



**Shire of Ngaanyatjaraku**  
ON A JOURNEY

**ORDINARY MEETING OF COUNCIL**

**MINUTES**

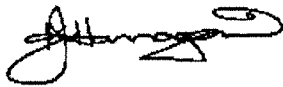
**24 June 2020**

**at**

**1.00 pm**

**SHIRE OF NGAANYATJARRAKU**  
**ORDINARY MEETING OF COUNCIL**

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



**Chief Executive Officer**

Date: 25-06-2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 24 June 2020.

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

Date: 30/7/2020

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.00pm.

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	President Councillor Councillor Councillor Councillor Councillor	D McLean J Frazer A Jones L West J Porter D Frazer
<b>Staff:</b>	CEO FAC	K Hannagan (by MS Teams on TV from 1.00pm) G Handy
<b>Guests:</b>	nil	
<b>Members of Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr. ....

**3.3 APPROVED LEAVE OF ABSENCE**

Cr. A Bates

**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**

Cr Alwyn Bates has applied for a leave of absence as per Attachment 5.

**Statutory Environment**

Local Government Act 1995

2.25. *Disqualification for failure to attend meetings*

*(1) A council may, by resolution, grant leave of absence, to a member.*

*(2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister unless all of the meetings are within a period of 3 months.*

*(3A) Leave is not to be granted in respect of —*

- (a) a meeting that has concluded; or
- (b) the part of a meeting before the granting of leave.

### **Voting Requirement**

Simple Majority

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

**Moved: Cr L West                      Seconded: Cr J Frazer**

**That Council in accordance with Section 2.25 (1) of the Local Government Act 1995 grants leave of absence to Cr A Bates for the 29 July and 26 August 2020 Ordinary Meetings of Council if required.**

**Carried: 6/0**

## **6. DECLARATION BY MEMBERS**

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

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

### **6.2 DECLARATIONS OF INTEREST**

#### **Councillors to Note**

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

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

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

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

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

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

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

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

not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

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

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
15.1 Review of services for outstanding debts	Shared in common	All Councillors are community members affected by any change in services and members of various community committees

**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 (ATT 9.1)**

**Voting Requirement**  
Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr J Frazer**

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 27 May 2020 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.**

**Carried: 6/0**

## 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>	16 May 2020
<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**

Wherever possible, Council decisions are implemented as soon as practicable after a Council meeting. However, there are projects or circumstances that mean some decisions take longer to action than others.

Ongoing monthly reports will show the status of Council Resolutions that have not been actioned.

Generally, all resolutions have been enacted. Some matters are of an on-going nature and will take several months to complete. Attached is a list of those items not yet completed.

#### **Statutory Environment**

*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**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership



**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter.

**Attachments**

Attachment 10.1 - Council Resolutions - Status Report

**Voting Requirement**

Simple Majority

**Officers Recommendation**

That Council notes the attached Council Resolutions – Status as at May 2020 (Attachment 10.1) and this report.

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr L West**

**That Council notes the attached Council Resolutions – Status as at May 2020 (Attachment 10.1) and this report.**

**Carried: 6/0**

## 10.2 COUNCILLOR VACANCY TO REMAIN UNFILLED

<b>FILE REFERENCE:</b>	GV.07
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	6 June 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author / authorising officer has no financial, proximity or impartiality interests in the proposal.

### Summary

The purpose of this agenda item is for Council to consider requesting the approval of the Electoral Commissioner to allow the vacancy caused through the disqualification of Cr. Preston Thomas to remain unfilled until the next ordinary Council election in accordance with section 4.17 of the Local Government Act 1995.

### Background

Councillor Preston Thomas is disqualified as he has been absent, without obtaining leave of the Council, throughout 3 consecutive ordinary meetings of the Council over a period exceeding 2 months, which results in disqualification under section 2.25(4) of the LGA 1995.

### Comment

Pursuant to Section 4.17(3) and (4A) of the *Local Government Act* 1995 the Council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and on that basis the term of the member who held the office is to be regarded to end on the day on which it would have ended if the vacancy had not occurred. Cr. Preston Thomas was re-elected to office in October 2019, and his four-year term was to expire in October 2023. The next ordinary elections for Council are to be held in October 2021.

