



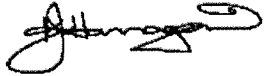
**Shire of Ngaanyatjarra**  
ON A JOURNEY

**ORDINARY MEETING OF COUNCIL**  
**MINUTES**

**28 October 2020**  
**at**  
**1.01 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.

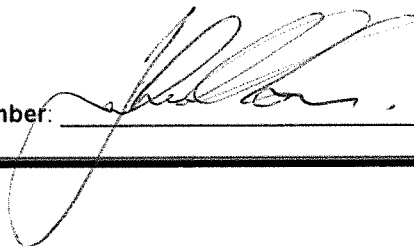


Chief Executive Officer

Date: 28-10-2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 28 October 2020.

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



Date: 25/11/2020

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.01pm.

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	President Deputy President Councillor Councillor Councillor Councillor Councillor	D McLean A Jones J Frazer J Porter D Frazer A Bates L West
<b>Staff:</b>	CEO FAC	K Hannagan (via MS Teams on TV) 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**

**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 (ATT 9.1)**

**Voting Requirement**  
Simple Majority

**Officers Recommendation and Council Resolution**

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

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 30 September 2020 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.**

**Carried: 7/0**

## 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>	15 October 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

Several resolutions from the July 2020 meeting are 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

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 and Council Resolution**

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

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

**Carried: 7/0**



## 10.2 SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2021

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

### Summary

It is a statutory requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council each year.

### Background

In October 2019, Council adopted the meeting schedule for the 12-month period from January to December 2020. Council has generally set dates for Audit Committee meetings as required during the year.

This report sets out the proposed locations and commencement times of Council Meetings for the calendar year 2021.

### Comment

In determining the dates, times and locations for the Ordinary Meeting of Council for the upcoming year, consideration has been given to a number of factors including travel and other events that may clash.

To have consistency with operational requirements for preparing Council agendas it is suggested that meetings be held on the last Wednesday of the month. It is also suggested that the January 2021 meeting not be held due to the Christmas break and the December 2021 meeting be scheduled for the third Wednesday (15 December 2021) to best accommodate the Christmas and New Year period.

It is also proposed to close the Warburton Administration Building from 4.30pm Thursday 24<sup>th</sup> December 2020 up to and including Friday 1<sup>st</sup> January 2021.

### Statutory Environment

#### Local Government Act 1995

*Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart.*

*Section 5.25(1)(g) indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.*

#### Local Government (Administration) Regulations 1996

*Regulation 12 specifies the Date, Time and Venue of Ordinary Council Meetings for the next 12 months must be advertised once a year.*

### Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of the advertisement and the associated Council meetings.

### 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**

Not Applicable

**Attachments**

Not applicable

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

Moved: Cr A Jones

Seconded: Cr D Frazer

**That Council:**

- 1) adopts the Schedule of Ordinary Council Meeting dates, times and locations for the period February 2021 to December 2021 as outlined below:

<b>DATE</b>	<b>LOCATION</b>	<b>TIME</b>
<b>Wednesday, 24 February 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 31 March 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 28 April 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 26 May 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 30 June 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 28 July 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 25 August 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 29 September 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>

<b>Wednesday, 27 October 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 24 November 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>
<b>Wednesday, 15 December 2021</b>	<b>Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community</b>	<b>1.00 pm</b>

- 2) Gives Public Notice of closure of the Warburton Administration Building from 4.30pm Thursday 24th December 2020 up to and including Friday 1st January 2021.

Carried: 7/0

## 10.3 SHIRE OF NGAANYATJARRAKU, PROSPECTUS

**FILE REFERENCE:** ED.00

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

**DATE REPORT WRITTEN:** 8 October 2020

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

### Summary

For Council to be updated on progress of the Shire of Ngaanyatjarraku's first Economic Development Prospectus.

### Background

The Shire is part of the Northern Goldfields Working Group comprising the Shires of Laverton, Leonora, Menzies and Wiluna. Their objective is to work collaboratively in areas of common interest to the Northern Goldfields. The Shires engaged Puzzle Consulting to develop the production: content and graphic design development for a business prospectus, in both hard and electronic formats for the five Shires, plus a combined Northern Goldfields prospectus.

### Comment

The Shires Chief Executive Officer has been working with the consultant to develop the Shire of Ngaanyatjarraku Prospectus that contains:

- Economic snapshot of the Shire
- The Outback Way: Australia's longest shortcut
- Industries in the region
- Profile
- Investment opportunity

The Shire of Ngaanyatjarraku, in partnership with the Ngaanyatjarra Council (Aboriginal Corporation) seeks to build on the growth in tourist visitation and their interest in the unique culture and art of the Yarnangu. Through a staged development project, the investment in sealing the Outback Way can be best leveraged through a commercial, tourist and community development.

