



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

**28 July 2021
at
1.10 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: 28-7-2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 28 July 2021.

Presiding Member:



Date: 25/8/2021

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.10pm.

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 Councillor	D McLean A Jones D Frazer L West J Porter
Staff:	CEO AC DGC	K Hannagan S Richardson C Green
Guests:	N.A.	
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr. J 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) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under *s.5.68(1)(b)(ii) or the Local Government Act*, or
 - 6.2 Where the Minister allows the Councillor to participate under *s.5.69(3) of the Local Government Act*, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
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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 D Frazer Seconded: Cr A Jones

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 30 June 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

9.2 MINUTES OF AUDIT & RISK COMMITTEE MEETING (To be tabled)

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That Council:

- 1. Notes the Unconfirmed Minutes of the Audit and Risk Committee Meeting held on Wednesday 28 July 2021 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (Tabled); and**
- 2. Adopts the Recommendations from the Audit & Risk Committee.**

Carried: 5/0

10. CEO REPORTS

10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

FILE REFERENCE:	GV.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	17 May 2021
DISCLOSURE OF INTERESTS:	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 Porter Seconded: Cr D Frazer

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

Carried: 5/0

10.2 MINUTES OF MEETINGS

FILE REFERENCE: GV.00

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

DATE REPORT WRITTEN: 24 July 2021

DISCLOSURE OF INTERESTS: The author has an impartiality interest shared in common as the position of CEO is appointed to some committees.

Summary

For Council to be kept updated on activities of any external Committees or Working Groups that it has appointed delegates / representatives.

Background

The Shires President, Chief Executive Officer and Director Governance / Strategic have been appointed as delegates / representatives attending meetings and advocating for issues affecting the Shire of Ngaanyatjarraku. Minutes of any meetings are made available to Councillors for information. The below briefly outlines meetings attended since the last reporting month.

Comment

Listed below are meetings attended and main issues of interest for the Shire.

GVROC Council Meeting to consider WALGA State Council Agenda Items, June 2021

- Department of Fire and Emergency Services (DFES) and the Bureau of Meteorology (BoM) are undertaking consultation on the review of the Western Australian Fire Weather Districts (FWD). The Shire wrote to DFES some 6 months ago requesting the Shire of Ngaanyatjarraku be considered a fire district and as such appropriate fire-fighting resources similar that provided to Laverton (a smaller town than Warburton) be provided. To date, even after two follow up letters, no response has been made. This issue was raised by the CEO at the GVROC meeting, and the letters provided for the GVROC Chair to raise the matter with WALGA.
- The Shire made a submission to the Salaries and Allowances Tribunal to review the Isolation Allowance for the position of CEO to assist the Shire in finding a suitable replacement CEO when the officer retires. A short reply from the Tribunal had little feedback or understanding of the circumstances, which does not reflect the remoteness of the Shire and advised that they would not consider the Shires request any further. As such this matter was raised at GVROC and the Chair advised he would work with the GVROC Executive Officer on this issue and look to raise the matter through WALGA State Council and directly with the Minister.

Outback Highway Development Council Inc – Jun 2021

- The Council thanked the Shire for its continued support of the Outback Highway Development Council Inc and have provided their Activity Statement 2020-2021 that is at Attachment 10.2.
- No other main issues of interest to report. The CEO can answer any questions Councillors may have.

Operational Area Support Group (fortnightly)

The OASG meets fortnightly and its purpose is to assist management of Covid19 restrictions and implementation across the goldfields region. The group secretariate is provided by the WA Country Health Service – Goldfields and the Goldfields Regional Emergency Operations Centre – COVID-19.

- No main issues of interest to report. The CEO can answer any questions Councillors may have.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

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(1) The council —

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

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

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

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

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

Financial Implications

The Shire makes an annual budget allocation to cover meeting attendances.

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 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

Attachment 10.2 – OHDC Activity Statement 2020-2021

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr D Frazer

That Council notes this report regarding meetings attended by its delegates / representatives advocating on issues affecting the Shire of Ngaanyatjarraku and its Community.

