



**Shire of Ngaanyatjarra**  
ON A JOURNEY

**ORDINARY MEETING OF COUNCIL**

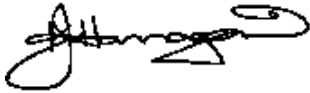
**MINUTES**

**31 August 2022  
at  
1.10 pm**

**SHIRE OF NGAANYATJARRAKU**

**ORDINARY MEETING OF COUNCIL**

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



**Chief Executive Officer**

Date: 2-9-2022

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 31 August 2022.

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



Date: 26 / 10 / 2022

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.10pm.

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	President Councilor Councilor Councilor Councilor	D McLean D Frazer L West J Porter A Jones
<b>Staff:</b>	CEO CFO AC DGC DIS GMO	K Hannagan (via video-conference) K Fisher (via video-conference) S Richardson C Green (via video-conference) L Morgan (via video-conference) D Mosel
<b>Guests:</b>		
<b>Members of Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr. P Thomas

Cr. J Frazer

**3.3 APPROVED LEAVE OF ABSENCE**

**4. PUBLIC QUESTION TIME**

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

**4.2 PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**6. DECLARATION BY MEMBERS**

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

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

**6.2 DECLARATIONS OF INTEREST**

**Councillors to Note**

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

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

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

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

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

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

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

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

Declarations of Interest provided:

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 ORDINARY MEETING OF COUNCIL**

**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 27 July 2022 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (as circulated and available on the Shires official website) be confirmed as a true and accurate record.**

**Carried: 5/0**

**9.2 AUDIT AND RISK COMMITTEE**

**Voting Requirement**  
Simple Majority

**Officers Recommendation and Council Resolution**

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

**That Council:**

- 1. Notes the Unconfirmed Minutes (Tabled) of the Audit and Risk Committee Meeting held on Wednesday 31 August 2022 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community; and**
- 2. Adopts the Recommendations from the Audit & Risk Committee.**

**Carried: 5/0**

## 10. CEO REPORTS

### 10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

<b>FILE REFERENCE:</b>	GV.05
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	20 August 2022
<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**

All resolutions of Council have been acted upon.

#### **Statutory Environment**

*Local Government Act 1995:*

Section 2.7

*"Role of council*

*(1) The council —*

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

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

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

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

*b) determine the local government's policies."*

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'.

Section 5.100 of the Act expressly provides that a person who is a committee member but is not a council member or an employee is not to be paid a fee for attending any meeting.

#### **Financial Implications**

There are no known financial implications for this matter.

#### **Strategic Implications**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Maintain corporate governance, responsibility and accountability

#### **Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter.

**Attachments**

Not applicable

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

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

**That Council notes the monthly report, Progress on the implementation of Council Resolutions.**

**Carried: 5/0**



## 10.2 CEO ANNUAL PERFORMANCE REVIEW

<b>FILE REFERENCE:</b>	PL.00
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	1 August 2022
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has a financial and impartiality interest in the proposal as he is the subject of the report.

### Summary

For Council to consider new performance standards for the annual review of the Chief Executive Officers performance as per criteria stipulated in the Plan for the Future 2021-2031, (SCP/CBP) and the Position Description (PD).

### Background

The Chief Executive Officer was appointed on 27 June 2019. Attachment 16.1(a) is an excerpt from the Employment Contract outlining the Performance Criteria and Review process. Points of note are:

- The Performance Criteria, must be reviewed annually by the parties;
- With the July 2022 review of the Shires Plan for the Future (SCP/CBP) (P4F) it is now appropriate to use criteria from that plan together with the PD to set the performance criteria for the Chief Executive Officer's next annual review.
- The Reviewer may be, the Council;  
Comment: The Chief Executive Officer supports the Council being the reviewer as it will save the Shire \$ on engagement of an external consultant.

### Comment

The Chief Executive Officer has drafted a recommended Annual Performance Review document based on actions from the Corporate Business Plan component of the P4F and PD and is attached at Attachment 15.1.

Councilor's need to determine if they think these items are suitable criteria for assessing the officer's performance over the ensuing next 12 months.

### Statutory Environment

#### Local Government Act 1995

#### 5.41. Functions of CEO

The CEO's functions are to —

- advise the council in relation to the functions of a local government under this Act and other written laws; and*
- ensure that advice and information is available to the council so that informed decisions can be made; and*
- cause council decisions to be implemented; and*
- manage the day to day operations of the local government; and*
- liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- speak on behalf of the local government if the mayor or president agrees; and*
- be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government (Administration) Regulations 1996

18D. Performance review of CEO, local government's duties as to.