### Statutory Environment

*Local Government Act* 1995:

#### **2.25. Disqualification for failure to attend meetings**

(4) *A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.*

#### **2.32. How extraordinary vacancies occur in offices elected by electors**

*The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —*

*(d) advises or accepts under section 2.27 that he or she is disqualified.....*

#### **4.17. Cases in which vacant offices can remain unfilled**

*(3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

*\* Absolute majority required.*

*(4A) Subsection (3) applies —*

*(a) if —*

*(i) the office is for a district that has no wards; and*

*(ii) at least 80% of the number of offices of member of the council in the district are still filled; or*

(b) if —

(i) the office is for a ward for which there are 5 or more offices of councillor; and  
(ii) at least 80% of the number of offices of councillor for the ward are still filled.

(4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

### **Financial Implications**

There would be a cost to hold an in-person extraordinary election if Council wished to fill the vacancy, this would vary in price depending on if it is conducted 'in-house' or via engaging the WA Electoral Commission (WAEC) to run the process on the Shire's behalf. Council's annual budget has generally made provision of approximately \$5,000 (plus staff and travel costs) for the costs of running elections in-house; appointing the WAEC to oversee and manage the election is likely to cost significantly more (estimated \$10,000 - \$20,000) and a quotation would be sought to ascertain the amount should Council wish to proceed in this way.

### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### **Risk Management**

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

### **Policy Implications**

Not applicable

### **Attachments**

Nil

### **Voting Requirement**

Absolute majority required

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

**Moved: Cr A Jones**

**Seconded: Cr J Frazer**

#### **That Council:**

- 1. pursuant to section 4.17(3) and 4 (A) of the Local Government Act 1995, Council requests the WA Electoral Commissioner to permit the vacancy created by the disqualification of Councillor Preston Thomas to remain unfilled until the next ordinary election in October 2021; and**
- 2. writes a letter of thanks to Cr Thomas for his years of service with the Shire and Ngaanyatjarraku Community.**

**Carried: 6/0**

## 10.3 ELECTION OF DEPUTY SHIRE PRESIDENT

<b>FILE REFERENCE:</b>	GV.00
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	6 June 2020
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

### Summary

For Council to elect a Deputy Shire President.

### Background

As there is now a vacancy for Deputy Shire President, Council must now elect one of its members to fill that role.

### Comment

The deputy Shire President will be elected until their term of office expires. Shire President will conduct this election as per clause 8(2) of Schedule 2.3. After the election, the Deputy Shire President will make a declaration (Electoral Form 7) in accordance with Regulation 13 (1)(c) of the Local Government (Constitution) Regulations 1996.

### Statutory Environment

*Local Government Act 1995*

- 2.15. *Filling office of deputy mayor or deputy president*  
*The deputy mayor or deputy president is to be elected by the council under Schedule 2.3, Division 2.*
- 2.34. *How extraordinary vacancies occur in offices elected by council*  
(1) *The office of a member of a council as a councillor mayor or president, deputy mayor or deputy president becomes vacant if the member —*  
(a) *ceases to be a councillor under section 2.32;*

*Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council*

8. *How deputy mayor or deputy president is elected*  
(1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*  
(2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*  
(3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*  
(3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*  
(4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*  
(5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*

(6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

(7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

*[Clause 8 amended: No. 64 of 1998 s. 54(2) (4); No. 49 of 2004 s. 69(6) (9).]*

9. *Votes may be cast a second time*

(1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*

(2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*

(3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*

(4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

### **Financial Implications**

There are no known financial implications for this matter.

### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### **Risk Management**

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

### **Policy Implications**

There are no known policy implications for this matter.

### **Attachments**

Attachment 10.3 - Declaration (Electoral Form 7)

### **Voting Requirement**

Secret Ballot

### **Election Result**

Cr A Jones nominated himself as Deputy Shire President.

The Shire President called for further nominations as nominations were about to close to allow for any nominations made to be dealt with.

There were no further nominations received.

The Shire President closed nominations and advised that as there were no further nominations Cr A Jones was elected unopposed as the Deputy Shire President.

After the election, the Deputy Shire President made a declaration (Electoral Form 7) in accordance with Regulation 13 (1)(c) of the Local Government (Constitutions) Regulations 1996.