Carried: 5/0

10.3 REVIEW OF REVENUE AND EXPENSE PROGRAM CATEGORIES

FILE REFERENCE: FM.10

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

DATE REPORT WRITTEN: 7 July 2021

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

Summary

For Council to adopt changes to its Revenue and Expense, Objectives and Strategies for provision of service to the community.

Background

Council as part of its Annual Budget has the following Note:

Key terms and definitions - reporting programs

In order to discharge its responsibilities to the community, Council has developed a set of operational and financial objectives. These objectives have been established both on an overall basis, reflected by the Shire's Community Vision, and for each of its broad activities/programs.

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

In response to the Shires need to improve its long-term financial sustainability the Council has made changes to Shire service provision.

Comment

These changes were implemented in the 2020/21 Annual Budget. However, there was an oversight in not changing the above-mentioned Note in the Annual Budget Adoption and subsequent Monthly Financial Statements. As such it is proposed to amend the wording of the change to clarify changes implemented as follows:

Existing	Proposed Change
<p><u>Health</u></p> <p>Objective: To provide an operational framework for environmental and community health</p> <p>Activities: Inspection of food outlets and their control, provision of meat inspection services, noise control and a waste pick-up service Warburton and Wanam</p> <p><u>Education and Welfare</u></p> <p>Objective:</p>	<p>.</p> <p>Activities: Inspection of food outlets and their control, and a waste pick-up service Warburton</p> <p>Reason: The Shire does not have any meat processing facilities or provide noise control and only provides a waste service in Warburton only, due to lack of funding. The Shire is awaiting a response from the WA Government regarding funding of the Shires recently adopted waste Management Plan.</p> <p>Objective / Activities:</p>

<p>To provide services to children and youth.</p> <p>Activities:</p> <p>Maintenance of playgroup centre (early years learning) at Warburton</p> <p><u>Community Amenities</u></p> <p>Objective:</p> <p>To provide services required by the community</p> <p>Activities:</p> <p>Rubbish collection services, litter control; Warburton and Wanarn.</p>	<p>Nil</p> <p>Reason:</p> <p>The NIAA via Play Group WA has been providing early years learning services in Warburton and Blackstone since 2020. The Shire is awaiting a response from NIAA regarding their review of such services for the NG Lands. The Shire does not provide youth services due to lack of funding. The Shire is awaiting a response from the WA Government regarding funding of the Shires recently adopted Sport & Recreation Plan as a first stage. Youth Services will then be reviewed as a Stage 2 piece of work.</p> <p>Activities:</p> <p>Rubbish collection services, litter control; Warburton.</p> <p>Reason:</p> <p>The Shire provides a waste service in Warburton only, due to lack of funding. The Shire is awaiting a response from the WA Government regarding funding of the Shires recently adopted waste Management Plan.</p>
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Statutory Environment

Local Government Act 1995

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

6.2. Local government to prepare annual budget

(1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*

- (a) *the expenditure by the local government; and*
- (b) *the revenue and income, independent of general rates, of the local government; and*
- (c) *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*

Financial Implications

Not Applicable as only amendments to 'Notes' are required.

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

Policy Implications

Not applicable.

Attachments

Not applicable

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr D Frazer

That Council adopts changes to its Monthly Financial Reporting – Notes to reflect the correct level of service provision to the community as outlined in this report.

Carried: 5/0

10.4 WARBURTON TOWN WATER PIPES

FILE REFERENCE:	Eh.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	7 July 2021
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

The purpose of this agenda item is to acquaint Council on the degradation of the water pipes under Shire infrastructure in Warburton and potential increase in cost to the shire after replacement by the Department of Communities, Remote Essential Municipal Services provider.

Background

The Ngaanyatjarra Council (Aboriginal Corporation) have been aware for some time now about the degradation of the water pipes that are past their serviceable end of life. As such NCAC have been advocating to the NIAA and DoC for the pipes to be replaced but with little comment from either agency.

The Shire was then made aware of the issue as there are also public health concerns and potential extra costs to be incurred by the Shire later as the REMS Contractor may not be aware of the IPWEA publication 'Restoration and Reinstatement Specification for Local Government in WA' as endorsed by the Utility Providers Services Committee.