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

**Financial Implications**

Not applicable.

**Strategic Implications**

Plan for the Future 2021 – 2031

Goal 3, Our Leadership

Outcome 8, A well-functioning organisation

Strategy, 8.2, Provide a good place to work

**Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by monitoring by the Shire Council.

**Policy Implications**

1.1 – Legislative Compliance

**Attachments**

Attachment 10.2, Draft Annual Performance Criteria

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr A Jones**

**Seconded: Cr J Porter**

**That Council:**

- 1. Adopts the draft Chief Executive Officers Annual Performance Criteria as per Attachment 10.2; and**
- 2. Requests the Chief Executive Officer to report back to Council on progression against the criteria, June 2023.**

**Carried: 5/0**

## 10.3 APPLICATION FOR THE ESTABLISHMENT OF A BUSH FIRE BRIGADE AT WARBURTON

**FILE REFERENCE:** ES.00

**AUTHORISING OFFICER AND POSITION** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 1 August 2022

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

### Summary

For Council to consider the establishment of a Bush Fire Brigade (BFB) at Warburton, with an application to the Department of Fire and Emergency Services (DFES) for provision of infrastructure, equipment, apparatus and appliances under the Local Government Grant Scheme (LGGS).

### Background

West Australians (WA) in rural and pastoral areas rely heavily on Bush Fire Brigades (BFB) for protection against the threat and devastation of fire. Over 19,500 bush fire service volunteers protect WA from bushfires through fire prevention and risk management, fire suppression and fire safety education. These volunteers operate through 566 BFB's, which are administered and trained by respective Local Governments and supported by the Department of Fire and Emergency Services (DFES).

BFB volunteer firefighters are trained to operate equipment, vehicles and appliances used in fire suppression operations. BFB volunteers are trained in:

- Personal and team safety.
- Fire suppression methods.
- Vehicle driving on and off road.
- Communications.
- First aid.
- Leadership and emergency management procedures. (Source: DFES)

Providing a BFB at Warburton increases emergency response capability at the community as well as the surrounding areas. The Shire currently has no BFB and are a long distance from established units in the Shire of Laverton.

### Comment

The Shire resolved in September 2020 as follows:

#### Officers Recommendation and Council Resolution

**Moved: Cr A Jones                      Seconded: Cr A Bates**

**That Council request DFES:**

- 1. under the Bush Fires Act 1954 to appoint a bushfire control officer from their staff to work with the Shire to resolve issues in relation to bushfire management; and**
- 2. to specify the Shire as a fire district, which would enable the Fire and Emergency Services Commissioner to provide assistance to the Shire in the manner contemplated in the Fire Brigades Act 1942.**

**Carried: 6/0**

Subsequently the Shire wrote to the Commissioner for Fire and Emergency Services in October 2020 (copy attached) outlining the lack of fire-fighting services on the NG Lands with many letters since corresponded.

DFES Officers recently visited the NG Lands to further discuss establishment of a brigade on the lands. Those discussions have also resolved the risk concerns of the Shire and a way forward has been determined. The Warburton Community Council has been keen to provide volunteers to support such a brigade and has completed the DFES Form 13 nominating volunteer members of the BFB.

The creation and establishment of a BFB will allow capacity within the Local Government to fight bushfire. Furthermore, the location of a BFB will allow for the Shire to have access to funding through the Local Government Grant Scheme allowing opportunity for the purchase of personal protective clothing and equipment for listed volunteers as well as covering all insurance costs to support the Warburton Community Volunteers.

### **Statutory Environment**

*The Bush Fires Act 1954 Section 41 (1) states:*

#### *41. (1) Bush fire brigades*

*For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*

### **Financial Implications**

The LGGS provides funding for the BFB with administrative support provided by the Shire.

### **Strategic Implications**

Integrated Strategic Plan 2018 – 2028

Goal: Looking after our people

Outcome 2: Healthy People

Strategy 2.1: Advocate for adequate health and emergency services provision

Action 2.1.2: Lobby for appropriate levels of health and emergency services provision

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Strategy, Risk Assessment Matrix. The perceived consequence 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 (a) – October letter to DFES.

Attachment 10.3 (b) – Draft letter to DFES requesting establishment of a BFB.