## 10.4 MEMORANDUM OF UNDERSTANDING - DFES

**FILE REFERENCE:** GV.00

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

**DATE REPORT WRITTEN:** 8 June 2020

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

### Summary

For Council to Consider whether to enter another Memorandum of Understanding (MoU) with Department of Fire and Emergency Services (DFES) for services the Shire has no capacity to provide.

### Background

On 9 September 2015, the Shire entered a MoU with DFES and Ngaanyatjarraku Emergency Response Team or the maintenance and support of the Ngaanyatjarraku Emergency Response Team. This agreement is due to expire 9 September 2020 and DFES are seeking the Shires endorsement of a new 5-year agreement.

The Memorandum of Understanding is intended to identify and document the respective roles and responsibilities of the Ngaanyatjarraku Emergency Response Team (NgERT), the Shire of Ngaanyatjarraku and the Department of Fire and Emergency Services, as considered necessary to maintain and support the NgERT.

The MOU outlines the responsibilities and undertakings of the Shire, the NgERT and DFES (the parties) for the delivery of road crash rescue services to the Shire.

This MOU does not constitute or create and shall not be deemed to constitute, any legally binding or enforceable obligations on the part of any party.

### Comment

It was initially proposed that two teams be established, one in Warburton, Blackstone and the other in Warakurna. NgERT is comprised of volunteers from within the Shire, whose role is to provide road crash rescue support at the request of either DFES or the Western Australia Police Service.

The Shire was to ensure the members of NgERT are supported, trained, equipped and capable of providing road crash rescue support within the Shire.

### Acknowledgments and undertakings by DFES

Financial and Compliance Requirement

DFES will:

1. provide insurance coverage for all registered volunteer members of NgERT, including personal accident and public liability cover whilst undertaking road crash rescue or associated activities at the request of either DFES or the Western Australia Police Service.
2. provide insurance cover for nominated vehicles responding to a request from either DFES or the Western Australia Police Service to provide road crash rescue support at the scene of a road crash. This cover will be provided for the period the nominated vehicle transports to the scene of the road crash and will remain in place until the vehicle returns to the place where it has been agreed it shall be garaged. The return trip should be completed in the most direct and timely manner as is practicable. Insurance cover extends to training and other approved activities.
3. be responsible for the ordering and purchasing of the protective clothing for registered

volunteers of NgERT

4. be the servicing agent for all hydraulic rescue equipment. DFES will service and maintain the equipment as part of its state-wide equipment program.

DFES will provide appropriate road crash rescue training to ensure NgERT volunteers are capable of fulfilling the road crash rescue roles as authorised by the FES commissioner and referred to in the MOU. The relevant DFES District Officer will determine the training requirements, in consultation with the volunteers. Training will be arranged at a time mutually agreed to by all parties.

DFES will provide peer support services to any NgERT volunteer or family member, who may request such a service after experiencing trauma or distress.

#### Acknowledgments and undertakings by the Shire

The Shire will:

1. endorse, form and maintain a private emergency response team of local volunteers to be trained in the road crash rescue role.
2. ensure the team has in place an appropriate management structure.
3. provide and maintain three (3) emergency response trailers, one at Warburton, Blackstone and the other at Warakurna.
4. provide details of designated vehicles suitable for towing the emergency response trailers. The vehicle must be licensed and in a roadworthy condition. In addition, the towing of the trailer must be within the operational capabilities of the tow vehicle as specified by the vehicle manufacturer.
5. ensure that details of all vehicles designated as tow vehicles are registered with DFES and that acknowledgment has been received from DFES that the vehicle has been registered prior to the vehicle going into operational service.
6. meet the cost of equipment servicing and replacement in line with DFES's replacement program. DFES will provide timely consultation with the Shire regarding replacement matters to allow the Shire to source funding through various funding options
7. provide operating facilities for the registered volunteers and the storing and garaging of emergency response equipment and trailers as is deemed practical
8. be responsible for ensuring NgERT only responds to callouts at the request of either DFES or the Western Australia Police Service. The Shire will record details of all callouts, in a register.
9. maintain a register containing the details of all NgERT members. This register will include personal, training and incident attendance information. The Shire will ensure the register is current and that DFES is advised of any changes to the register.

There are also acknowledgements and undertakings to be undertaken by the NgERT, these have not been commented on as the NgERT's don't exist.

