



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

**Tjulyuru Cultural and Civic Centre
Warburton Community**

24 April 2019

at

1.00 pm

SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

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

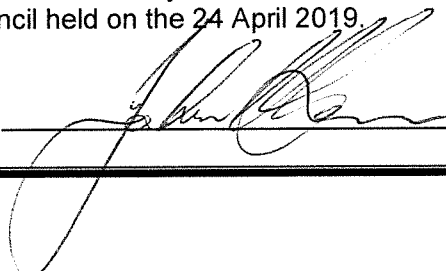


Acting Chief Executive Officer

Date: 24-4-2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 24 April 2019.

Presiding Member: _____



Date:.....

22/5/19

DISCLAIMER

The resolutions contained in these Minutes have been confirmed. The Shire of Ngaanyatjarraku warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ngaanyatjarraku for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 pm.

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	President Deputy President Councillor Councillor Councillor Councillor	D McLean P Thomas (by telephone) D Frazer L West A Jones J Frazer
Staff:	K Hannagan G Handy	Acting Chief Executive Officer (by telephone) Finance & Admin Coordinator
Guests:	Nil	
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr. A Bates

3.3 APPROVED LEAVE OF ABSENCE

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

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

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest

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- 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**
- 8. PETITIONS, DEPUTATIONS, PRESENTATIONS**
 - 8.1 PETITIONS**
 - 8.2 DEPUTATIONS**
 - 8.3 PRESENTATIONS**
- 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 27 March 2019 (ATT 9.1)**

Voting Requirement
Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 27 March 2019 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.1) be confirmed as a true and accurate record.

Carried: 6/0

10. CEO REPORTS

10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

FILE REFERENCE:	GV.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	19 April 2019
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

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

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

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 10.2 - Council Resolutions - Status Report to March 2019.

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr J Frazer

That Council notes the attached Council Resolutions – Status as at March 2019 (Attachment 10.2) and this report.

Carried: 6/0

10.2 ADMINISTRATIVE COMPLIANCE

FILE REFERENCE:	CS.06
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 April 2019
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interest in the proposal.

Summary

For Council to consider the Monthly Report of outstanding actions to achieve administrative compliance with the Local Government Act 1995 and other projects / tasks.

Background

The Minister for Local Government appointed an Approved Adviser to work with the Shire to meet the administrative requirements of the Local Government Act 1995. The Approved Advisers' Scope of Work is to "Undertake a review of the Shire's policies, systems and procedures to establish the level of compliance with the legislative provisions of the Local Government Act 1995". The Approved advisor has also requested that other important projects / tasks / actions involving operational matters also be added to the calendar.

Comment

Shire Staff have compiled for the Approved Adviser and Council a list of tasks to be undertaken, commonly known as a Compliance / Action Calendar.

A copy of the list of tasks is attached for Councilors information. Further monthly reports will be made to Council advising progress against the task 'due dates'.

The main remaining items outstanding to achieve compliance is the Annual Report 2017/18 and Audit for 2017/18 Financial Year End. Significant progress is now being made and it is proposed to be compliant by the end of March/April 2019.

The Shire has received verbal comment from the DLGSCI that they intend to recommend to the Minister to close the investigation into the Shire of NG as soon as the above is completed.

Statutory Environment

Local Government Act 1995, various sections

Local Government (Financial Management) Regulations 1996, various sections

Local Government (Audit) Regulations 1996, various sections

Local Government (Administration) Regulations 1996, various sections

Financial Implications

There should be no financial implications for the Shire as action being undertaken is now being performed by Shire staff and the Department are no longer using the Approved advisers services.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjaraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "High" risk and will require excellent controls, managed by senior management / executive and subject to monthly monitoring with specific application of resources.

Policy Implications

There are no known Policy implications for this matter.

Attachments

Attachment 10.2 - Compliance Action List as at 20 April 2019

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr P Thomas

That Council notes the Compliance / Action Calendar as at 20 April 2019 (Attachment 10.2) and this Report.

Carried: 6/0

10.3 ATTENDANCE BY TELEPHONE CR THOMAS

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	20 April 2019
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider a request from Cr Thomas to attend the next Ordinary meeting of Council by telephone.