### **Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr L West**

**Seconded: Cr D Frazer**

**That Council:**

- 1 authorise an application to the Department of Fire and Emergency Services for the establishment of a Bush Fire Brigade at Warburton as per Attachment 10.3 (b).**
- 2 request DFES under the Bush Fires Act 1954 to appoint a bushfire control officer from their staff to work with the Shire to resolve issues in relation to bushfire management; and**
- 3 request DFES to specify the Shire as a fire district, which would enable the Fire and Emergency Services Commissioner to provide assistance to the Shire in the manner contemplated in the Fire Brigades Act 1942.**

**Carried: 5/0**

## 10.4 ADOPTION OF 2022/23 BUDGET

**FILE REFERENCE:** FM.05

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

**DATE REPORT WRITTEN:** 24 August 2022

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

### Summary

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

### Background

The 2022/23 Annual Budget has been prepared based on the principles contained in the Long-Term Financial Plan (LTFP) and Corporate Business Plan as well as discussions with the Shire President / Councillors, a detailed review of expenditure and efficiency measures taking into account substantive matters raised in previous reports to Council. The Budget has also considered the requirements of Section 6.2 of the Local Government Act 1995 and impacts of the Covid-19 Pandemic on the district.

### Comment

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

It is proposed that there will be zero % increase in rates (exploration tenements) and 3% increase in fees and charges for the 2022/23 FY. Operating expenses are forecast to increase due to CPI increases, and Staff salaries have been forecast to rise by 5.25% in accordance with the determinations for staff on Awards / Contracts. The superannuation guarantee charge (SGC) increase from 10.00% to 10.50% will also materially impact staff costs.

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

Major highlights include:

- General Minimum Rate unchanged at \$245 (four assessments)
- Rates UV unchanged at 21c in dollar
- 3% increase in Fees and Charges with revised Fee for charging out of Recreation Staff to assist with NCAC Football Development Program
- Increased Bank Interest (higher interest rates)
- Transfers to Asset Replacement Reserve (towards resealing of four community sealed road networks, est. circa \$2,500,000, renewal of plant fleet and staff housing)
- Reduction in Accounting (more functions now done in-house)
- Reduction in Consultancy
- Changeover of two vehicles in accordance Plant Replacement Program and another due to vehicle accident write-off
- Housing Strategy, create services for new lots and start to relocate staff out of community housing
- Business Case, continue work on Warburton Town Entry proposal
- Tourism Strategy (joint with GVROC)
- Works Compound, fencing and buildings (secure plant & road equipment).

### Statutory Environment

Section 6.2 of the Local Government Act 1995 requires that a local government is to prepare (in the prescribed manner) and adopt (by absolute majority), between 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5.63 (1)(b) specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee. Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

### **Financial Implications**

The budget outlines planned expenditure and revenue and determines the financial parameters for the Shire of Ngaanyatjarraku to operate within for the 2022/23 financial year. The Budget is a balanced budget.

It must be noted that Financial Assistance Grants for the 2022/23 year were pre-paid by the Federal Government into the 2021/22 FYE and forms a large part of the Surplus brought forward in the Rate Setting Statement.

The Shire is transferring funds to the Asset Replacement Reserve towards resealing of four community sealed road networks (est. circa \$2,000,000), plant renewals and staff housing.

The Shire's Long-Term Financial Plan will be updated in 2023 as Fair Value 30 June 2023 will be undertaken and will require update of Road Asset Maintenance Management system, revised Asset Management Plan to see the true impact of longer-term funding requirements from 2023/24 onwards. This will be the subject of a further report to Council.

### **Strategic Implications**

Plan for the Future 2021 – 2031

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

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

### **Risk Management**

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

### **Policy Implications**

Not applicable

### **Attachments**

10.4 (a) – 2022/23 Draft Statutory Budget

10.4 (b) - 2022/23 Schedule of Fees and Charges

### **Voting Requirement**

Recommendation 1 – Absolute Majority Required

Recommendation 2 – Absolute Majority Required

Recommendation 3 – Absolute Majority Required

Recommendation 4 – Absolute Majority Required

Recommendation 5 – Absolute Majority Required

Recommendation 6 – Absolute Majority Required

Recommendation 7 – Absolute Majority Required

Recommendation 8 – Absolute Majority Required



**Officers Recommendation and Council Resolution**

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

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

**UV Mining              \$0.2100 in the \$.**

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

**Carried: 5/0**

**Officers Recommendation and Council Resolution**

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

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

**Option 1 (Full Payment)**

**Full amount of rates and charges including arrears, to be paid on or before 11 October 2022 or 35 days after the date of service appearing on the rate notice whichever is the later.**