The three DFES trailers are located at Blackstone & Warburton WAPol compounds and the Roadhouse at Warakurna. The Shire does not have any vehicles available to tow these trailers and does not manage their use. DFES have provided annual road safety training but mainly to WAPol staff and anyone interested in attending.

The Shire has not fulfilled any of the undertakings outlined in this MoU as it does not have the capacity or resources to do so. Other local governments have ratepayers to contribute to this service and an Emergency Services Officer to coordinate the activities.

As such it is recommended that the Shire not exercise the option to extend for a further five years. DFES Regional staff Kalgoorlie have been consulted and have advised that an outcome of not extending the MoU is that the trailers may be removed from the Shire.

#### **Statutory Environment**

Not Applicable

**Financial Implications**

There are large financial and human resource commitments if the Shire was to comply with this MoU.

**Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

**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**

Not Applicable

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr L West**

**Seconded: Cr A Jones**

**That Council requests the Chief Executive Officer to advise the Commissioner, Department of Fire and Emergency Services that the Shire does not have the financial or human resource capacity to exercise the option to extend for a further five years the MoU for establishing, maintaining and supporting a Ngaanyatjarraku Emergency Response Team.**

**Carried: 6/0**



## 10.5 REVIEW OF COUNCIL POLICIES

**FILE REFERENCE:** CM.14

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

**DATE REPORT WRITTEN:** 15 June 2020

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

### **Summary**

For Council to consider the review of policies for the Shire of Ngaanyatjarraku, including new policies to comply with new legislation.

### **Background**

In late 2019, the Shires of Ngaanyatjarraku, Laverton, Leonora, Menzies and Wiluna sought consulting services to undertake a collaborative review of current Council Policies and development of new policies, to ensure compliance with recent legislation and help provide an appropriate governance framework. The review was intended to support the concept of a cooperative regional response to deal with the increasing burden of compliance placed on Local Government. Moore Stephens, who are currently engaged to provide a coordinated service to the Northern Goldfields Compliance Group, was engaged to undertake this review.

In addition to this collaborative high level review, the Shire of Ngaanyatjarraku sought to undertake a more detailed review to not only incorporate the policies developed from the collaborative review, but to review and update all policies specific to the Shire of Ngaanyatjarraku.

### **Comment**

Legislation provides for policies to be determined by Council, and for the CEO to manage the day to day operations of the local government. Policies should provide a written reference to clearly link the higher-level directions set by the Council and the operational considerations which the CEO will employ to cause council decisions to be implemented.

Policies should provide guidance to articulate the strategic direction of Council and set out the position of the local government to follow at an operational level (e.g. we shall, we shall not), particularly where legislation does not provide such guidance. They are not necessarily intended to provide direction on how different functions are to be executed, except where legislation requires it.

The CEO/administration will interpret the policies and strategic direction set by Council to formulate operational processes and procedures. These processes and procedures should detail the tasks and requirements which must be accomplished, as well as specific actions to be performed by staff. They are essentially a set of business rules intended to communicate expected standards to staff from the CEO, to achieve the strategic direction of Council.

Attachment 10.5 – 'Shire of Ngaanyatjarraku Council Policies Index of Changes' to this report details the recommended policy review actions for Council consideration, along with a brief statement of changes made, and the purpose for the change where required. The new draft Council Policy Manual has been provided to Councillors and if adopted will replace the existing manual on the Shires website.

The most common change throughout the policy review was the removal of policies considered to be operational in nature and the responsibility of the CEO under the Local Government Act 1995. These policies will be incorporated into CEO operational policies /

processes, which will form the next stage of the review of policies and processes for the Shire of Ngaanyatjarraku.

### **Statutory Environment**

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

Section 5.41 of the Local Government Act 1995 provides for the CEO to manage the day to day operations of the local government, and to cause Council decisions to be implemented.

There is no formal obligation for the adoption and review of Council policies, except where legislation requires it. These instances are summarised below.

In relation to the appointment of an Acting CEO, foreshadowed changes through Section 5.39C of the Local Government Act 1995 and associated regulations:

- Require a policy to be prepared and adopted by absolute majority;
- Regulations may prescribe content to be included in policy;
- Policy should provide for the employment of a person as Acting CEO for less than a year, and also for the appointment of an employee as Acting CEO for less than a year.
- Policy will require further review once regulations are proclaimed to guide policy development.

