shire of Ngaanyatjarraku with funding to facilitate waste services. Service levels can be defined by the Shire as the contribution is not subject to performance measures or cumbersome contract management.

Comment

It needs to be acknowledged that in addition to the ongoing support from the Department of Communities, an ongoing financial contribution is required from the Shire and we are not in the position to guarantee an indefinite financial commitment.

The Department of Communities do not expect the Shire to achieve full regulatory standards and are confident that the Department of Water and Environmental Regulation will continue to provide flexibility.

The Department of Communities has indicated that this proposal is time critical and that they are not open to imposing conditions on the agreement.

Statutory Environment

Local Government Act 1995

Section 2.7 Role of Council

- (1) *The Council –*
 - (a) *Governs the local government's affair; 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

Waste Avoidance and Resource Recovery Act 2007

Section 50 Provision of Waste Services

- (1) Subject to this Act and the EP Act, a local government may provide, or enter into a contract for the provision on its behalf of, waste services.

Financial Implications

The Shire of Ngaanyatjarraku has a commitment of \$420k for household refuse services in the current budget.

The Department of Communities is proposing an offer of \$850k towards capital expenditure and an ongoing contribution of \$375k to supplement the Shire's existing level of waste management operational costs.

Strategic Implications

Plan for the Future 2021-2031

Goal 1 – Our People: Looking after our people

Outcome 2 – Healthy People

Strategy 2.3 – Endure appropriate regulatory health and waste services provision with funding.

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" 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

10.2 – Department of Communities Offer of Funding

Voting Requirement

Simple Majority Required

Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

That Council:

- 1 Accept the Department of Communities offer of funding of \$850,000 towards waste management capital expenditure and an ongoing contribution of \$375,000 to supplement waste management services expenditure.
- 2 Delegate authority to the CEO to negotiate with Ngaanyatjarra Council Group for assistance with service delivery.
- 3 Reserves the right to review this agreement in consideration of the future budget.

Carried: 4/0

10.3 2023/24 BUDGET REVIEW

FILE REFERENCE:	FM.05
AUTHORS NAME AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	20 March 2024
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity, or impartiality interests in the proposal.

Summary

To consider the Shire's financial position as at 29 February 2024 and performance for the period 1 July 2024 to 29 February 2024 in relation to the adopted annual budget and projections estimated for the remainder of the financial year.

Background

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2024 to 29 February 2024 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2024 and is presented for council's consideration.

Consideration of the status of various project and programs was undertaken to ensure any anticipated variances were captured within the review document where possible.

The material variance levels which have been reported for the budget review, have utilised the same materiality levels as monthly reporting to determine the extent of explanation and are also based upon management judgement where explanations are considered appropriate.

Comment

The budget review report includes at Note 4 a summary of predicted variances contained within the Statement of Financial Activity. Features of the budget review include:

Increase for Financial Assistance Grants (FAGS) funding to be received, not included in the original budget	\$204,504
Increase in revenue for grant received for Warburton Youth Summer Holiday Program	\$5,000
Revenue decreased to account for contract liability movement for road grants	(\$240,000)
Increase to fees and charges for building fees received not included in original budget	\$11,700
Other revenue increased for expected income from insurance claim for housing repairs	\$180,000
Higher income received to date for other reimbursements	\$17,000
Expected reduction in employee costs as per recent and proposed organisational structural changes including administration wages, sanitation wages, law, order and public safety wages, recreation centre wages	\$189,269
Increase to expenses for repairs and maintenance at the CRC and office gardens maintenance	(\$23,564)
Expenditure increase for the Outback Highway sign review	(\$16,000)

Increase to materials and contracts for consultant expenses including accounting and compliance services, consultant to assist with roads data, road inventory system (RAMS) updates, CEO performance review as well as some minor increases to bin stands and tourism expenses	(\$134,250)
Minor decrease in expenditure for fire prevention and TV/Radio operational costs	\$9,000
Increase expenditure for OHDC member contribution	(\$30,000)
Expenses for Summer Holiday Program as per grant income received	(\$5,000)
Increase in plant operation costs	(\$14,500)
Capital expenditure noted at February 2024 OCM for TV retransmission upgrades	(\$13,451)
Capital expenditure for housing insurance works / renewal expenses	(\$180,000)
Increase in net current assets anticipated to be brought forward upon receipt of audited annual financial statements	\$40,292
Overall Change (surplus)	\$0

In considering the above variances and projections within the attached budget review, the closing position remains balanced, reflected in the Statement of Budget Review.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2024, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate. Required budget amendments have been presented as a separate recommendation to the budget review for council consideration.