The Shire engaged Hewer Consulting Services to investigate the water leaks issue with support from the Shires Environmental Health Officer and Works Engineer. Attachment 10.4(b) is a copy of the report.

Comment

Shire Officers wrote to the REMS Service Provider and copied in the Department of Communities (DoC) on 25 May 2021 (Attachment 10.4(a)) outlining the concerns of the Shire related to Public Health Risks. The Shire has since received assurances by the DoC that tests undertaken of the water supply are within their standards and that *'On that basis, we don't think further testing is justified at this stage but happy to discuss further if you or the EHO would like to.'*

The Shire is now aware that the DoC is making a 2021/22 budget bid for replacement of the failing water pipe infrastructure within the Warburton township. This is a positive development as NCAC have been advocating for this for some time.

However, this raises major concerns for the Shire for two reasons:

- 1) Who will pay for reinstatement of existing water pipe bursts to the IPWEA standard as mentioned above; and
- 2) Will DoC reinstate the Shires road infrastructure that will be dug up as part of replacing the town water pipes.

This matter has been raised with DoC as follows:

- *Can you please advise if your estimates for the pipes replacement include the renewal of our town sealed roads network due to the damage done over the years from leaks and future digging up to replace the pipes.*

The Shire has received the following reply:

- *No it doesn't*

This is of major concern to the Shire as the Shire will be left with the incremental costs of reinstating the road network in Warburton before it can undertake any resealing program. Additionally, as the shire does not have a normal rate payer base it does not have the 'discretionary' funding to pay for damage to its road infrastructure by the State Government and

its agents.

The Shire has sought legal advice on this matter from its lawyers and attached (Att. 10.4(c)) is a letter to Remote Communities, Department of Communities requesting a meeting with representatives of the DoC to discuss the additional road maintenance and repair costs that the Shire has incurred and is likely to incur by reason of the pipeline replacement works undertaken. Ultimately, the Shire is seeking a contribution by the State to these costs, which are incidental to the pipeline replacement works being undertaken and therefore should not be the responsibility of the Shire to bear.

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.”

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 major financial implications for this matter if the Shire is left to reinstate the damaged road network without an appropriate funding contribution.

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

10.4(a) – Letter to REMS Provider and DoC, 24 May 2021

10.4(b) – Report - Hewer Consulting Services

10.4(c) – Draft letter to Remote Communities, Department of Communities

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr L West

That Council:

- 1. notes Report 10.4: and**
- 2. endorses sending the draft letter as per Attachment 10.4(c) to Remote Communities, Department of Communities.**

Carried: 5/0

10.5 PROPOSED NORTHERN GOLDFIELDS ECONOMIC COORDINATION GROUP

FILE REFERENCE: GV.00

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

DATE REPORT WRITTEN: 13 July 2021

DISCLOSURE OF INTERESTS: The author has an impartiality interest shared in common as the position of CEO is appointed to some committees.

Summary

For Council to consider joining the formation of a Northern Goldfields Economic Coordination Group.

Background

The Shire of Ngaanyatjarraku CEO has been advocating for some time at the NGWG meetings to approach the GEDC to provide economic development support for the Shires recently commissioned Warburton Concept Plan based on the Shires Economic Prospectus adopted late last year.

The Goldfields-Esperance Development Commission (GEDC) is now seeking NGWG Shires interest in the establishment of an Economic Coordination Group to support the Northern Goldfields sub region in further diversifying and developing its economy.

Comment

The Northern Goldfields holds many opportunities and through the collaboration of all levels of government and industry, by working together to maximise these opportunities and develop a sustainable economic future for the region.

Ensuring strong alignment to each Shire's Investment Prospectus, the proposed purpose of the Northern Goldfields Economic Coordination Group could be as follows:

1. Identify, recommend and support projects and initiatives that will help foster sustainable growth and economic development in the Northern Goldfields.
2. Promote, support and contribute to local organisations, businesses and industry to enhance their capability, performance and ability to be more competitive, access new markets and deliver greater economic benefits.
3. Co-operatively engage with other relevant bodies to gain maximum benefits for the local community and wider region.
4. Monitor, review and promote the progress of the group and impacts on the region..