**Option 2 (Two Instalments)**

**First instalment to be made on or before 11 October 2022 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half the current rates and service charges; and**

**Second instalment to be made on or before 13 December 2022 or the first business day two months from the due date of the first instalment appearing on the rate notice, whichever is the later.**

**Option 3 (Four Instalments)**

**First instalment to be made on or before 11 October 2022 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and one quarter of the current rates and service charges;**

**Second instalment to be made on or before 13 December 2022 or the first business day two months from the due date of the first instalment appearing on the rate notice, whichever is the later;**

**Third instalment to be made on or before 14 February 2023 or the first business day two months from the due date of the second instalment appearing on the rate notice, whichever is the later; and**

**Fourth instalment to be made on or before 18 April 2023 or the first business day two months from the due date of the third instalment appearing on the rate notice, whichever is the later.**

**Carried: 5/0**

**Officers Recommendation and Council Resolution**

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

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

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

**Carried: 5/0**

**Officers Recommendation and Council Resolution**

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

**That Council, in accordance with Section 67 of the Waste Avoidance and Recovery Act 2007, impose the following receptacle charge for 2022/23:**

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

**Carried: 5/0**

**Officers Recommendation and Council Resolution**

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

**That Council, in accordance with Section 6.16 of the Local Government Act 1995, adopt Attachment 10.2(b) Schedule of Fees and Charges as presented in the Budget for the year ending 30 June 2023.**

**Carried: 5/0**

**Officers Recommendation and Council Resolution**

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

**That Council, in accordance with section 6.2 of the Local Government Act 1995, adopt Attachment 10.2(a) Annual Budget for the year ended 30 June 2023.**

**Carried: 5/0**

**Officers Recommendation and Council Resolution**

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

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

**Condition**

**Action**

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

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

**Carried: 5/0**

**Officers Recommendation and Council Resolution**

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

**That Council adopt the following Councilor Allowances for the 2022/23 period:**

**In accordance with Section 5.98 (1) & (2A) of the Local Government Act 1995, Local Government (Administration) Regulation 30, (3A) and Part 6.2 & 6.3 of the Local Government CEO & EM Determination 2020 pursuant to Section 7 (B) of the Salaries and Allowances Act, Councilor meeting attendance fees be set at \$240 per Council meeting, and \$120 per Committee or other prescribed meeting.**

**In accordance with Section 5.98 (1) & (2A) of the Local Government Act 1995, Local Government (Administration) Regulation 30, (3A) and Part 6.2 & 6.3 of the Local Government CEO & EM Determination 2020 pursuant to Section 7 (B) of the Salaries and Allowances Act, Shire President meeting attendance fees be set at \$480 per Council meeting, and \$120 per Committee or other prescribed meeting.**

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

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

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

**Carried: 5/0**

# 11 CHIEF FINANCIAL OFFICER REPORTS

## 11.1 MONTHLY PAYMENTS LISTING

<b>FILE REFERENCE:</b>	FM.07
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Chief Financial Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	24 August 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal

### Summary

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

### Background

In accordance with the Local Government (Financial Management) Regulations 1996 the Chief Executive Officer is required to present a list of payments to the Council at the next ordinary meeting of the council after the list is prepared.

### Comment

The payments made are consistent with previous months.

### Statutory Environment

*Local Government (Financial Management) Regulations 1996*

*S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared—*
  - (a) the payee's name; and*
  - (b) the amount of the payment; and*
  - (c) the date of the payment; and*
  - (d) sufficient information to identify the transaction.*
- (2) A list of accounts for approval to be paid is to be prepared each month showing—*
  - (a) for each account which requires council authorisation in that month—*
    - (i) the payee's name; and*
    - (ii) the amount of the payment; and*
    - (iii) sufficient information to identify the transaction;*  
*and*
    - (b) the date of the meeting of the council to which the list is to be presented.*
- (3) A list prepared under subregulation (1) or (2) is to be —*
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) recorded in the minutes of that meeting.*

### Financial Implications

The Shire makes annual budget allocations for payment of accounts.

**Strategic Implications**

Plan for the Future 2021 – 2031

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

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter

**Attachments**

11.1 – Payment Listing

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council receives the Payment Listing August 2022 totaling payments of \$1,185,778.82 as per Attachment 11.1.**

**Carried: 5/0**

## 11.2 COUNCIL INVESTMENTS

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Chief Financial Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	25 August 2022
<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.