Statutory Environment

Local Government (Financial Management) Regulations 1996

Regulation 33A Review of budget

- (1) *Between 1 January and the last day of February 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; and*
 - (d) *Include the following –*
 - (i) *The annual budget adopted by the local government;*
 - (ii) *An update of each of the estimates included in the annual budget;*
 - (iii) *The actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) *Adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.*
- (2) *The review of annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*
- (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 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

- (c) *Oversee the allocation of the local government's finances and resources; and*
- (d) *Determine the local government's policies*

Local Government Act 1995

Section 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 –*
 - (b) *Is authorised in advance by resolution**
**absolute majority required*

Financial Implications

Authorisation of expenditure through budget amendments recommended. Other specific financial implications are as outlined in the body of this 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 Ngaanyatjaraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "medium" and can be managed by routine procedures and is unlikely to need specific application of resources. The adoption of the recommendations as presented may result in the item being reassessed at "low".

Policy Implications

There are no known policy implications for this matter.

Attachments

10.3 – 2023/2024 Budget Review Statement of Financial Activity, notes on Closing Funds, and Budget Amendments.

Voting Requirement

Absolute Majority Required

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council adopt by absolute majority the 2023/2024 mid-year budget review as attached.

Carried: 4/0

Voting Requirement

Absolute Majority Required

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

That Council adopt by absolute majority the following budget amendments to the 2023/2024 adopted annual budget:

<i>Operating Revenue</i>	<i>Operating Grants Subsidies and Contributions</i>	<i>Decrease provision by</i>	<i>\$30,496</i>
<i>Operating Revenue</i>	<i>Fees and Charges</i>	<i>Increase provision by</i>	<i>\$11,700</i>
<i>Operating Revenue</i>	<i>Other Revenue</i>	<i>Increase provision by</i>	<i>\$197,000</i>
<i>Operating Expenditure</i>	<i>Employee Costs</i>	<i>Decrease provision by</i>	<i>\$165,705</i>
<i>Operating Expenditure</i>	<i>Materials and Contracts</i>	<i>Increase provision by</i>	<i>\$190,750</i>
<i>Capital Expenditure</i>	<i>Land and Buildings</i>	<i>Increase provision by</i>	<i>\$180,000</i>
<i>Capital Expenditure</i>	<i>Plant and Equipment</i>	<i>Increase provision by</i>	<i>\$13,451</i>

Carried: 4/0

11 OPERATIONS REPORTS

11.1 ACTION REPORT – OPERATIONAL SERVICES

FILE REFERENCE: CP.00, PE.00, RD.00, WM.00

AUTHORS NAME AND POSITION: Stephen Latham
Acting Operations Manager

AUTHORISING OFFICER AND POSITION: David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 18 March 2024

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

Summary

To inform Council of building maintenance, plant and equipment, road and waste activities and actions for the preceding month.

Background

Not applicable

Comment

See attachment 11.1.

Statutory Environment

Not applicable

Financial Implications

There are 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

Goal 2 – Looking after our Land

Outcome 6 – Living on our Land

Strategy 6.1 – Maintain Shire owned buildings and facilities

Goal 3 – Our Leadership

Outcome 8 – A well-functioning organisation

Strategy 8.2 – Provide a good place to work

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" 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

11.1 – Action Report – Operational Services

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council receives the Action Report – Operational Services for February 2024 as per attachment 11.1.

Carried: 4/0

11.2 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE:	EM.00
AUTHORS NAME AND POSITION:	Terry Sargent Environmental Health Officer
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	18 March 2024
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity, or impartiality interests in the proposal.

Summary

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

Background

Not applicable

Comment

See attachment 11.2.

Statutory Environment

Not applicable

Financial Implications

There are 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's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "low" 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

11.2 – Action Report – Environmental Health and Building Services

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr J Frazer

That Council receives the Action Report – Environmental Health and Building Services for February 2024 as per attachment 11.2.

Carried: 4/0

12 FINANCE

12.1 MONTHLY PAYMENTS LISTING FOR FEBRUARY 2024

FILE REFERENCE:	FM.07
AUTHORS NAME AND POSITION:	Fiona Butler Finance and Administration Officer
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	18 March 2024
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity, or impartiality interests in the proposal.

Summary

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

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, as per attachment 12.1.

Statutory Environment

Local Government (Financial Management) Regulations 1996

Section 13 – 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 powers 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 for approval to be paid is to be prepared each month showing –*
 - 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 payments of accounts.

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" 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 2024

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council receives the Payment Listing for February 2024 totalling payments of \$1,176,516.06 as per attachment 12.1.

Carried: 4/0

12.2 COUNCIL INVESTMENTS FOR FEBRUARY 2024

FILE REFERENCE:	FM.04
AUTHORS NAME AND POSITION:	Fiona Butler Finance and Administration Officer
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	18 March 2024
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity, or impartiality interests in the proposal.