There are two major projects identified as investment opportunities:

- Warburton Entry Upgrades, and
- Expansion of the Tjulyurru Regional Gallery

Further work will be required to develop these projects further including a major community consultation process and development of a Business case to seek funding. Further reports will be submitted to council as this major initiative progresses.

### 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 has made in its Annual Budget 2020/21 a budget allocation for the above-mentioned strategic plan / business case.

**Strategic Implications**

Integrated Strategic Plan 2018 – 2028

Goal 1, Looking after our land

Outcome 1.1, Enjoy the Land

Strategy, 1.1.2 Attract Tourism

Action - Develop a Prospectus outlining Shire opportunities for development

**Risk Management**

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

**Policy Implications**

Not Applicable.

**Attachments**

Attachment 10.3 – Shire of Ngaanyatjarraku, Prospectus

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr J Frazer**

**Seconded: Cr D Frazer**

**That Council notes this report on progress made in developing the Shire of Ngaanyatjarraku, Prospectus in accordance with the Shire's' Integrated Strategic Plan (SCP/CBP).**

**Carried: 7/0**

## 10.4 OUTBACK HIGHWAY DEVELOPMENT COMMITTEE

**FILE REFERENCE:** GV.00

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

**DATE REPORT WRITTEN:** 8 October 2020

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

### Summary

For Council to consider further nominations to the Outback Highway Development Committee (OHDC).

### Background

Council considers nominating delegates to any external committees or organisation as it deems appropriate. At the October 2019 OCM Council nominated the following to the OHDC:

Delegate: Chief Executive Officer  
Deputy: Works Engineer.

### Comment

Given recent appointments it is now appropriate for Council to review the current nominations. It is now recommended that Council consider the following nominations to the OHDC:

Committee Member: Chief Executive Officer  
Committee Member: Director Governance & Corporate  
Proxy: Deputy Chief Executive Officer.

### Statutory Environment

*Local Government Act 1995:*

#### *5.9. Committees, types of*

*(1) In this section — other person means a person who is not a council member or an employee.*

*(2) A committee is to comprise —*

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

### Financial Implications

The Shire has made in its Annual Budget 2020/21 a budget allocation for any associated costs with attendance at meetings if required.

### 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 “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

**Policy Implications**

Council Policy 1.12, Committees.

**Attachments**

Not Applicable

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

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

**That Council nominates the following Officers to the Outback Highway Development Committee:**

- **Committee Member: Chief Executive Officer**
- **Committee Member: Director Governance & Corporate**
- **Proxy: Deputy Chief Executive Officer.**

**Carried: 7/0**

# 11 DEPUTY CEO REPORTS

## 11.1 PAYMENTS LISTING, SEPTEMBER 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>	13 October 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 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**

Attachment 11.1 – Payment Listings

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council receives the Payment Listing, September 2020 totaling payments of \$582,676.56 as per Attachment 11.1.**

**Carried: 7/0**

## 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>	20 October 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 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.

### 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 Finance 2.12 Investment.

**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 A Bates**

**Seconded: Cr J Frazer**

**That the report on Council Investments as at 20 October 2020 be received.**

**Carried: 7/0**

## 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>	20 October 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 September 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.

Please note that the figures in this report do not contain Depreciation Expenses as the depreciation model will not be run until the 2019/20 Annual Audit is completed.

### 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. Please note that the figures in this report do not contain Depreciation Expense as mentioned above.

### **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, September 2020.

### **Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council receives the monthly financial report for September 2020.**

**Carried: 7/0**

## 11.4 RATES WRITE OFF – PANDA MINING A2809

<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 October 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 to Panda Mining for mining tenement E69/03458, Assessment 2809 of \$2,851.64.