Ongoing Professional Development for elected members policy is required by legislation to ensure equitable access to ongoing professional development and training for elected members.

Foreshadowed changes through Section 5.128 Local Government Act 1995 and associated regulations:

- Require a policy to be prepared and adopted by absolute majority;
- Regulations may prescribe form and content of the policy;
- Policy will be required to be published on website and reviewed after each election.

Further update (if required) will be provided following release of regulations.

A policy for Attendance at Events is required by section 5.90A of the Local Government Act 1995 which:

- Requires a policy to be prepared and adopted by absolute majority;
- Policy will be required to be published on website and reviewed after each election.

The above-mentioned policies are also required by legislation to have an absolute majority decision of Council to amend the policies, and for up to date copies of the policies to be published on the official local government website.

Local Government (Functions and General) Regulations 1996 require the following policies to be adopted by Council:

- Regulation 11A - Purchasing policies for local governments
- Regulation 24AC - Requirements before establishing panels of pre-qualified suppliers (if applicable)
- Regulation 24E - Regional price preference policies for local government (if applicable)

The Shire of Ngaanyatjarraku does not currently have policies for pre-qualified suppliers.

### **Financial Implications**

Fees for review of Council policies are provided for by Tender T01 2018-19. There are no

known further financial implications for this matter.

### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku's Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is 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 10.5 - Shire of Ngaanyatjarraku Council Policies Index of Changes

(Note: copy of new Policy Manual to be tabled)

### **Voting Requirement**

Simple majority decision of Council required to table the updated draft policy manual.

Absolute majority decision will be required for the adoption of some policies. Given the policy manual is being presented in a consolidated format for Council consideration, it should be adopted by absolute majority, unless the policies are separated and adopted by absolute and simply majority as required.

Absolute Majority

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

**Moved: Cr J Frazer**

**Seconded: Cr J Porter**

**That Council:**

- 1. adopts by absolute majority, the changes to revoke, amend and adopt new policies as noted in Attachment 1 as attached to this report which forms the updated Council policy manual tabled with Councillors; and**
- 2. publishes a copy of the new policy manual on the Shire's official website.**

**Carried: 6/0**

## 10.6 ANNUAL REVIEW OF INTEGRATED STRATEGIC PLAN

<b>FILE REFERENCE:</b>	CM.13
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	18 June 2020
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to consider a review of its Integrated Strategic Plan 2018-28, that incorporates its Strategic Community Plan and Corporate Business Plan.

### Background

In November 2018 the Shire adopted its new, integrated strategic plan, combining both the Shire's Strategic Community Plan and Corporate Business Plan into one simple, easily understood document that is scale appropriate for the Shire of Ngaanyatjarraku. It also helps key stakeholders including State and Federal Government agencies and other community partners such as Ngaanyatjarra Council, understand what the Shire does and importantly what it doesn't do.

### Comment

Adopting, implementing, and regularly reviewing the ISP (SCP/CBP) is required for the Shire to comply with the provisions of the Integrated Planning & Reporting Framework.

This review incorporates minor amendments and is to be considered before adoption of Councils 2020/21 Annual Budget.

### Statutory Environment

*Local Government Act 1995*

5.56. *Planning for the future*

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

*Local Government (Administration) Regulations 1996*

19C. *Strategic community plans, requirements for (Act s. 5.56)*

- (5) *In making or reviewing a strategic community plan, a local government is to have regard to*
  - (a) *the capacity of its current resources and the anticipated capacity of its future resources;*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*

19DA. *Corporate business plans, requirements for (Act section 5.56)*

(1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*

(4) *A local government is to review the current corporate business plan for its district every year.*

(5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*

(6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*

19D. *Adoption of plan, public notice of to be given*

(1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*

(2) *The local public notice is to contain —*

(a) *notification that —*

(i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*

(ii) *details of where and when the plan may be inspected;*

*or*

(b) *where a strategic community plan for the district has been modified —*

(i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*

(ii) *details of where and when the modified plan may be inspected.*

### **Financial Implications**

The Shire must consider Actions contained within its Corporate Business Plan before adopting the 2020 / 21 budget.

### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### **Risk Management**

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

### **Policy Implications**

There are no known Policy implications for this matter.

