



Shire of Ngaanyatjaraku
ON A JOURNEY

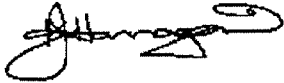
ORDINARY MEETING OF COUNCIL

MINUTES

24 August 2020
at
2.00 pm

SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

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

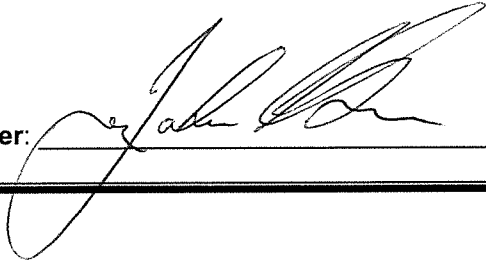


Chief Executive Officer

Date: 24-08-2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 26 August 2020.

Presiding Member:



Date: 31/9/2020

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1. **DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 2.00pm.

2. **ANNOUNCEMENT OF VISITORS**

The Presiding Member was to welcome members of the public to the gallery.

3. **ATTENDANCE**

3.1 **PRESENT**

Elected Members:	President Deputy President Councillor Councillor Councillor Councillor Councillor	D McLean A Jones J Frazer L West J Porter D Frazer A Bates
Staff:	CEO FAC	K Hannagan (via MS Teams on TV from 2.00pm) G Handy
Guests:	Sue Hanson, Senior Linguist	Goldfields Aboriginal Language Centre (by MS Teams)
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 **APOLOGIES**

Nil

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

Sue Hanson, Senior Linguist, Goldfields Aboriginal Language Centre gave the Shire a presentation on development of the Goldfields Aboriginal Language Culture Complex in Kalgoorlie.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 MINUTES OF ORDINARY MEETING OF COUNCIL (ATT 9.1)

Voting Requirement
Simple Majority Required

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr D Frazer

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 29 July 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

FILE REFERENCE:	GV.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	20 July 2020
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

The purpose of this agenda item is to report back to Council on the progress of the implementation of Council resolutions.

Background

The best practice in governance supports the regular review of Council decisions to ensure that they are actioned and implemented in a timely manner.

Comment

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 Required

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

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

Carried: 7/0

10.2 REVIEW OF COUNCIL POLICY 3.1 SENIOR EMPLOYEES

FILE REFERENCE: CM.14

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

DATE REPORT WRITTEN: 9 August 2020

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

Summary

For Council to consider a review of policy brought about by the appointment of Cary Green as the Shire's new Director Governance and Corporate.

Background

For some time now the shire has had the abovementioned position in its Organisation Structure, but the position has not been filled. The position was recently advertised and attracted twenty-one highly qualified and experienced candidates. Seven candidates were shortlisted for interview and Cary Green has now been appointed to the role of Director Governance & Corporate. Shire councillors and Staff will meet the new officer when the Covid19 Pandemic allows for normal visitation to the shire. The officer's role is such that he is able to work remotely and remain productive. There are a wide range of new initiatives contained in the Integrated Strategic Plan and the Annual Budget 2020/21 (see separate report) that the new officer will be involved in.

Comment

An appointment to the new role requires change to the following Council Policy:

Policy 3.1 - Senior Employees

The current adopted policy advises that:

The Council designates the following positions as senior employees of the Shire:

- *Chief Executive Officer*
- *Deputy Chief Executive Officer*

It is proposed to add the Director of Governance & Corporate.

Statutory Environment

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

Updated policies are intended to provide the Shire with clearer direction to guide the CEO/administration in the execution of decisions of Council, achieve the strategic direction of the

Shire of Ngaanyatjarraku and maintain legislative compliance.

Attachments

Attachment 10.2 – Amended Policy 3.1 - Senior Employees

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council:

- 1. adopts by absolute majority the amended Council Policy 3.1 – Senior Employees as per Attachment 10.2 to this report; and**
- 2. updates the policy manual on the Shire’s official website.**

Carried: 7/0

10.3 REVIEW OF COUNCIL POLICY 2.11 CORPORATE CREDIT CARDS

FILE REFERENCE: CM.14

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

DATE REPORT WRITTEN: 10 August 2020

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

Summary

For Council to consider a review of policy to correct an error in the total credit card limits with Westpac Bank.