### Background

Rates were raised for Panda Mining on Assessment A2809, Mining Tenement E69/03458 in 2019/20 billing for \$2,570.40. This account remained unpaid and subsequent notices were sent requesting payment. An email from Panda Mining was received 3 January 2020 requesting a waiver of the rates due to not being able to access the site. Information was sought from Alex Knight, General Manager Land and Culture Ngaanyatjarra Council (Aboriginal Corporation) in regard to this matter. Mr Knight advised that Panda Mining had been informed a Preliminary Anthropological Assessment was done and the traditional owners would not grant access to the tenement for exploration. Shire of Ngaanyatjarraku officers corresponded with Mr Jon Crowe, Director at Panda Mining informing him that a waiver was not going to be given as land access was not a Shire matter and that payment was due including interest. An option open to them would be to surrender the tenement and then seek consideration again from the Shire. Mr Crowe informed the Deputy Chief Executive Officer on 23 March 2020 that Panda Mining would be surrendering the tenement. Landgate Tenement Schedule report dated 11 August 2020 attached contains the information in regard to the death (surrender) of tenement E69/03458.

### Comment

It is not financially viable for the Shire to pursue the outstanding amount, particularly in light of the time elapsed since the surrender by Panda Mining and the Shire receiving the notification from Landgate. The amount owing of \$2,854.64 contains a portion of interest totaling \$281.24 which for the most part has accrued due to the length of time from the initial request for a waiver. It appears that Panda Mining did not understand that rates would be required to be paid regardless of them accessing the site and once this was made clear to their Director, Mr Jon Crowe the process to forfeit the tenement was initiated.

### 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 Panda Mining debtor is considered unviable to recover or irrecoverable and will result in an expense to the Shire for the 2020/21 Financial Year End of \$2,851.64.

**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 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 – Register for Tenement E69/03458 death.

**Voting Requirement**

Absolute Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr D Frazer**

**Seconded: Cr J Frazer**

**That Council approves to write-off the outstanding current amount of \$2,851.64 rate and interest charges owed by Panda Mining for Mining Tenement E69/03458, Assessment A2809.**

**Carried: 7/0**



## 12. DIRECTOR GOVERNANCE & CORPORATE REPORTS

### 12.1 REVIEW OF AUDIT AND RISK COMMITTEE CHARTER

**FILE REFERENCE:** CM.14

**AUTHOR'S NAME AND POSITION:** Cary Green  
Director Governance and Corporate

**DATE REPORT WRITTEN:** 13 October 2020

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

#### **Summary**

For Council to consider amending the Shires Policy Manual for the revised Audit and Risk Committee – Charter.

#### **Background**

The Local Government Act 1995 (the Act) requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

In line with above requirements, the Shire engaged Moore Australia (MA) to review the Shire of Ngaanyatjaraku's Audit and Risk Committee Charter. This has been modelled on the Shires original Audit and Risk Committee Terms of Reference which was adopted by Council on 24 June 2020.

The review was instigated to ensure compliance with recent legislation changes, expansion in scope and general responsibilities associated with Audit and Risk Committees, as well as improvements in setting out the types of activities to be undertaken.

In reviewing the document MA considered the following resources:

- Report 26: 2019-20 Western Australia Public Sector Audit Committees – Better Practice Guide, published by the Office of the Auditor General (OAG) 25 June 2020
- Audit Committees A Guide to Good Practice (Third Edition), published by the Australian Institute of Company Directors (AICD) July 2017
- *Local Government Act 1995*
- *Local Government (Audit) Regulations 1996*
- Shire of Ngaanyatjaraku Policy 1.11 Audit and Risk Committee Terms of Reference
- Local Government Operational Guideline Number 09 (Audit in Local Government) published Department of Local Government, Sport and Cultural Industries (DLGSC) September 2013

The Audit and Risk committee is a formally appointed committee of council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated authority except as provided by legislation.

#### **Comment**

The purpose of the Audit and Risk Committee Charter is to support the Committee in understanding its role and oversight responsibilities in monitoring compliance with legislation, performance, risk and internal controls, internal audit, liaising with external auditors and reporting to Council.

The Charter provides details in relation to the:

1. *Powers of the Committee*
2. *Membership of the Committee*
3. *Meetings of the Committee*
4. *Reporting of the Committee.*

The Charter also outlines the duties and responsibilities of the Committee, in relation to:

1. *Compliance and ethics*
2. *Financial and performance reporting*
3. *Risk management, fraud and internal controls*
4. *Internal audit*
5. *External audit*
6. *Other.*

The attached Audit and Risk Committee – Charter is forwarded to Council for consideration.

### **Statutory Environment**

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

Local Government (Audit) Regulations 1996. Regulation 17 states as follows:

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

- (a) *risk management; and*
- (b) *internal control; and*
- (c) *legislative compliance.*

(2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.

(3) The CEO is to report to the audit committee the results of that review.'