### **Attachments**

10.6 – Amended Integrated Strategic Plan 2018-28

### **Voting Requirement**

Absolute Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr L West**

**That Council:**

- 1.    adopts the amended Integrated Strategic Plan 2018-28, (incorporating its Strategic Community Plan and Corporate Business Plan) as per Attachment 10.6., and**
- 2.    gives local public notice that the modifications to the plan have been adopted by the Council.**

**Carried: 6/0**

## 10.7 ANNUAL REVIEW OF DELEGATIONS REGISTER

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	18 June 2020
<b>DISCLOSURE OF INTERESTS:</b>	The author has an impartiality interest in the proposal as the position of CEO is to be delegated an additional power.

### Summary

For Council to the annual review of its Powers of Delegation to the Chief Executive Officer.

### Background

The Shire's Delegation Register had a comprehensive review undertaken in 2017 in consultation with the Shire legal representative McLeods, Barristers and Solicitors and reviewed annually.

### Comment

The following is a summary of changes to the Delegations Register:

- new delegations added that are legislatively required for new policies as contained in the revised Policy Manual being considered by Council this month:
  - 1.1.17 Legal representation costs for an elected member or employee
  - 1.1.18 Determine application for rates exemption
- a review history has been added as the current delegation register does not contain a review history which may make it difficult to track the actual limits of authority at a particular point in time if there is a query;
- delegation 1.1.10 Senior employees has been recommended to be revoked, as it will not align with the policy being presented to Council for consideration as in its current form it is not really required.

### Statutory Environment

*The Local Government Act 1995*

*Section 5.42, Delegation of some powers and duties to CEO*

(1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

*(a) this Act other than those referred to in section 5.43; or*

*(b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

*Section 5.46. Register of, and records relevant to, delegations to CEO and employees*

(1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*

(2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

(3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

### Financial Implications

There are no known financial implications.

### Strategic Implications

Integrated Strategic Plan 2018 - 2028  
Goal 3, Leadership  
Outcome 3.2, Good Leadership

**Risk Management**

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

**Policy Implications**

There are no known Policy implications for this matter.

**Attachments**

10.7 – Amended Register of Delegations

**Voting Requirement**

Absolute Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr J Frazer**

**That Council amends its' Register of Delegations (24 Jun 2020) as per Attachment 10.7.**

**Carried: 6/0**



## 10.8 PROPOSED SCHEDULE OF FEES AND CHARGES 2020/21

<b>FILE REFERENCE:</b>	FM.09
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	3 June 2019
<b>DISCLOSURE OF INTERESTS:</b>	The authorising officer has no financial, proximity or impartiality interests in the proposal.

### **Summary**

The Shires proposed Fees and Charges are presented to Council for consideration for the Financial Year 2020/21. The proposal is not required to be advertised prior to effect as it is proposed that there be no increase to the Fees and Charges this year.

### **Background**

A local government may impose and recover a fee or charge for goods or services it provides. The proposed Fees and Charges have been collated and compiled in consultation with Coordinators responsible for providing the relevant services to the community and where possible ensuring appropriate levels of income/cost recovery are generated for the Shire.

### **Comment**

The proposed Fees and Charges 2020/21 remain unchanged from the previous year due to the impact of the Covid19 Pandemic. As such there is no further comment.

### **Statutory Environment**

*Local Government Act 1995:*

*Section 6.16 sets out the Councils power to impose and recover fees and charges including what fees and charges can be imposed i.e. use of facilities, providing services etc. It also states Fees and Charges are to be imposed when adopting the Annual Budget but may be imposed during the financial year as well as amended from time to time during the financial year.*

*Section 6.17 addresses the level of funding to be set including consideration of costs to the local government based on such considerations as the importance of the service and the price at which the goods and services could be provided by an alternative provider.*

### **Financial Implications**

It is expected that not having an increase will have minimal effect on the Shires Financial Ratios or Long-Term Financial Sustainability given the small Fees and Charges base that the Shire has.

### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028  
Goal 3, Leadership  
Outcome 3.2, Good Leadership

### **Risk Management**

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

**Policy Implications**

No policy implications apply in the preparation of the report.

**Attachments**

Attachment 10.8 – Proposed Fees and Charges 2020/21.

