



# Shire of Ngaanyatjaraku

ON A JOURNEY

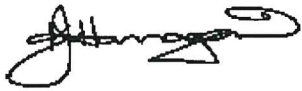
## ORDINARY MEETING OF COUNCIL

### MINUTES

**25 August 2021**  
**at**  
**1.14 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.

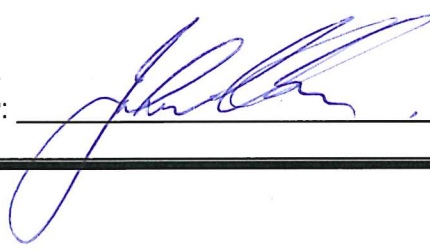


Chief Executive Officer

Date: 25-8-2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 25 August 2021.

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



Date: 29 / 9 / 2021

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## 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.14pm.

<p><b>Council Resolution</b></p> <p><b>Moved: Cr A Jones          Seconded: Cr J Frazer</b></p> <p><b>That Council approves Cr L West's request to attend this Ordinary Meeting of Council by electronic means as she will be:</b></p> <p><b>(a) in contact, by electronic means (mobile phone), with each other person present at the meeting; and</b></p> <p><b>(b) will be in a suitable place (Tjuntjuntjarra).</b></p> <p style="text-align: right;"><b>Carried: 5/0</b></p>
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## 2. ANNOUNCEMENT OF VISITORS

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

## 3. ATTENDANCE

### 3.1 PRESENT

<b>Elected Members:</b>	President Deputy President Councillor Councillor Councillor	D McLean A Jones J Frazer L West (via mobile phone from 1.15pm) J Porter
<b>Staff:</b>	CEO DIS AC	K Hannagan (via mobile Phone) L Morgan S Richardson
<b>Guests:</b>		
<b>Members of Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	

### 3.2 APOLOGIES

Cr. D Frazer

Cr. A Bates

### 3.3 APPROVED LEAVE OF ABSENCE

## 4. PUBLIC QUESTION TIME

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

### 4.2 PUBLIC QUESTION TIME

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

## 6. DECLARATION BY MEMBERS

### 6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

### 6.2 DECLARATIONS OF INTEREST

#### Councillors to Note

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

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

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

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

#### **NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)**

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor, or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995*, but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) without less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
  4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under *s.5.68(1)(b)(ii) or the Local Government Act*; or
  - 6.2 Where the Minister allows the Councillor to participate under *s.5.69(3) of the*

*Local Government Act, with or without conditions.*

Declarations of Interest provided:

<b>Item Number/ Name</b>	<b>Type of Interest</b>	<b>Nature/Extent of Interest</b>

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

**8. PETITIONS, DEPUTATIONS, PRESENTATIONS**

**8.1 PETITIONS**

**8.2 DEPUTATIONS**

**8.3 PRESENTATIONS**

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 MINUTES OF ORDINARY MEETING OF COUNCIL**

**Voting Requirement**  
Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr J Porter      Seconded: Cr J Frazer**

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 28 July 2021 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: 5/0**

## 10. CEO REPORTS

### 10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

<b>FILE REFERENCE:</b>	GV.05
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	7 August 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest 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

A resolution from the October 2020 meeting regarding nominations for Council consideration of an appointment of an external person to the A&R Committee is still in progress, see Attachment 10.1 for details.

#### Statutory Environment

*Section 2.7 of the Local Government Act 1995* states:

*“Role of council*

*(1) The council —*

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

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

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

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

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

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. The decision to have the report in the Council's monthly agenda is entirely Council's prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council 'speaks by resolution'.

#### Financial Implications

There are no known financial implications for this matter.

#### Strategic Implications

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 - Council Resolutions - Status Report

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr J Frazer      Seconded: Cr J Porter**

**That Council notes the attached Council Resolutions – Status table as at July OCM 2021, (Attachment 10.1) and this report.**

**Carried: 5/0**



## 10.2 ADOPTION OF 2021/22 BUDGET

**FILE REFERENCE:** FM.05

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

**DATE REPORT WRITTEN:** 12 August 2021

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

### Summary

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

### Background

The 2021/22 Annual Budget has been prepared based on the principles contained in the Long-Term Financial Plan (LTFP) and Corporate Business Plan as well as discussions with the Shire President / Councilors as well as a detailed review of expenditure and efficiency measures taking into account substantive matters raised in previous reports to Council. The Budget has also considered the impacts of the Covid-19 Pandemic on the district and Shire as required by Section 6.2 of the Local Government Act 1995.