Background

Cr P Thomas has advised that he may not be able to attend the next ordinary meeting of Council in person and has requested Council approval to attend by telephone if necessary.

Comment

In accordance with Regulation 14A (2) Cr Thomas has attended by telephone for the August, November 2018 and February 2019 meetings this financial year.

Statutory Environment

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
 - (a) *the matters to be dealt with at ordinary or at special meetings of councils; and*
 - (b) *the functions of committees or types of committee; and*
 - (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means;*

Local Government (Administration) Regulations 1996

14A. Attendance by telephone etc. (Act s. 5.25 (1) (ba))

- (1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*
 - (a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*
 - (b) *the person is in a suitable place; and*
 - (c) *the council has approved* of the arrangement.*
- (2) *A council cannot give approval under sub-regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.*

(3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.

(4) In this regulation —

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

(a) in a townsite or other residential area; and

(b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

* Absolute majority required.

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

Financial Implications

There are no known financial implications.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Not applicable

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr A Jones

That Council approves Cr P Thomas request to attend the next Ordinary Meeting of Council by telephone if necessary.

Carried: 6/0

10.4 ATTENDANCE AT ALGA NATIONAL GENERAL ASSEMBLY

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	20 April 2019
DISCLOSURE OF INTERESTS:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

For Council to nominate Cr Thomas as the Shire's representative at the 2019 Australian Local Government Associations, National General Assembly.

Background

The Australian Local Government Association's National General Assembly, held in Canberra, attracts more than 870 representatives from councils across the states and territories.

The theme for the 2019 Conference is Future Focused.

This assembly will consider what councils can do today to get ready for the challenges, opportunities and changes that lie ahead.

Comment

Cr Thomas has represented the Shire in past meetings and has been enrolled for the 2019 Assembly to enable securing the 'early bird' discount.

Statutory Environment

Not applicable.

Financial Implications

A budget allocation for attendance was made in the 2018/19 Adopted Budget.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

This item has been evaluated against the Shire of Ngaanyatjarraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" 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 10.5 – 2019 ALGA NGA Program

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr D Frazer

That Council;

- 1. Approves Cr P Thomas attendance at the Australian Local Government Associations, 2019 National General Assembly; and**
- 2. Endorse Cr P Thomas as the Shires' representative.**

Carried: 6/0

10.5 REQUEST TO MINISTER FOR LOCAL GOVERNMENT

FILE REFERENCE: GV.00

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

DATE REPORT WRITTEN: 20 April 2019

DISCLOSURE OF INTERESTS: The author has a financial interest in this report as he is the current Acting CEO.

Summary

For Council to seek approval of the Minister to extend the current Acting Chief Executive Officers role beyond the 12-month maximum period.

Background

In early 2017 the Minister for Local Government appointed an Approved Adviser to work with the Shire to meet the administrative requirements of the Local Government Act 1995. The Approved Advisers' Scope of Work is to "Undertake a review of the Shire's policies, systems and procedures to establish the level of compliance with the legislative provisions of the Local Government Act 1995".

The Shires Chief Executive Officer resigned effective 31 August 2019.

At the 14 June 2018 Special Council Meeting the Shire resolved in part:

3. *Pursuant to s5.36 (1)(a) and (2)(a) of the Local Government Act 1995 appoints Kevin Hannagan as Acting Chief Executive Officer from 1 September 2018 for a period not exceeding one year or the appointment of a new Chief Executive Officer, whichever is sooner.*

At the 11 July 2018 Ordinary Council Meeting the Shire resolved in part:

3. *Instructs the Deputy Chief Executive Officer to assume day to day management of the Shire's administration, Act as Chief Executive Officer.....*

As such it is assumed that the Shire's appointment of an Acting Chief Executive Officer is effective from 11 July 2018 and can only be for a period not exceeding one year.

Comment

To date the Acting Chief Executive Officer has undertaken three Annual Financial Statement Audits, one Royalties for Regions Audit, four Roads to Recovery Audits, Implemented the Integrated Planning & Reporting Framework, other Strategic Documents, implemented changes as requested in Annual Audits and many other administrative tasks to gain compliance with the Local Government Act 1995 and contemporary management practices.