### **Financial Implications**

Reimbursement of reasonable expenses incurred in the performance of the duties of a committee member will be approved by the CEO and paid to each external person who is a member of the committee. The CEO may remunerate an independent committee member if considered necessary and appropriate, in accordance with the Shires policies. These costs have been allowed for in the 2020/21 Annual 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 Strategy, Risk Assessment Matrix. The perceived level of risk is high prior to treatment, the adoption of the updated Charter will reduce the risk.

### **Policy Implications**

Policy 1.11 - The updated Charter will provide Councillors and staff with clearer direction to guide the Audit and Risk Committee.

### **Attachments**

Attachment 12.1 – Amended Policy, 1.11 Audit and Risk Committee Charter

**Voting Requirement**  
Absolute Majority

**Officers Recommendation and Council Resolution**

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

**That Council:**

- 1. adopts by absolute majority, to amend the Shires Policy Manual item 1.11 for the revised (as tabled) Audit and Risk Committee – Charter;**
- 2. publishes a copy of the amended policy manual on the Shire’s official website;**
- 3. Appoints Crs D McLean, A Jones, D Frazer, J Frazer to the A&RC with a review of Councillor representation after the next Council election in 2021; and**
- 4. Requests the CEO to commence the process to seek nominations for Council consideration of an appointment of an external person to the A&R Committee.**

**Carried: 7/0**

Item 4 above rescinded 29 September 2021 Council Meeting as follows:

**Officers Recommendation and Council Resolution**

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

**That Council:**

- 1. notes the attached Council Resolutions – Status table as at August OCM 2021, (Attachment 10.1) and this report, and**
- 2. rescinds Part 4 of Report 12.1 Resolution of 28 October 2020 being - Requests the CEO to commence the process to seek nominations for Council consideration of an appointment of an external person to the A&R Committee.**

**Carried: 6/0**

## 12.2 INTEGRATED STRATEGIC PLAN – QUARTERLY PROGRESS REPORT

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Cary Green Director Governance and Corporate
<b>DATE REPORT WRITTEN:</b>	19 October 2020
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

### **Summary**

To provide Council with a Quarterly progress report on the Integrated Strategic Plan (2018-2028).

### **Background**

This Integrated Strategic Plan (2018-2028) was formally adopted by the Shire on the 28<sup>TH</sup> November 2018 and was developed after extensive community engagement with our community's aspirations and needs at its heart. This new, integrated strategic plan, combines 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 will help shape the services that the Shire of Ngaanyatjarraku will deliver over the next ten years.

The ISP is underpinned by a 10-year Long-Term Financial Plan, a 20-year Asset Management Plan and a Workforce Plan which will set out the resources required to deliver the CBP.

### **Comment**

This report provides a quarterly progress update on the strategic goals listed in the plan, to ensure Council and the community are kept abreast of the achievements of the plan. The Shire will conduct a major review of the plan every four years with a desktop review every two years.

Shire officers in partnership with Moore Australia are finalising the process to start the major review process in 2021. This will involve a review of all the ISP suite of plans.

Attached are details of progress on each Action Item in the plan.

### **Statutory Environment**

S5.56 (1) of the Local Government Act 1995.

Council's minimum obligations relating to planning for the future (IPR).

### **Financial Implications**

The Integrated Strategic Plan is an informing document that links the Shires Strategic objectives with the operational functions. This plan provides a valuable management tool to allow the Shire to focus on financial sustainability and informs the Long-Term Financial Plan and the Annual Budgets. The Shire has budgeted for the major review process in its Annual Budget 2020/21.

### **Strategic Implications**

Integrated Strategic Plan 2018 – 2028

#### Strategic Goals

Goal 1 - Our Land - looking after our land

Goal 2 – Our people - looking after our people

Goal 3 – Leadership - show the way for our community

### **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 medium as the ISP has been adopted. However, continuing to monitor and progress the outcomes of the plan will further reduce the risk.

**Policy Implications**

Not Applicable.

**Attachments**

Attachment 12.2 – Integrated Strategic Plan - Quarterly Progress Report

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

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

**That Council notes the Integrated Strategic Plan – Quarterly Progress Report as at September 2020.**

**Carried: 7/0**

## 13. EHO & BUILDING SERVICES REPORTS

### 13.1 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 October 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 13.1 – Action Report, EHO / Building Services

#### **Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council receives the Action Report, EHO / Building Services for September 2020.**

**Carried: 7/0**

**14.        WORKS ENGINEERING REPORTS**

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

**16.        CONFIDENTIAL MATTERS**

**17.        NEXT MEETING**

Scheduled for Wednesday, 25 November 2020 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

**18.        CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 1.40 pm.