Better rates have been thru a quotation process with Commonwealth Banking and as such \$6.0m has now been deposited there. Westpac have now agreed to be more competitive and \$3m has been invested with them. These funds are mainly from the Commonwealth's FAG's 2022/23 grants paid in advance. An investment Register has now been developed to record the details of these longer-term investments.

### Statutory Environment

*Local Government Act 1995*

*Section 6.14 Power to Invest*

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

*Local Government (Financial Management) Regulations 1996*

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**

Plan for the Future 2021 – 2031

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

Outcome 8, A well-functioning organisation

Strategy, 8.1, Maintain corporate governance, responsibility and accountability

**Risk Management**

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

**Policy Implications**

Corporate Policy Finance 2.12 Investment.

**Attachments**

11.2 – Westpac screen prints of Municipal Accounts and CBA / Westpac Investment Register.

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr J Porter**

**Seconded: Cr L West**

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

**Carried: 5/0**

**12. DIRECTOR GOVERNANCE & STRATEGIC REPORTS**

Not applicable



## **13. DIRECTOR INFRASTRUCTURE SERVICES REPORT**

### **13.1 ACTION REPORT – WORKS ENGINEER**

**FILE REFERENCE:** RD.00

**AUTHOR’S NAME AND POSITION:** Peter Kerp  
Works Engineer

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

**DATE REPORT WRITTEN:** 24 August 2022

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

#### **Summary**

To inform Council of Works Engineering activities and actions for the preceding month.

#### **Background**

Not applicable

#### **Comment**

See attachment.

#### **Statutory Environment**

Not applicable

#### **Financial Implications**

No known financial implications for this matter.

#### **Strategic Implications**

Plan for the Future 2021 - 2031

Goal 2, Our Land

Outcome 5, Travelling our Land

Strategy: 5.1, Effective management and planning of road infrastructure

#### **Risk Management**

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

#### **Policy Implications**

There are no known policy implications for this matter.

#### **Attachments**

Attachment 13.1 – Action Report, Works Engineering

#### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr D Frazer**

**Seconded: Cr A Jones**

**That Council receives the Action Report, Works Engineering August 2022.**

**Carried: 5/0**

## 13.2 ACTION REPORT – OPERATIONS COORDINATOR

<b>FILE REFERENCE:</b>	RD.00
<b>AUTHOR’S NAME AND POSITION:</b>	Joseph Joseph Operations Coordinator
<b>AUTHORISING OFFICER AND POSITION:</b>	Les Morgan Director Infrastructure
<b>DATE REPORT WRITTEN:</b>	24 August 2022
<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 Operational activities and actions for the preceding month.

### **Background**

Not applicable

### **Comment**

See attachment.

### **Statutory Environment**

Not applicable

### **Financial Implications**

No known financial implications for this matter.

### **Strategic Implications**

Plan for the Future 2021 - 2031

Goal 2, Our Land

Outcome 6, Living on our Land

Strategy: 6.1, Maintain Shire owned buildings and facilities

### **Risk Management**

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

### **Policy Implications**

There are no known policy implications for this matter.

### **Attachments**

Attachment 13.2 – Action Report, Operations Coordinator

### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr D Frazer**

**Seconded: Cr A Jones**

**That Council receives the Action Report, Operations August 2022.**

**Carried: 5/0**

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

**FILE REFERENCE:** EM.00

**AUTHOR’S NAME AND POSITION:** Gordon Houston  
EHO & Building Officer

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

**DATE REPORT WRITTEN:** 24 August 2022

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

#### **Summary**

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

#### **Background**

Not applicable

#### **Comment**

See attachment.

#### **Statutory Environment**

Not applicable

#### **Financial Implications**

No known financial implications for this matter.

#### **Strategic Implications**

Plan for the Future 2021 - 2031

Goal 1, Our People

Outcome 2, Healthy People

Strategy: 2.2, Ensure appropriate regulatory health and waste services provision with funding

#### **Risk Management**

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

#### **Policy Implications**

There are no known policy implications for this matter.

#### **Attachments**

Attachment 13.3 – Action Report, EHO / Building Services

#### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr J Porter**

**Seconded: Cr D Frazer**

**That Council receives the Action Report, EHO / Building Services for August 2022.**

**Carried: 5/0**

## 13.4 ROADWISE ADVISORY GROUP

<b>FILE REFERENCE:</b>	RD.00
<b>AUTHOR'S NAME AND POSITION:</b>	Les Morgan Director Infrastructure Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan, Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	23 August 2022
<b>DISCLOSURE OF INTERESTS:</b>	The author and authorising officer have no financial, proximity or impartiality interest in the proposal.