The Acting CEO has recently met with the DLGSCI, Manager, Industry and Sector Regulation and advised that the Shire expected to be compliant by end of April 2019 with completion of the 2017/18 Audit. The ACEO was advised that the department would therefore seek consideration of the Minister that the investigation into the Shire would be ceased. Furthermore, the ACEO advised that:

- The Acting CEO's one-year term would expire on 11 July 2019;
- Recruitment had not yet commenced for a new CEO as legislative compliance had not yet been achieved;
- The Shire had commenced a Service Review and Restructure (expected to take 4-6 months) to ensure the Shires Long Term Financial Sustainability in accordance with its recently adopted Long Term Financial Plan;

- There is a need to develop a tailored training plan for Councilors which would be best implemented after the October 2019 Council elections;
- The ACEO was willing to stay on for another one-year term to complete the above but would not commit to a longer-term contract; and
- That recruitment of a new CEO in early 2020 would enable a longer handover by the ACEO to the new incoming CEO.
- Council to consider creating a Part-time Director Compliance / Governance to undertake a future oversight role to assist the new CEO.

Statutory Environment

Local Government Act 1995 states:

Section 5.36 Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position;

Section 5.39 Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting;

Financial Implications

Changes to Service Levels and Restructure would need reflection in the Integrated Strategic Plan (SCP/CBP), Long Term Financial Plan and adoption in future budgets.

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

Not applicable

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr L West

That Council request the Minister for Local Government to consider an extension of one year for Kevin Hannagan, as Acting Chief Executive Officer until 11 July 2020 for the reasons as outlined in this report.

Carried: 6/0

11. DEPUTY CEO & DCS REPORTS

11.1 PAYMENTS LISTING, MARCH 2019

FILE REFERENCE: FM.07

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

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 20 April 2019

DISCLOSURE OF INTERESTS: The author and the authorising officer has an impartiality interest in the proposal as it contains payments to Core Business Australia which the ACEO was an Associate until December 2018 (note: October 2018 Council resolution approved work for another organisation).

Summary

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

Background

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

Comment

The payments made are consistent with previous months.

Statutory Environment

Local Government (Financial Management) Regulations 1996

- S13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (2) *A list of accounts for approval to be paid is to be prepared each month showing—*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;*
and
 - (b) *the date of the meeting of the council to which the list is to be presented.*
 - (3) *A list prepared under subregulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Financial Implications

The Shire makes annual budget allocations for payment of accounts.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Attachments

Attachment 11.1 – Payment Listings, March 2019

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr J Frazer

That Council receives the Payment Listing, March 2019 totaling payments of \$861,254.44 as per Attachment 11.1.

Carried: 6/0

11.2 COUNCIL INVESTMENTS AS AT 19 APRIL 2019

FILE REFERENCE:	FM.04
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	20 April 2019
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.

Council will note that the new Term Deposit for Employee Entitlements Reserve has been set up in the Shire's Westpac Accounts and an initial reserve amount of \$300,000 allocated until the actual 2017/18 entitlements have been Audited and the balance adjusted at the next six monthly maturity interval.

In February \$1,000,000 of operating funds was invested in a Term Deposit to mature on 27 June 2019, at a rate of 2.35% this will result in a return of \$8,112 interest income for a term of 4 months and potentially \$25,000 per annum.

The Municipal Operating Account only receives 0.10% interest and Council have been missing out on a lot of interest earning potential. With cashflow forecasting it may be possible to shift more Muni funds into Term Deposits.

A further two amounts of \$500,000 and \$300,000 have also been deposited in a monthly investment accounts at a rate of 1.89%. this approach of a number of monthly rolling investments

maturing regularly gives the Shire security of investing the maximum amount but have an ability to access funds relatively quickly if need be.

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

Policy Implications

Corporate Policy CS2.7 Investments.

Attachments

Attachment 11.2 – Westpac screen print of Municipal and Investment Accounts

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr D Frazer

That the report on Council Investments as at 19 April 2019 be received.