### Comment

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

The Budget also takes into account Ministerial Orders as a consequence of the Covid-19 Pandemic. The impact of the Covid-19 Pandemic on the Shire operations has been minimal.

Major highlights include:

- General Minimum Rate unchanged at \$245 (four assessments)
- Rates UV unchanged at 21c in dollar
- No increase in Fees and Charges with new Fee for charging out of Recreation Staff to assist with NCAC Football Development Program
- Reduced Bank Interest \$10,000 (lower interest rates)
- Transfer of \$101,656 to Asset Replacement Reserve (towards resealing of four community sealed road networks, est. circa \$2,500,000)
- Reduction in Accounting \$60,000 (more functions now done in-house)
- Increase in Consultancy \$35,000 to comply with new Work Health Safety Act (OHS System)
- Information Technology increased \$50,000 (OAG requirement for ICT Strategy as part of IPRF compliance)
- Changeover of four vehicles (in accordance Plant Replacement Program)
- Public Health Plan \$5,000 (specialist advice)
- Housing Strategy \$6,000 (Shire / NCAC staff & Community housing needs & identify DoH / GROW / GEDC opportunities)
- TV Retransmission \$20,000 (replace ABC cards non-functional)
- Road Renewal, Capex \$5,479,802
- Road Maintenance, Opex \$2,076,345
- Business Cases, \$175,000 (Warburton Town Entry redevelopment & Tjulyuru Regional Gallery expansion)
- Tourism Strategy \$25,000 (joint with NGWG)
- Works Compound, \$270,000 (secure plant & road equipment);

### Statutory Environment

Section 6.2 of the Local Government Act 1995 requires that a local government is to prepare (in

the prescribed manner) and adopt (by absolute majority), between 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

Ministerial Order Clause 7 – Section 6.2 modified – Section 5.56 is replaced with a reference to the consequences of the Covid-19 Pandemic.

Section 6.16 of the Local Government Act 1995 allows a local government to impose and recover a fee or charge for any goods or services it provides or proposes to provide (absolute majority required).

Section 6.32 of the Local Government Act 1995 states that a local government in order to make up the budget deficiency is to impose a general rate on rateable land that may be imposed uniformly or differentially. A local government may also impose a minimum payment (absolute majority required).

Section 6.51 of the Local Government Act 1995 allows a local government to charge interest on a rate or service charge that remains unpaid after it is due and payable (absolute majority required).

Ministerial Order Clause 14 – section 6.51 modified - If a financial hardship policy has been adopted by Council, then the 7.0% interest rate can be applied to unpaid rates or services charges after becoming due and payable.

Regulation 17 of the Local Government (Financial Management) Regulations 1996 states that a reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.

Regulation 23(a) of the Local Government (Financial Management) Regulations 1996 requires the annual budget to include the objects and reasons of any differential rates imposed.

Regulation 26 of the Local Government (Financial Management) Regulations 1996 requires that the annual budget is to include details for each discount, incentive, concession and waiver to be allowed.

Regulation 27 of the Local Government (Financial Management) Regulations 1996 sets out the detail accompanying notes to the budget are to contain.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 states that each financial year a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.

Regulation 64(2) of the Local Government (Financial Management) Regulations 1996 sets out the local government is to determine the due date of instalments after the first instalment.

Regulation 70 of the Local Government (Financial Management) Regulations 1996 states that the maximum interest rate for overdue rates under section 6.51(1), is 11%.

Ministerial Order Clause 14 (3) – section 6.51 modified – stipulates that a maximum of 7% is to be applied despite the Regulation 70 amount.

Section 67 of the Waste Avoidance and Resource Recovery Act 2007 enables a local government to impose an annual charge in respect of premises provided with a waste service by the local government.

Section 5.98 of the Local Government Act 1995 sets out fees etc payable to Council members.

Section 5.98A of the Local Government Act 1995 sets out fees etc payable to sets out allowances payable to deputy Presidents or deputy Mayors.

Section 5.98 (2) (3) and (4) of the Local Government Act 1995 sets out allowances payable of a kind prescribed as being an expense.

Section 7B(2) of the Salaries and Allowances Act 1975 requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine –

- the amount of fees to be paid to Council members;
- the amount of expenses to be reimbursed to Council members;
- the amount of allowances to be paid to Council members.