Background

Council's current policy advises that:

The provision of a corporate credit card is a facility for certain officers which must be authorised by the CEO. The CEO will determine and authorise appropriate monthly limits for each cardholder, with limits not to exceed \$10,000 in total.

Comment

At the time of this policy being adopted, the Shire's total credit card limit was \$15,000 but only \$10,000 of card limits had been issued, with \$5,000 unallocated. It is proposed to issue the Director Governance and Corporate with a credit card limit of \$2,000. This will take the total limit over \$10,000 but within the bank's limit of \$15,000. As such it is proposed to amend the total limit of cards issued not to exceed \$15,000 in total to be consistent with the credit card authority limit with Westpac Bank.

Statutory Environment

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

Financial Implications

There are no known financial implications for this matter, other than making the Council Policy consistent with the actual credit facility at Westpac Bank.

Strategic Implications

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

Risk Management

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

Policy Implications

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

Attachments

Attachment 10.3 – Amended Policy 2.11 – Corporate Credit Cards

Voting Requirement
Absolute Majority Required

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Porter

That Council:

- 1. adopts by absolute majority the amended Council Policy 2.11 – Corporate Credit Cards as per Attachment 10.3 to this report; and**
- 2. updates the policy manual on the Shire’s official website.**

Carried: 7/0

10.4 ADOPTION OF 2020/21 BUDGET

FILE REFERENCE: FM.05

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

DATE REPORT WRITTEN: 12 August 2020

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 2020/21 Annual Budget has been prepared based on the principles contained in the Long Term Financial Plan (LTFP) and Corporate Business Plan as well as discussions with the Shire President / Councilors as well as a detailed review of expenditure and efficiency measures taking into account substantive matters raised in previous reports to Council. The Budget has also considered the impacts of the Covid-19 Pandemic on the district and Shire as required by Section 6.2 of the Local Government Act 1995.

Comment

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

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

Highlites include:

- General Minimum Rate unchanged at \$245 (four assessments affected);
- Rates UV unchanged at 21c in dollar (to achieve zero increase at State Government request a/c Covid19 Pandemic, Note the Shires total Rates will reduce by approximately \$15k excluding interest charges);
- Warburton Community Resource Centre office rental no increase & reduced occupancy;
- Staff housing rental, no increase, \$95,000 (rental of now vacant staff houses due to less staff);
- Ngaanyatjarra Lands Services Review, \$25,000 (current / future service provision proposal);
- Compliance, all IPRF plans to be reviewed, new ICT Strategy, Reg 5 / Reg 17 Reviews, new Audit Committee Charter, CEO Procedures Review, \$222,000;
- Audit Fees increased \$14,000 a/c Auditor general now doing;
- Public Health Plan, \$25,000 (compliance Public Health Act);
- Road Renewal, Capex \$4,157,605;
- Road Maintenance, Opex \$1,998,755;
- Business Cases, Economic Prospectus Opportunities development (Warburton Town Entry redevelopment & Tjulyuru Regional Gallery expansion) \$125,000;
- Community Swimming Pools contribution to operating costs, Warburton \$10,000, Warakurna \$5,000, Blackstone \$5,000;
- Contribution-Desert Dust-Up (fireworks) \$10,000;
- Tourism Strategy \$50,000;
- Waste Strategy / Plan \$50,000;
- Recreation Strategy \$40,000;

- Works Plant Compound Fencing, \$25,000 (secure equipment);
- New Strategic Reserve, transfer to \$80,000 for potential future WANDRRA contribution; and
- Cultural Centre Reserve, transfer to \$80,000 as per lease of office agreement.

Reviews of the following have been undertaken as per previous reports to Council:

- Recreation Services, Warburton only (Operating loss \$498k a/c no Grants);
- Community Ex-gratia Rate Income (\$64,882 p.a.) ceased as community not paying; and
- Rubbish Collection, Warburton only (as community making contribution = loss of \$428k).

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 8.0% 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 – section 6.51 modified – stipulates that a maximum % of 8% is to 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) Interim Award 2011 sets the rate for meeting attendance travel costs per kilometre.

Financial Implications

The adopted budget outlines planned expenditure and revenue and determines the financial parameters for the Shire of Ngaanyatjarraku to operate within for the 2020/21 financial year. The Budget is a balanced budget.