Carried: 6/0

11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED MARCH 2019

FILE REFERENCE:	FM.10
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	19 April 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to receive the monthly financial report.

Background

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

Council has resolved that details and explanations of the material variances reflected on the Statement of Financial Activity are provided as required by Local Government (Financial Management) Regulation 34(1) (d). The attached statements include details of variances between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold of 10% (refer last page of statements). These materiality levels have been applied in the preparation of this report.

Comment

Comments in relation to budget to actual variances are included as notes (last page) in the Financial Reports attached. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred. Adjustments to the Adopted Budget will need to be made in the Mid-Year Budget Review for permanent differences.

Statutory Environment

Local Government Act 1995

6.4. Financial report

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

Local Government (Financial Management) Regulations 1996.

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity

reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

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

Financial Implications

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

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11 - Monthly Financial Report for the month of March 2019

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr A Jones

Seconded: Cr D Frazer

That Council receives the monthly financial report for March 2019.

Carried: 6/0

11.4 MID YEAR BUDGET REVIEW AS AT FEBRUARY 2019

FILE REFERENCE:	FM.10
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	14 April 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

For Council to consider and adopt the proposed amendments to the 2018/19 Budget as a result of the Mid-Year Budget Review process.

Background

The Department of Local Government and Communities has issued Circular No. 06/2006 to provide local governments with information about the budget review process. The following paragraphs are key points from the circular:

A budget review is a detailed comparison of the year to date actual results with the adopted budget. It establishes whether a local government continues meeting its budget commitments: is in receipt of income and incurs expenditure in accordance with the adopted budget.

Shire Officers have completed a review of the Shire's 2018/19 budget as at 28 February 2019. This review is now presented to Council and the outcome of that review is to be considered for adoption by Council. As part of the process Officers have examined the operations of the Shire for the 2018-19 financial year to date identifying the reasons for significant variances and the action required to address them.

The attached review compares the year to date (YTD) Budget with YTD Actual and commentary is provided where the material variance exceeds the +/-10% threshold limits as outlined in the adopted budget (see Notes 3&4). Officers have ensured that Council resolutions presented during the 2018-19 financial year have been incorporated in this Mid-Year Budget Review. Changes to the Adopted Budget are proposed by Officers where they believe that circumstances have occurred that impact permanently on the budget position for the financial year under review.

Comment

The 'net result' of the recommended changes is to continue to have a balanced budget at year end. It is noted that savings made on deferred plant purchases and sale of vehicles is to be transferred to the Asset Reserve for future years purchases.

Statutory Implications

Local Government Act 1995

6.8. *Expenditure from municipal fund not included in annual budget*

- 1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*
 - a) *is incurred in a financial year before the adoption of the annual budget by the local*

government; or

- b) *is authorised in advance by resolution*;*
- c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

(1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- 2) *Where expenditure has been incurred by a local government —*
 - a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; an*
 - b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council*
 - c) *[Section 6.8 amended by No. 1 of 1998 s. 19.]*

Local Government (Financial Management) Regulations 1996

32. Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3))

A local government may exclude from the calculation of the budget deficiency —

- a) *money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year; and*
- b) *reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year; and*
- c) *in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year; and*
- d) *any proposed amounts of depreciation of non-current assets; and*
- e) *assets from grants or gifts or non-cash revenue or expenditure; and*
- f) *current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and*
- g) *any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.*

33A. Review of Budget - Local Government (Financial Management) Regulations 1996

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Financial Implications

After taking into account all adjustments considered to be permanent changes to the budget position for the 2018/19 financial year detailed in the mid-year Budget Review Report, the overall position of the Shire is forecast to still have a balanced budget. There have been savings made and a large number of surplus to requirements plant items have been disposed of. It is proposed to transfer these into the Asset Renewal Reserve to fund future purchases of plant as required.