As a key stakeholder, the GEDC is seeking each Shires' expression of interest in participating in this group as a foundation member, with an inaugural meeting to be scheduled in August 2021.

Draft terms of reference are provided in Attachment 10.5 for consideration and review.

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 Shire makes an annual budget allocation to cover meeting attendances.

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 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

Attachment 10.5 – Draft terms of reference

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr A Jones

That Council:

- 1. Notes this report and the Draft terms of reference;**
- 2. Advises the GEDC that the Shire supports the formation of a Northern Goldfields Economic Coordination Group as a foundation member; and**
- 1. Nominates the Shires Chief Executive Officer to represent the Shire on the group and the Director Governance and Strategic to be a proxy representative.**

Carried: 5/0

10.6 FIRE AND EMERGENCY SERVICES

FILE REFERENCE: GV.00

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

DATE REPORT WRITTEN: 20 July 2021

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

Summary

For Council and Community to be updated on repeated requests to Department of Fire and Emergency Services (DFES) for them to discuss with the Shire the establishment of fire-fighting infrastructure or brigades within its district.

Background

The Shire wrote to DFES on 1 October 2020 and requested that DFES exercise its authority under section 38A of the Bush Fires Act 1954 to designate a person employed in the Department of Fire and Emergency Services (DFES) as the Chief Bush Fire Control Officer for the district of the Shire.

The Shire additionally requested that DFES consider recommending that the Minister designate the district of the Shire as a fire district under section 5(2) of the Fire Brigades Act 1942, which would enable fire management services, infrastructure and staff to be provided to the Shire in a manner commensurate with services and infrastructure provided to other gazetted townships (such as Laverton, which is comparable in size to Warburton, Blackstone & Warakurna).

DFES provided a preliminary response to the Shire by letter dated 24 November 2020 in which it indicated that a further, substantive response would be provided following ongoing discussions with the NG Land Council regarding resourcing. The Shire President sent a further letter on 10 February 2021 reiterating the requests made in the Shire's original letter of 1 October 2020.

In a further letter dated 10 March 2021 the Shire confirmed its support for a Volunteer Fire and Emergency Services Unit to be constructed and run in Warburton and operated by the Warburton Community with the support of DFES. However, the Shire noted it does not have financial or human resources to support the operations of the proposed fire station and again reiterated its requests for further resourcing made in previous correspondence.

The Shire has not yet received any further substantive response from DFES in relation to the requests for additional resourcing for bushfire prevention and management as set out in its original letter dated 1 October 2020.

Comment

The Shire recently received a letter dated 2 July 2021 giving notice of the 2021-22 Emergency Services Levy (ESL) Determinations from DFES. The notice enclosed a list of 14 Shire properties within "ESL Category 5", which are subject to ESL charges as detailed in the notice.

Regulation 6(6) of the Fire and Emergency Services Regulations 1998 prescribes the following in relation to ESL Category 5:

- (6) ESL category 5 applies to an area of Western Australia in which are provided the services of:
- (a) a bush fire brigade, a FES Unit or members of staff; and
 - (b) SES Units.

As noted in previous correspondence to you, the Shire is not presently provided with the services of a bush fire brigade, a FES Unit or members of staff or SES Units. Consequently, it is not

apparent on what legal basis the Shire properties have been categorised as “ESL Category 5”.

The continued failure to address the lack of bushfire management infrastructure creates a reasonably foreseeable risk of injury, death and/or property damage in the event of an uncontrolled bushfire occurring. Where a public authority fails to exercise its discretionary statutory powers in response to a reasonably foreseeable risk of harm, injury or damage this may give rise to a breach of common law duty of care. As such this matter has been referred to McLeod’s the Shire’s lawyers to now write to DFES reiterating the Shire’s concerns and requests to discuss these matters that continue to be ignored by DFES.

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(5) The council —

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

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

(6) 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 Shire does not have a normal ratepayer base and as such has no capability of establishing the resources required to address fire mitigation across the Shire.

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 Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “High” risk and is being managed by the Chief Executive Officer.