It must be noted that Financial Assistance Grants for the 2020/21 year was pre- paid by the Federal Government (General \$1,601,137 and Roads \$386,346) into the 2019/20 FYE and forms part of the \$2,997,140 Surplus brought forward in the Rate Setting Statement.

The shire is transferring \$80,000 to the Cultural Centre Reserve (to catch up on previous years transfers not made), \$80,000 to the new Strategic Reserve (towards building WANDRRA LG up-front contribution required of \$164,100) and \$606,217 for sheeting of the Wingelina Community Access Road.

The Shire's Long-Term Financial Plan will be updated over the coming months to see the true impact of changes made to operations and services from 2020/21 onwards. This will be the subject of a further report to Council.

Strategic Implications

Strategic Community Plan 2016 - 2026

Goal 4, Our Leadership

Outcome 4.2, A capable and compliant local government

Outcome 4.3, Sustainable service delivery

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) – 2020/21 Draft Statutory Budget
- 10.4 (b) - 2020/21 Schedule of Fees and Charges

Voting Requirement

- Recommendation 1 – Absolute Majority Required
- Recommendation 2 – Absolute Majority Required
- Recommendation 3 – Absolute Majority Required
- Recommendation 4 – Absolute Majority Required
- Recommendation 5 – Absolute Majority Required
- Recommendation 6 – Absolute Majority Required
- Recommendation 7 – Absolute Majority Required
- Recommendation 8 – Absolute Majority Required

Officers Recommendation 1 and Council Resolution

Moved: Cr J Frazer Seconded: Cr A Bates

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:

- 1. UV Mining \$0.2100 in the \$**
- 2. General Minimum \$245 per rateable property**

Carried: 7/0

Officers Recommendation 2 and Council Resolution

Moved: Cr A Jones Seconded: Cr D Frazer

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

Option 1 (Full Payment)

Full amount of rates and charges including arrears, to be paid on or before 6 October 2020 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 6 October 2020 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 8 December 2020 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 6 October 2020 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 8 December 2020 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 9 February 2021 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 9 April 2021 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: 7/0

Officers Recommendation 3 and Council Resolution

Moved: Cr J Frazer Seconded: Cr L West

Imposes, by absolute majority, in accordance with section 6.51(1) of the Local Government Act 1995 and clause 14 of the Local Government (COVID-19 Response) Ministerial Order 2020, gazetted on 8 May 2020, an interest rate of 8% applicable to overdue and unpaid rate and service charges, subject to:

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: 7/0

Officers Recommendation 4 and Council Resolution

Moved: Cr J Porter Seconded: Cr D Frazer

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

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

Carried: 7/0

Officers Recommendation 5 and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council, in accordance with Section 6.16 of the Local Government Act 1995, adopt the attached Schedule of Fees and Charges as presented in the Budget for the year ending 30 June 2021.

Carried: 7/0

Officers Recommendation 6 and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That Council, in accordance with section 6.2 of the Local Government Act 1995, adopt the attached annual Budget for the year ended 30 June 2021.

Carried: 7/0

Officers Recommendation 7 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:

<u>Condition</u>	<u>Action</u>
Actual variances to Budget up to 10% of Budget	Don't Report
Variance exceeding 10% or \$20,000 whichever is greater	Must Report

(Note: Management discretion may be used on reporting Actual Variances less than 10%)

Carried: 7/0

Officers Recommendation 8 and Council Resolution

Moved: Cr J Frazer Seconded: Cr J Porter

That Council adopt the following Councillor Allowances for the 2020/21 period:

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

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

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

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

In accordance with Section 5.98 (2) (3) and (4) of the Local Government Act 1995, Local Government (Administration) Regulation 31 (1) (b) and Part 8.2 (5) of the Local Government CEO EM Determination 2019, 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) Interim Award 2011 that as at the date of the 2020 determination, is currently \$1.0352 per kilometre.

Carried: 7/0

11 DEPUTY CEO REPORTS

11.1 PAYMENTS LISTING, JULY 2020

FILE REFERENCE:	FM.07
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	12 August 2020
DISCLOSURE OF INTERESTS:	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 A Jones

Seconded: Cr D Frazer

That Council receives the Payment Listing, July 2020 totaling payments of \$893,984.33 as per Attachment 11.1.