Officers have ensured that Council resolutions presented during the financial year have been considered in the mid-year Budget Review Report. A summary of the financial implications is included in the attached report.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.4 – 2018 / 19 Mid-Year Budget Review Report

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

That Council:

- 1. Receives the Mid-Year Budget Review Report for the period ended 28 February 2019;**
- 2. Adopts the 2018/19 revised budget position and associated budget amendments as per Attachment 11.4 - 2018 / 19 Mid-Year Budget Review Report, and,**
- 3. Requests the Chief Executive Officer to, within 30 days of this determination, provide a copy of the review and determination to the Department of Local Government Sport and Community Industries.**

Carried: 6/0

11.5 REVIEW OF REVENUE AND EXPENSE PROGRAM CATEGORIES FOR BUDGET 2019/20

FILE REFERENCE:	FM.10
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	15 April 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

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

Background

Council as part of its Annual Budget has at Note 2(b) adopted the following:

2 (b) Statement of Objective

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

The Shire of Ngaanyatjaraku is dedicated to providing high quality services to the community through the various service orientated programs which it has established.

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

Comment

In response to the Shires need to improve it's long term financial sustainability the Council has adopted recent and proposed changes to Shire service provision. As such the Shire should provide local community notice and comment on these changes before adopting its 2019/20 Annual Budget.

Council will also review its Integrated Strategic Plan (SCP/CBP) prior to adopting the 2019/20 Annual Budget, this will be subject of a separate report to Council in May.

Attached is a list of the existing service listings and proposed changes.

Statutory Environment

Local Government Act 1995

2.7. *Role of council*

(1) *The council —*

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

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

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

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

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

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

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
(a) the expenditure by the local government; and
(b) the revenue and income, independent of general rates, of the local government; and
(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

Financial Implications

Major increases in Income and reductions in Expenditure are required to ensure Long Term Financial Sustainability of the Shire. As such the Shire does not have revenue sources to increase and must reduce service provision in order to reduce expenditure.

Strategic Implications

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

Risk Management

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

Policy Implications

Not applicable.

Attachments

Attachment 11.5 - Program Classifications (Function/Activity)

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr A Jones

That Council:

- 1. Authorise the Acting Chief Executive Officer to provide local public notice of the Shires intention to change its level of service provision to the community in its 2019/20 Budget: and**
- 2. Seeks comment on the proposed changes to Program Classifications (Function/Activity).**

Carried: 6/0

11.6 SALE OF PAINTINGS PURCHASED FROM OTHER GALLERIES – FEES AND CHARGES

FILE REFERENCE:	FM.09
AUTHOR'S NAME AND POSITION:	Kerry Fisher Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Chief Executive Officer
DATE REPORT WRITTEN:	12 April 2019
DISCLOSURE OF INTERESTS:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

Summary

Council adopted 2018/19 Fees and Charges at its December 2018 Ordinary Council Meeting. At that time the sale of Local Indigenous Artwork / Artefacts was to be marked up 46.3% (33% to cover administrative costs and 10% GST on total). No charge was set for art purchases from other galleries at already marked up prices.

Background

Local Artwork markup fees were included in the 2018/19 fees and charges. The fees were set to cover the costs to provide for a place that the Artworks and Artefacts can be displayed to tourists and local people and held for sale via an online platform. Also, the markup was to include the time and administration costs of staff. Subsequent to this it has been found that there has been Art purchased from other galleries, which when adopting the 46.3% markup had not been considered. This art has already been marked up.

Comment

The Shire needs to ensure that all artwork purchased with an already marked up price is offered for sale at a price comparable to other points of sale. A 10% markup (including GST) is recommended to cover the administration costs. This will enable the purchasing of artists work from all over the Lands but not to over inflate the price.

Statutory Environment

Local Government Act 1995, 6.16 (Imposition of Fees and Charges), 6.17 (Setting level of Fees and Charges) and 6.19 (Local government to give notice of Fees and Charges) relates.

Section 6.19 requires that the Local Government provides local public notice of proposed new fees and the date the new fee will be applied from. It is proposed the new fees by applied from date of effect of the advertisement.

Local Government Act 1995, Section 1.7 (Local Public Notice).

Financial Implications

It is expected that the proposed change will have minimal effect on the 2018/19 budget as purchases and resale from other galleries was not anticipated at the time.