### Background

The Shire has been approached by OZ Minerals to create a "RoadWise Advisory Group" in line with the Western Australia Local Government Association's RoadWise Program. OZ Minerals have also offered their resources to support the proposed Group.

The overall purpose of a RoadWise Advisory Group is to bring a local perspective to safer road design, construction and use. At the core of the states RoadWise program is Western Australia's Road Safety Strategy 2021 – 2028, *Imagine Zero*, which is a plan to reduce the number of people killed and injured on Western Australian roads through the Austroads "Safe System" approach.

### Austroads Safe System

The safe system approach accepts that the human body is vulnerable and needs protecting. The focus is on protecting people so that if they are involved in a crash, they won't be killed or seriously injured, no matter how they travel (walk, drive, ride, cycle). The safe system approach changes the focus from blaming those who use roads to viewing the road system as a whole, where the responsibility for reducing risk is shared by road users and those who design, maintain and operate all parts of the road network. This approach does not ignore risk taking behaviour but acknowledges human fallibility and the need for greater allowances for human error. Planning and developing a safe system means looking beyond the standards and towards systematically planning and designing a sustainable and inherently safe road for all road users.

### Terms of Reference

A meeting has been held between Shire Officers, WALGA Roadwise Officer (Goldfields) and OZ Minerals to explore the possibility of forming the proposed group and agree on terms of reference to guide the committee. The agreed terms of reference for the proposed Advisory Group are provided in Attachment A for Councillors consideration and approval. These terms of reference include:

- The role, purpose and objectives of the group,
- Membership and guiding principles,
- Operating procedures, and
- The delegated authority of the group.

### Comment

This initiative is considered a positive step as it may provide an avenue to address current and impending local road safety issues such as:

- Speeding through work zones,
- Driver behaviour,
- Pedestrian and vehicle conflicts, and

- Conflicts between local traffic and the increasing levels of mine, tourist and freight vehicles.

The formation of the proposed group may also open access to additional funding streams to create safer roads, roadside environments and road user behavioural programs.

### **Statutory Environment**

Local Government Act 1995, Part 5 Subdivision 2, Sections 5.8 to 5.18

Local Government (Administration) Regulations 1996, Part 2, Council and committee meetings.

### **Financial Implications**

The only foreseeable financial implications of forming the proposed advisory group are the time for 2 Senior Shire Officers to attend meetings, and to develop and implement strategies. However, this is considered to be outweighed by the possible benefits to the Shire's constituents and the likely additional grant funding streams that should be opened up by forming the committee.

### **Strategic Implications**

Plan for the Future (Strategic Community Plan and Corporate Business Plan) 2021-2031

#### Goal 1, Our People: Looking after our people

Outcome 1	Happy People
Strategy 1.1	Support and facilitate community involvement and participation opportunities
Action 1.1.2	Investigate and seek new programs and opportunities for community participation

#### Goal 2, Our Land: Looking after our Land

Outcome 5	Travelling our land
Strategy 5.1	Effective management and planning of road infrastructure
Action 5.1.1	Develop, maintain and implement 10-year capital works program for roads infrastructure

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

Outcome 7	Good leadership, effectively representing and advocating for our communities
Strategy 7.1	Provide strategic leadership and good governance
Action 7.1.2	Communicate and engage with our communities
Strategy 7.2	Advocate on behalf of our communities
Action 7.2.1	Represent and promote the Shire of Ngaanyatjarraku
Action 7.2.2	Collaborate with regional partners, key stakeholders and other relevant organisations

### **Policy Implications**

Not Applicable

### **Attachments**

Attachment 13,1. Terms of Reference

### **Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

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

- 1. That the proposal to form a RoadWise Advisory Group be endorsed.**
- 2. That the General Manager Operations be endorsed as Chairman of the newly formed Shire of Ngaanyatjarraku RoadWise Advisory Group.**
- 3. That it be noted that that the first meeting of the Shire of Ngaanyatjarraku RoadWise Advisory Group will be held on Wednesday 7th September 2022.**
- 4. That at six monthly intervals or earlier, the Shire Council be advised of activities of the group.**

**Carried: 5/0**

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

**15. CONFIDENTIAL MATTERS**

**16. NEXT MEETING**

Scheduled for Wednesday, 28 September 2022 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 1.40pm.