Carried: 7/0

11.2 COUNCIL INVESTMENTS

FILE REFERENCE:	FM.04
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	21 August 2020
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to be advised of the Shires Municipal Account and Investments as attached.

Background

To invest the Shire of Ngaanyatjarraku surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

Comment

Preservation of capital is to be the principal objective with consideration given to liquidity, cash flow requirements and return on investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

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

The Shire has received half its 2020/21 Financial Assistance Grants, General and Roads in advance, this is the main contributor to higher than normal bank balances.

Statutory Environment

Local Government Act 1995

Section 6.14 Power to Invest

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

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

Local Government (Financial Management) Regulations 1996

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

Financial Implications

Not applicable.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

Corporate Policy 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 Jones

Seconded: Cr L West

That the report on Council Investments as at 21 August 2020 be received.

Carried: 7/0

11.3 DISABILITY ACCESS AND INCLUSION PLAN REPORTING

FILE REFERENCE:	CS.13
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	9 August 2020
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

The Shire of Ngaanyatjarraku is required to develop a Disability Access and Inclusion Plan (DAIP) and each year to report to the Department of Communities as to the effectiveness of implementing the Plan.

Background

Each year the Shire is required to report to the Department of Communities to provide information as to the extent of the effectiveness of the Shire's DAIP. The feedback is provided to the Minister for Disability Service to use in a report to Parliament.

Comment

The purpose of a Disability Access and Inclusion Plan, DAIP is to ensure that people with disabilities can access all information, services and facilities provide by a Local Government and be included in the community. The CEO and DCEO have reviewed the progress for the eight areas in the report.

The report was due with the department by 31 July 2020. Unfortunately, the report was omitted from the July Council Agenda and the department has queried why it wasn't submitted by the due date. A copy of the report has now been provided to them, subject to endorsement by Council.

Statutory Environment

Disability Services Act 1993

Financial Implications

Nil

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 10.4 - Disability Access and Inclusion Plan (DAIP) Progress Report 2019–2020.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr L West

That Council endorse the report as attached and acknowledges that it has already been submitted to the Department of Communities.

Carried: 7/0

12. EHO & BUILDING SERVICES REPORTS

12.1 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: 17 August 2020

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

Summary

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

Background

Not applicable

Comment

See attachment.

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 14.1 – Action Report, EHO / Building Services

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

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

Carried: 7/0

13. WORKS ENGINEERING REPORTS

13.1 ACTION REPORT – WORKS ENGINEER

FILE REFERENCE: RD.00

AUTHOR'S NAME AND POSITION: Peter Kerp
Works Engineer

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 9 August 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 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

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.2, Travel the Land

Strategy: 1.2.1, Good Roads

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 13.1 – Action Report, Works Engineering

Voting Requirement

Simple Majority Required.

Cr D Frazer left the Chamber at 2.39pm

Cr D Frazer returned to the Chamber at 2.40pm

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

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

Carried: 7/0

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

15. CONFIDENTIAL MATTERS

15.1 CEO ANNUAL PERFORMANCE REVIEW

FILE REFERENCE: PL.00

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

DATE REPORT WRITTEN: 11 August 2020

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

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones Seconded: Cr J Frazer

That Council Resolves that the:

1) CEO Annual Performance Review Report;

as attached is confidential in accordance with s5.23 (2) the Local Government Act because they deal with:

- a matter affecting an employee or employees;

2) Close the meeting to the public at 2.45pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995.

Carried: 7/0

There were no members of the public gallery and staff member Chief Executive Officer, Kevin Hannagan was disconnected from the MS Teams meeting at 2.45 pm. (Note: Finance & Administration Coordinator remained to take any minutes.)

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter Seconded: Cr L West

That Council re-open the meeting to the public at 2.47pm.

Carried: 7/0

There were no members of the public gallery and staff member Chief Executive Officer, Kevin Hannagan was re-connected to the MS Teams meeting at 2.47 pm.

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

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That Council:

- 1. Adopts the draft Chief Executive Officers Annual Performance Criteria as per Confidential Attachment 15.1.**
- 2. Requests the Chief Executive Officer to report back to Council at 6 monthly intervals on progression against the criteria.**

Carried: 7/0

16. NEXT MEETING

Scheduled for Wednesday, 30 September 2020 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

17. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 2.48 pm.