Regulations 30-32 of the Local Government (Administration) Regulations 1996 set the limits, parameters and types of allowances that can be paid to elected members.

Section 30.6 of the Local Government Officers' (Western Australia) Award 2021 sets the rate for meeting attendance travel costs per kilometre.

### **Financial Implications**

The budget outlines planned expenditure and revenue and determines the financial parameters for the Shire of Ngaanyatjarraku to operate within for the 2021/22 financial year. The Budget is a balanced budget.

It must be noted that Financial Assistance Grants for the 2021/22 year were pre- paid by the Federal Government into the 2020/21 FYE and forms part of the Surplus brought forward in the Rate Setting Statement.

The shire is transferring \$84,000 to the Asset Replacement Reserve towards resealing of four community sealed road networks (est. circa \$2,000,000)

The Shire's Long-Term Financial Plan will be updated early in 2022 as it is proposed to do Road Asset Condition Assessments, Fair Value, update of Road Asset Maintenance Management system, revised Asset Management Plan to see the true impact of longer-term funding requirements from 2021/22 onwards. This will be the subject of a further report to Council.

### **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**

Not applicable

### **Attachments**

10.2 (a) – 2021/22 Draft Statutory Budget

10.2 (b) - 2021/22 Schedule of Fees and Charges

### **Voting Requirement**

Recommendation 1 – Absolute Majority Required

Recommendation 2 – Absolute Majority Required

Recommendation 3 – Absolute Majority Required

Recommendation 4 – Absolute Majority Required

Recommendation 5 – Absolute Majority Required

Recommendation 6 – Absolute Majority Required

Recommendation 7 – Absolute Majority Required

Recommendation 8 – Absolute Majority Required

**Officers Recommendation 1 and Council Resolution**

**Moved: Cr J Porter                      Seconded: Cr J Frazer**

**For the purpose of yielding the deficiency (100%) disclosed by the proposed Municipal Fund Budget and pursuant to sections 6.34 of the Local Government Act 1995, Council impose the following general and minimum rates on Unimproved Values:**

**UV Mining    \$0.2100 in the \$**

**General Minimum    \$245 per rateable property.**

**Carried: 5/0**

**Officers Recommendation 2 and Council Resolution**

**Moved: Cr A Jones                      Seconded: Cr J Frazer**

**Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council offer the following options for the payment of rates by instalments:**

**Option 1 (Full Payment)**

**Full amount of rates and charges including arrears, to be paid on or before 11 October 2021 or 35 days after the date of service appearing on the rate notice whichever is the later.**

**Option 2 (Two Instalments)**

**First instalment to be made on or before 11 October 2021 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges; and**

**Second instalment to be made on or before 13 December 2021 or the first business day two months from the due date of the first instalment appearing on the rate notice, whichever is the later.**

**Option 3 (Four Instalments)**

**First instalment to be made on or before 11 October 2021 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and one quarter of the current rates and service charges;**

**Second instalment to be made on or before 13 December 2021 or the first business day two months from the due date of the first instalment appearing on the rate notice, whichever is the later;**

**Third instalment to be made on or before 14 February 2022 or the first business day two months from the due date of the second instalment appearing on the rate notice, whichever is the later; and**

**Fourth instalment to be made on or before 14 April 2022 or the first business day two months from the due date of the third instalment appearing on the rate notice, whichever is the later.**

**Carried: 5/0**

**Officers Recommendation 3 and Council Resolution**

**Moved: Cr A Jones          Seconded: Cr J Porter**

**Imposes, by absolute majority, in accordance with section 6.51 of the Local Government Act 1995 and clause 14 (3) of the Local Government (COVID-19 Response) Ministerial Order 2021, gazetted on 1 June 2021, an interest rate of 7% applicable to overdue and unpaid rate and service charges, subject to:**

- a. This interest rate cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2020, that has been determined by the Shire of Ngaanyatjarraku as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Policy 2.13 Financial Hardship (Rates Relief).**

**Carried: 5/0**

**Officers Recommendation 4 and Council Resolution**

**Moved: Cr J Frazer          Seconded: Cr A Jones**

**That Council, in accordance with Section 67 of the Waste Avoidance and Recovery Act 2007, impose the following receptacle charge for 2020/21:**

- Domestic rubbish removal \$348 (GST Free) per bin; and**
- Commercial rubbish removal - \$1,320 (GST Free) per service.**