Policy Implications

Not applicable

Attachments

Attachment 10.6 – Letter from McLeod’s to DFES.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr D Frazer

That Council:

- 1. Notes this report; and**
- 2. The attached letter from McLeod’s.**

Carried: 5/0

11 DEPUTY CEO / DIRECTOR CORPORATE SERVICES REPORTS

11.1 MONTHLY PAYMENTS LISTING

FILE REFERENCE:	FM.07
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy CEO / Director Corporate
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	22 July 2021
DISCLOSURE OF INTERESTS:	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 Porter

Seconded: Cr D Frazer

That Council receives the Payment Listing, June 2021 totalling payments of \$524,277.98 as per Attachment 11.1.

Carried: 5/0

11.2 COUNCIL INVESTMENTS

FILE REFERENCE:	FM.04
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy CEO / Director Corporate
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	22 July 2021
DISCLOSURE OF INTERESTS:	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 L West

Seconded: Cr D Frazer

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

Carried: 5/0

11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDED

FILE REFERENCE:	FM.10
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy CEO / Director Corporate
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	22 July 2021
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to receive the monthly financial report.

Background

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

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

Comment

Comments in relation to budget to actual variances are included as notes (last page) in the Financial Reports attached. 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 are:

- Housing rental income is higher due to better-than-expected rentals;
- Recreation income higher as WA Police grant received for the Strong Wati program and expenditure may be made next FYE;
- Governance Expenses are under budget in Accounting/Compliance Services, Consultancy Fees as more functions now being done in-house;
- Community Amenities expenditure under as difficulty in sourcing rubbish collection staff;
- Recreation expenditure under due to difficulty in recruiting replacement staff;
- Transport expenditure under as some projects will be deferred to next FYE.
- Proceeds from sale of assets is higher as Sale of the Works cruiser received a much higher auction price.

Please note that the figures in this report are subject to financial year-end adjustment and Audit. Asset additions have yet to be updated and depreciation has not been run.

Statutory Environment

Local Government Act 1995

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.

Local Government (Financial Management) Regulations 1996.

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

Financial Implications

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

Strategic Implications

Plan for the Future 2021 – 2031

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

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

11.3 - Monthly Financial Report.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr D Frazer

That Council receives the monthly financial report for June 2021.

Carried: 5/0

12. DIRECTOR GOVERNANCE & STRATEGIC REPORTS

13. DIRECTOR INFRASTRUCTURE SERVICES REPORT

13.1 ACTION REPORT – WORKS ENGINEER

FILE REFERENCE:	RD.00
AUTHOR'S NAME AND POSITION:	Peter Kerp Works Engineer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	21 July 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 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 13.1 – Action Report, Works Engineering

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr A Jones

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

Carried: 5/0

13.2 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE: EM.00

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

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 15 July 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 13.2 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

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

Carried: 5/0

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

15. CONFIDENTIAL MATTERS

15.1 CEO ANNUAL PERFORMANCE REVIEW

FILE REFERENCE: PL.00

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

DATE REPORT WRITTEN: 18 July 2021

DISCLOSURE OF FINANCIAL INTEREST: The author has an impartiality interest in the proposal as he is the subject of the report.

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr J Porter

That Council resolves that the:

- 1 CEO Annual Performance Review Report; as attached is confidential in accordance with s5.23 (2) the Local Government Act because it deals with;
(a) a matter affecting an employee or employees;**
- 2. Close the meeting to the public at 1.50pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995; and**
- 3. Allows the Chief Executive Officer to remain in the meeting to answer any questions Councillors may have.**

Carried: 5/0

All members of the public gallery and staff member/s S Richardson & C Green left the meeting at 1.50 pm. (Note: Chief Executive Officer, Kevin Hannagan to remain and take any minutes and answer any questions.)

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr L West

That Council re-open the meeting to the public at 1.54 pm.

Carried: 5/0

No Members of the public gallery or staff members re-entered the room at 1.54pm.

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

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Porter

That Council:

- 1. Adopts the draft Chief Executive Officers Annual Performance Criteria as per Confidential Attachment 15.1.**
- 2. Requests the Chief Executive Officer to report back to Council on progression against the criteria.**

Carried: 5/0

16. NEXT MEETING

Scheduled for Wednesday, 25 August 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 1.55pm.