**Voting Requirement**

Absolute Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr J Frazer**

**That Council Pursuant to section 6.16 of the Local Government Act 1995 adopt the Fees & Charges Schedule 2020/21 (unchanged from 2019/20) as per Attachment 10.8.**

**Carried: 6/0**

# 11 DEPUTY CEO REPORTS

## 11.1 PAYMENTS LISTING, MAY 2020

<b>FILE REFERENCE:</b>	FM.07
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	9 June 2020
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### 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**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter

**Attachments**

Attachment 11.1 – Payment Listings

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council receives the Payment Listing, May 2020 totaling payments of \$795,651.05 as per Attachment 11.1.**

**Carried: 6/0**

## 11.2 COUNCIL INVESTMENTS

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	15 June 2020
<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 Ngaanyatjaraku 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 Shire has received half its 2020/21 Financial Assistance Grants, General and Roads in advance, this is the main contributor to higher than normal bank balances.

### Statutory Environment

*Local Government Act 1995*

*Section 6.14 Power to Invest*

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
  - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
  - [(b) deleted]*
  - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*

- (d) provide for the application of investment earnings; and
- (e) generally, provide for the management of those investments.

*Local Government (Financial Management) Regulations 1996*

19. *Investments, control procedures for*  
(1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*  
(2) *The control procedures are to enable the identification of—*  
(a) *the nature and location of all investments; and*  
(b) *the transactions related to each investment.*
- 19C. *Investment of money, restrictions on (Act s. 6.14(2)(a))*  
(1) *In this regulation —*  
*authorised institution means —*  
(a) *an authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*  
(b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*  
*foreign currency means a currency except the currency of Australia.*  
(2) *When investing money under section 6.14(1), a local government may not do any of the following —*  
(a) *deposit with an institution except an authorised institution;*  
(b) *deposit for a fixed term of more than 3 years;*  
(c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*  
(d) *invest in bonds with a term to maturity of more than 3 years;*  
(e) *invest in a foreign currency.*

**Financial Implications**

Not applicable.

**Strategic Implications**

Integrated Strategic Plan 2018 - 2028  
Goal 3, Leadership  
Outcome 3.2, Good Leadership

**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 CS2.7 Investments.

**Attachments**

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

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer      Seconded: Cr J Frazer**

**That the report on Council Investments as at 15 June 2020 be received.**

**Carried: 6/0**

### 11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDED

<b>FILE REFERENCE:</b>	FM.10
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	12 June 2020
<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 receive the monthly financial report for May 2020.

#### **Background**

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

Council has resolved that 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.

#### **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**

Integrated Strategic Plan 2018 - 2028  
 Goal 3, Leadership  
 Outcome 3.2, Good Leadership

**Risk Management**

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

**Policy Implications**

No policy implications apply in the preparation of the report.

**Attachments**

Attachment 11.3 - Monthly Financial Report May 2020.

**Voting Requirement**

Simple Majority Required.

<b>Officers Recommendation and Council Resolution</b>	
<b>Moved: Cr J Frazer</b>	<b>Seconded: Cr J Porter</b>
<b>That Council receives the monthly financial report for May 2020.</b>	
<b>Carried: 6/0</b>	



## 11.4 SUNDRY DEBTORS – RATES (MINING TENEMENTS)

<b>FILE REFERENCE:</b>	FM.08
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	15 June 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to consider writing-off amounts charged as interest to rate debtors for mining tenement E69/03642, Assessment 2821 and mining tenement E69/03451, Assessment 2790.

### Background

As part of end of year processes, revision is made of all outstanding balances on rates assessments.

### Comment

Rates were raised on Mining Tenement E69/03642 for \$3,526.43 and this was subsequently paid on 24 January 2020, at this time an amount of \$29.68 had been accrued as interest. This amount needs to be written off as penalty interest is not viable to chase up.

Rates of \$7,068.60 were raised against Mining Tenement E69/03451 and valuation schedule 2019-8 (attached) provides the tenement death date of 13 November 2019. The interim notice was sent with a balance to be paid of \$2,734.77, a final notice followed with remaining balance and accrued interest of \$2,745.71. This was paid on 1 February 2020 leaving an interest accrual at that date of \$21.16. It is not financially viable for the Shire to pursue the accrued interest and considers that it will not be able to recover the debt as the tenement has ceased.

The Chief Executive Officer has under Delegation 1.1.16, Power to write off debts but only up to an amount of \$20.00 per assessment.