**Carried: 5/0**

**Officers Recommendation 5 and Council Resolution**

**Moved: Cr J Frazer          Seconded: Cr A Jones**

**That Council, in accordance with Section 6.16 of the Local Government Act 1995, adopt the attached Schedule of Fees and Charges as presented in the Budget for the year ending 30 June 2022.**

**Carried: 5/0**

**Officers Recommendation 6 and Council Resolution**

**Moved: Cr J Porter          Seconded: Cr J Frazer**

**That Council, in accordance with section 6.2 of the Local Government Act 1995, adopt the attached annual Budget for the year ended 30 June 2022.**

**Carried: 5/0**

**Officers Recommendation 7 and Council Resolution**

**Moved: Cr J Frazer          Seconded: Cr A Jones**

**That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulation 1996, adopts the following materiality thresholds:**

**Condition**

**Action**

**Variance exceeding 10% or \$20,000 whichever is greater          Must Report**

**(Note: Management discretion may be used on reporting Actual Variances less than 10% or \$20,000).**

**Carried: 5/0**

**Officers Recommendation 8 and Council Resolution**

**Moved: Cr A Jones          Seconded: Cr J Frazer**

**That Council adopt the following Councillor Allowances for the 2021/22 period:**

**In accordance with Section 5.98 (1) & (2A) of the Local Government Act 1995, Local Government (Administration) Regulation 30, (3A) and Part 6.2 & 6.3 of the Local Government CEO & EM Determination 2020 pursuant to Section 7 (B) of the Salaries and Allowances Act, Councillor meeting attendance fees be set at \$220 per Council meeting, and \$110 per Committee or other prescribed meeting.**

**In accordance with Section 5.98 (1) & (2A) of the Local Government Act 1995, Local Government (Administration) Regulation 30, (3A) and Part 6.2 & 6.3 of the Local Government CEO & EM Determination 2020 pursuant to Section 7 (B) of the Salaries and Allowances Act, Shire President meeting attendance fees be set at \$440 per Council meeting, and \$110 per Committee or other prescribed meeting.**

**In accordance with Sections 5.98(5) and 5.98A(1) of the Local Government Act 1995, Local Government (Administration) Regulation 33, and Part 7.2 of the Local Government CEO & EM Determination 2020 pursuant to Section 7B of the Salaries and Allowances Act, the annual allowance for the Shire President is set at \$6,000;**

**In accordance with Section 5.98A(1) of the Local Government Act 1995, Local Government (Administration) Regulation 33A, and Part 7.3 of the Local Government CEO & EM Determination 2020 pursuant to Section 7B of the Salaries and Allowances Act, the annual allowance for the Deputy Shire President is set at \$1,500.**

**In accordance with Section 5.98 (2) (3) and (4) of the Local Government Act 1995, Local Government (Administration) Regulation 31 (1) (b) and Part 8.2 (5) of the Local Government CEO EM Determination 2021, travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the Local Government Officers' (Western Australia) Award 2021 is currently \$1.0352 per kilometre.**

**Carried: 5/0**

# 11 DEPUTY CEO / DIRECTOR CORPORATE SERVICES REPORTS

## 11.1 MONTHLY PAYMENTS LISTING

<b>FILE REFERENCE:</b>	FM.07
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy CEO / Director Corporate
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	16 August 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest 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**

11.1 – Payment Listings

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr J Frazer          Seconded: Cr J Porter**

**That Council receives the Payment Listing, July 2021 totaling payments of \$835,710.49 as per Attachment 11.1.**

**Carried: 5/0**



## 11.2 COUNCIL INVESTMENTS

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy CEO / Director Corporate
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	19 August 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to be advised of the Shires Municipal Account and Investments as 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, cash flow requirements and return on investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters. The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Shire's risk tolerance. Any additional target set by the Shire will also consider the risk limitation and prudent investment principles.

The reduction of RBA interest rate has greatly reduced term deposit interest for a 12 month term.

### 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**

The Shires budgeted 2020/21 Interest Income will need to be reduced as part of the Mid-Year Budget Review process.

### **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**

11.2 – Westpac screen prints of Municipal and Investment Accounts. (No monies are recurrently being held with any other institutions.)

### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr A Jones**

**Seconded: Cr J Porter**

**That the report on Council Investments as at Attachment 11.2 be received.**

**Carried: 5/0**

## 11.3 WORK HEALTH AND SAFETY LEGISLATION REFORM

<b>FILE REFERENCE:</b>	PL.17
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer/Director Corporate
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	18 August 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

### Summary

The purpose of this agenda item is to update Council on the changes that have occurred to the Work Health and Safety Legislation.

### Background

The Work Health and Safety Bill 2019 was passed as the Work Health and Safety Act 2020 (WHS Act) and assented to by the Governor on 10 November 2020. The WHS Act will not commence until proclamation. (To give organisations time to transition). Changes to the Occupational Safety and Health Regulations 1996 were affected 1 July 2021 to amend the Regulations supporting the new WHS Act changes.

The new laws offer greater protection to Western Australian workers, capturing modern employment relationships, such as subcontractors or casual workers, not just the classic employer/employee relationship. In particular, it will introduce the term 'person conducting a business or undertaking'.

This is the biggest change in thirty (30) years for WA and will affect every business or corporation or body in WA. This is a significant undertaking that will affect every sole trader, partnership or limited company within our community.

### Comment

The changes that are likely to have the greatest effect on local government are; Persons Conducting a Business or Undertaking (PCBU), the creation of a category of individuals known as 'officers', duty of due diligence; and increased penalties.

It should be noted that any person making a business direction decision and those who direct someone to complete a task, are within this category. An example of this may be Council directing a CEO to carry out business and not giving them sufficient resources to complete the task or comply with WHS.

The change will also affect every contractor or consultant who works for the Shire, as they will also have to fully comply with the new legislation. As a Shire it is our responsibility to ensure all contractors and consultants, we engage, are compliant.

### PCBU

A 'person conducting a business or undertaking' (PCBU) is a broad term used throughout work health and safety legislation to describe all forms of modern working arrangements, which we commonly refer to as businesses.

A person who performs work for a PCBU is considered a worker.

In Summary a PCBU is a person within an organisation that;

- directs or influences work carried out by a worker (this can be any group or person who directs or influences the work),
- engages or cause to engage a worker to carry out work (including through subcontracting)
- has management or control of a workplace.

For the Shire a PCBU could be any of the following – Council or an individual Councillor, CEO,

Directors, Managers, Supervisors.

It could be said, that if Council do not direct or influence work then it could be argued they are not a PCBU – however agreement of the IPR Framework, Annual Budget, Corporate Plan and associated papers, mean Council can be seen to direct or influence work.

#### Responsible Officers (i.e.: Executives) & Due Diligence

The new safety arrangements put forward under this WHS Bill sends a clear message to decision-makers that the existence of a safety system alone is no longer enough to satisfy their WHS obligations.

Responsible officers will need to prove they are taking an active role in work health and safety within their organisation and satisfying their due diligence obligations to avoid potential liability under the new safety arrangements.

#### Penalties

As a result of significant public concern and the recommendations of two national reviews, the new legislation includes criminalising industrial manslaughter - this includes a maximum penalty of between five and 20 years of imprisonment for an individual and a maximum \$10 million fine for a body corporate.

Other new aspects include prohibiting insurance coverage for WHS penalties.

Maximum penalties for officers range from \$100,000 upwards.

#### What are we doing?

The Shire has embarked on the early stages of reforming our WHS to protect our employees, the Council and the Community.

- We have purchased the WHS Monitor Software to minimise the administration costs around the changes and record keeping required. (We are in the process of implementing this).
- The Shire has engaged professional help, via specialist WHS resources from Core business Australia, to help us identify the changes required to our current processes and procedures, to ensure we are complying with the legislation.
- There is no escaping that this will require some significant changes, hard work, commitment and investment to achieve, and we are currently scoping the work required.
- Future reports will highlight our progress towards compliance and help Council be informed about the required decisions.

#### **Statutory Environment**

*Section 2.7 of the Local Government Act 1995 states:*

*“Role of council*

*(3) The council —*

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

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

*(4) 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 purchase of software and other costs to implement a Work Health and Safety Management system are included in the 2021/22 budget.

#### **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**

Changes to Policies that are affected by the new Legislation will be brought to Council in the coming months.

**Attachments**

11.3 – Excerpt from presentation from LGIS to GVROC.