Summary

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

Background

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

Comment

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

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 received through a quotation process with the Westpac and Commonwealth Bank and as such funds have been deposited with the bank providing better interest rates. Westpac Business Premium Reserve Account has also been opened with the intention of keeping surplus operating funds in this bank account yielding higher interest income. Money is also held in Westpac's 31-day Notice Account. These funds are mainly from the Commonwealth's FAGS 2023-2024 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

Section 19 – Investment of money, restrictions on (Act s. 6.14 (2)(a))

- (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.*

Section 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 Australia 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

There are no known financial implications for this matter.

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's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "low" 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 February 2024

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council receives the report on Council Investments as at 29 February 2024 as per attachment 12.2.

Carried: 4/0

12.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING FEBRUARY 2024

FILE REFERENCE:	FM.10
AUTHORS NAME AND POSITION:	Fiona Butler Finance and Administration Officer
AUTHORISING OFFICER AND POSITION:	David Mosel Chief Executive Officer
DATE REPORT WRITTEN:	18 March 2024
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity, or impartiality interests in the proposal.

Summary

For Council to receive the monthly financial reports for February 2024.

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 and are provided as required by Local Government (Financial Management) Regulation 34 (1)(d). The attached statements included details of variances between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold of \$20,000 or 10% 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 month end are:

- Operating Grants under budget are yet to be received
- Building Fees over budget due to Oz Minerals building applications for their mine construction, noting that some is payable to the Building Commission

Statutory Environment

Local Government Act 1995, Section 6.14 – Power to Invest

- (3) *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)*
- (4) *Regulations in relation to investments by local governments may –*
(f) *Make provision in respect of the investment of money referred to in subsection (1); and*

- (g) [deleted]
- (h) *Prescribe circumstances in which a local government is required to invest money held by it; and*
- (i) *Provide for the application of investment earnings; and*
- (j) *Generally, provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

Section 19 – Investment of money, restrictions on (Act s. 6.14 (2)(a))

- (3) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
- (4) *The control procedures are to enable the identification of –*
 - (c) *The nature and location of all investments; and*
 - (d) *The transactions related to each investment.*

Section 19C – Investment of money, restrictions on (Act s. 6.14 (2)(a))

- (2) *In this regulation –*

Authorised institution means –

- (c) *An authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) Section 5; or*
- (d) *The Western Australian Treasury Corporation established by the Western Australia Treasury Corporation Act 1986;*

Foreign currency means a currency except the currency of Australia.

- (3) *When investing money under section 6.14 (1), a local government may not do any of the following –*
 - (f) *Deposit with an institution except an authorised institution;*
 - (g) *Deposit for a fixed term of more than 3 years;*
 - (h) *Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (i) *Invest in bonds with a term to maturity of more than 3 years;*
 - (j) *Invest in a foreign currency.*

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's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "low" 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 this report.

Attachments

12.3 – Monthly Financial Report, February 2024

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council receives the monthly financial report for February 2024 as per attachment 12.3.

Carried: 4/0

13 NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION

14 CONFIDENTIAL MATTERS

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council:

- 1 Resolves that Report 14.1 is confidential in accordance with s5.23(2) of the Local Government Act 1995 because it deals with matters affecting s5.23(2):
(a) A matter affecting an employee or employees;**
- 2 Close the meeting to the public at 1.40 pm pursuant to subsection 5.23(2)(a) of the Local Government Act 1995.**
- 3 Authorises the Chief Executive Officer and the Administration Coordinator to remain in the meeting for Report 14.1**

Carried: 4/0

All members of the public gallery and staff left the meeting at 1.40 pm.

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council reopen the meeting to the public at 1.45 pm

Carried: 4/0

No members of the public gallery and staff members re-entered the room at 1.45 pm.

The presiding member advised of Council's decision for the Confidential Agenda Items.

14.1 SELECTION OF REVIEWER FOR CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE REVIEW

FILE REFERENCE:

PL.00

AUTHORS NAME AND POSITION:

David Mosel
Chief Executive Officer

DATE REPORT WRITTEN: 22 March 2024

DISCLOSURE OF FINANCIAL The authorising officer has a financial interest in the proposal as he is the subject matter.

Attachment

Attachments provided under separate cover – Confidential Report 14.1

Voting Requirement

Simple Majority

Officer Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Porter

That Council:

- 1 Proceed with the appointment of Strategic Leadership Consulting as the independent facilitator of the Chief Executive Officer’s annual performance review.**
- 2 Accept the proposal for the Chief Executive Officer review process to be facilitated by Zoom meetings with the Chief Executive Officer and all Councillors.**

Carried: 4/0

15 NEXT MEETING

Scheduled for Wednesday 24 April 2024 at the Tjulyuru Cultural and Civic Centre, Warburton Community, commencing at 1.00pm

16 CLOSURE OF MEETING

There being no further business the Presiding Member closed the meeting at 1.45 pm.