### Statutory Environment

*Local Government Act 1995*

- 6.12. *Power to defer, grant discounts, waive or write off debts*
- (1) *Subject to subsection (2) and any other written law, a local government may —*
    - (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
    - (b) *wave or grant concessions in relation to any amount of money; or*
    - (c) *write off any amount of money,*  
*which is owed to the local government.*

*\* Absolute majority required.*

### Financial Implications

The write-off of the rate debtors considered unviable to recover or irrecoverable will result in an expense to the Shire for the 2019/20 Financial Year End of \$50.84.

### Strategic Implications

Strategic Community Plan 2016 - 2026  
Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

**Risk Management**

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

Not Applicable

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council approves to write-off the penalty interest charges to mining tenement rate debtors Assessment A2821 and A2790 of \$50.84.**

**Carried: 6/0**

## **12. EHO & BUILDING SERVICES REPORTS**

## **13. WORKS ENGINEERING REPORTS**

### **13.1 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>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	7 May 2020
<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 months.

#### **Background**

Not applicable

#### **Comment**

See attachment.

#### **Statutory Environment**

Not applicable

#### **Financial Implications**

No known financial implications for this matter.

#### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.2, Travel the Land

Strategy: 1.2.1, Good Roads

#### **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 J Frazer**

**That Council receives the Action Report, Works Engineering for May 2020.**

**Carried: 6/0**

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

### **Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council admits urgent business Report:**

**14.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES**

**Carried: 6/0**

### **14.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES**

**FILE REFERENCE:**

EM.00

**AUTHOR'S NAME AND POSITION:**

Phil Swain  
Principal EHO & Building Officer

**AUTHORISING OFFICER AND POSITION:**

Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:**

20 June 2020

**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**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

**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 14.1 – Action Report, EHO / Building Services

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr J Frazer**

**Seconded: Cr D Frazer**

**That Council receives the Action Report, EHO / Building Services for April - June 2020**

**Carried: 6/0**

## 15. CONFIDENTIAL MATTERS

### 15.1 REVIEW OF SERVICES FOR OUTSTANDING DEBTS

**FILE REFERENCE:** FM.08

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

**DATE REPORT WRITTEN:** 9 June 2020

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

Note Item 6.2 above wherein all Councillors declared an interest shared in common.

**Voting Requirement**  
Simple Majority Required.

<p><b>Officers Recommendation and Council Resolution</b></p> <p><b>Moved: Cr D Frazer      Seconded: Cr L West</b></p> <p><b>That Council:</b></p> <p><b>1. Resolve that the Review of Services for Outstanding Debts Report Attached is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):</b></p> <p><b>(a) a matter affecting an employee or employees;</b></p> <p><b>(b) the personal affairs of any person;</b></p> <p><b>Close the meeting to the public at 1.26 pm pursuant to sub section 5.23 (2)(a) and (b) of the Local Government Act 1995.</b></p> <p style="text-align: right;"><b>Carried: 6/0</b></p>
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There were no members of the public gallery to leave the meeting at 1.26 pm. (Note: Chief Executive Officer and Finance & Administration Coordinator remained to take any minutes.)

**Voting Requirement**  
Simple Majority.

<p><b>Officers Recommendation and Council Resolution</b></p> <p><b>Moved: Cr J Frazer      Seconded: Cr A Jones</b></p> <p><b>That Council re-open the meeting to the public at 1.28 pm</b></p> <p style="text-align: right;"><b>Carried: 6/0</b></p>
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There were no members of the public gallery or staff members to re-enter the room at 1.28 pm.

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. Approves the write-off of rate debtors as per Attachment 15.1(a) for FYE 2019/20 of \$46,095.00**
- 2. Advise the Wanarn community and other agencies of the Shires intention to cease waste services from 1 October 2020 as waste services will not be included in the Shires 2020/21 Annual Budget beyond that date as it has no income source to provide the service.**
- 3. Commence the process in accordance with the Local Government Act 1995 for transfer of the Wanarn rubbish truck to the Wanarn community to enable them to undertake their own waste services.**
- 4. As part of the Shires 2020/21 Annual Budget formulation process, review service provision (given the loss of Ex-gratia Rates Income) to try and achieve a balanced budget with the least impact on services to communities.**

**Carried: 6/0**

**16. NEXT MEETING**

Scheduled for Wednesday, 29 July 2020 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 1.30 pm.