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr J Frazer**

**That Council notes this report and the changes that have occurred to the Work Health and Safety Legislation.**

**Carried: 5/0**

## **12. DIRECTOR GOVERNANCE & STRATEGIC REPORTS**

### **12.1 REVIEW OF COUNCIL POLICY 2.1 - PURCHASING**

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Cary Green Director Governance and Strategic
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	11 August 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

#### **Summary**

For Council to consider the review of Council Policy 2.1 – Purchasing, to address responses from the Shires auditors, and to improve the effectiveness and efficiency of the policy.

#### **Background**

During the 2020/21 Financial Audit the Shires auditors identified a discrepancy in the Shires Purchasing Policy. The discrepancy involved the number of written quotes required when purchasing from a WALGA Preferred Supplier Agreement (PSA), a State Government Common Use Agreements (CUA), or any other tender exempt arrangement. Under our current Purchasing Policy, it is a requirement to have (3) written quotes for each purchase, and the proposal is to reduce this amount to one (1) written quote.

#### **Comment**

The rationale behind the changes is that the WALGA PSA, CUA and other tender exempt arrangements have already been through a rigorous procurement process, which would address all regulatory purchasing requirements.

Attachment 12.1 – Council Policy 2.1 – Purchasing, shows the recommended policy review changes for Council consideration. Namely the addition of the following commentary to the purchasing process:

- If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.

As part of the review, it was also considered prudent to increase the purchasing thresholds in each category, to make the policy more compatible with current purchasing requirements, as shown in the attachments.

#### **Statutory Environment**

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

#### **Financial Implications**

There are no known financial implications for this matter.

#### **Strategic Implications**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

#### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is high prior to treatment, the adoption of reviewed policies will reduce the risk to low.

**Policy Implications**

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

**Attachments**

Attachment 12.1 – Amended Policy 2.1 – Purchasing

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr J Frazer            Seconded: Cr A Jones**

**That Council:**

- 1. adopts the amended Council Policy 2.1 – Purchasing, as per Attachment 12.1 to this report; and**
- 2. updates the policy manual on the Shire’s official website.**

**Carried: 5/0**

## 13. DIRECTOR INFRASTRUCTURE SERVICES REPORT

### 13.1 ACTION REPORT – DIRECTOR INFRASTRUCTURE

<b>FILE REFERENCE:</b>	RD.00
<b>AUTHOR'S NAME AND POSITION:</b>	Les Morgan Director Infrastructure
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	16 August 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

#### Summary

To inform Council of activities undertaken 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 2, Our Land

Outcome 5, Travelling our Land

Strategy: 5.1, Effective management and planning of road infrastructure

#### Risk Management

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

#### Policy Implications

There are no known policy implications for this matter.

#### Attachments

Attachment 13.1 – Action Report, Director Infrastructure

#### Voting Requirement

Simple Majority Required.

#### Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr J Porter

That Council receives the Action Report, Director Infrastructure for July / August 2021.

Carried: 5/0



## 13.2 ACTION REPORT – WORKS ENGINEER

<b>FILE REFERENCE:</b>	RD.00
<b>AUTHOR'S NAME AND POSITION:</b>	Peter Kerp Works Engineer
<b>AUTHORISING OFFICER AND POSITION:</b>	Les Morgan Director Infrastructure
<b>DATE REPORT WRITTEN:</b>	16 August 2021
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

To inform Council of Works Engineering 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 2, Our Land

Outcome 5, Travelling our Land

Strategy: 5.1, Effective management and planning of road infrastructure

### Risk Management

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

### Policy Implications

There are no known policy implications for this matter.

### Attachments

Attachment 13.2 – Action Report, Works Engineering

### Voting Requirement

Simple Majority Required.

### Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr J Porter

That Council receives the Action Report, Works Engineering for August 2021.

Carried: 5/0

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

**FILE REFERENCE:** EM.00

**AUTHOR'S NAME AND POSITION:** Maurice Walsh  
EHO & Building Officer

**AUTHORISING OFFICER AND POSITION:** Les Morgan  
Director Infrastructure

**DATE REPORT WRITTEN:** 15 August 2021

**DISCLOSURE OF INTERESTS:** The author and the authorising officer have no financial, proximity or 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 13.3 – Action Report, EHO / Building Services

#### **Voting Requirement**

Simple Majority Required.

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

**Moved:** Cr J Frazer

**Seconded:** Cr J Porter

**That Council receives the Action Report, EHO / Building Services for July 2021.**

**Carried: 5/0**

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

**15. CONFIDENTIAL MATTERS**

**16. NEXT MEETING**

Scheduled for Wednesday, 29 September 2021 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 1.33pm.