Strategic Implications

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

Risk Management

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Not Applicable

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West

Seconded: Cr D Frazer

**That with respect to the mark up on paintings purchased through other galleries,
Council:**

- 1. Adopt a 10% mark up, plus GST;**
- 2. Amend the fees and charges schedule to reflect this, and**
- 3. Authorise the Acting Chief Executive Officer to provide local public notice of the above fee which is to be imposed with effect from the date of advertisement.**

Carried: 6/0

12. EHO & BUILDING SERVICES REPORTS

12.1 ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES

FILE REFERENCE: EM.00

AUTHOR'S NAME AND POSITION: Phil Swain
Principal EHO & Building Officer

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Acting Chief Executive Officer

DATE REPORT WRITTEN: 20 April 2019

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 program & 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'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 12.1 – Action Report, EHO / Building Services, March 2019

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr L West

That Council receives the Action Report, EHO / Building Services for March 2019.

Carried: 6/0

13. **EARLY YEARS PROGRAM REPORTS**
14. **YOUTH / RECREATION SERVICES REPORTS**
15. **NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION**

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr A Jones

That Council admits Report 15.1 SHIRE OF NGAANYATJARRAKU & OTHERS V THE COMMONWEALTH OF AUSTRALIA as new business of an urgent nature.

Carried: 6/0

15.1 SHIRE OF NGAANYATJARRAKU & OTHERS V THE COMMONWEALTH OF AUSTRALIA

FILE REFERENCE: GR.00

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

DATE REPORT WRITTEN: 23 April 2019

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

Summary

For Council to consider correspondence from Senior Executive Lawyer of the Australian Government Solicitor regarding the Shire and Others complaint to the Human Rights and Equal Opportunity Commission.

Background

Much time and effort has been made in progressing this claim against the Commonwealth of Australia. Mediation has been tried but the response from the Commonwealth does not address the issues raised by the Shire on behalf of the people of the Ngaanyatjarra Lands.

It was previously resolved to progress this matter to trial as there was no utility in further mediation.

Comment

The letter received from the Australian Government Solicitor requests the shire to consider:

'the option of adjourning the mediation pending the outcome of the Federal election and suggests that Commonwealth officers advise the incoming Ministers to give a high priority to resolving this complaint. The Commonwealth strongly supports this suggestion and commits to briefing the Ministers promptly. While we understand your clients' frustrations, we hope that your clients will see utility in awaiting the outcome of the Federal election, noting the various changes the election may prompt.'

A further teleconference on this matter is to be held at 10am on Wednesday 24 April 2019, the Shire President will give an appraisal of the meeting at the Ordinary Meeting of Council that afternoon.

Statutory Environment

Local Government Act 1995

2.7. Role of council

(1) *The council —*

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

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

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

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

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

Financial Implications

At this stage, 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 Ngaanyatjaraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Not Applicable.

Attachments

Attachment 15.1 – Letter from Australian Government Solicitor

Voting Requirement

Simple Majority Required.

Officer's Recommendation

That Council having considered the Australian Government Solicitors letter and receiving an appraisal of the teleconference to be held 10am, Wednesday 24th April 2019 that Council Resolve either:

- A. To accept the option of adjourning the matter pending the outcome of the Federal election and suggests that Commonwealth officers advise the incoming Ministers to give a high priority to resolving this complaint via further mediation; or
- B. Advise the Australian Government Solicitor that the Shire does not wish to adjourn the matter or proceed with further mediation.

Council Resolution

Moved: Cr P Thomas

Seconded: Cr L West

That Council having considered the Australian Government Solicitors letter and receiving an appraisal of the teleconference to be held 10am, Wednesday 24th April 2019 that Council advise the Australian Government Solicitor that the Shire does not wish to adjourn the matter or proceed with further mediation.

Carried: 6/0

16. CONFIDENTIAL MATTERS

16.1 REVIEW OF ENVIRONMENTAL HEALTH SERVICES

FILE REFERENCE: PL.00

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

DATE REPORT WRITTEN: 10 April 2019

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

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr A Jones

That Council:

1. **Resolve that the Review of Environmental Health Services Report is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):**
 - (a) **a matter affecting an employee or employees;**
 - (b) **the personal affairs of any person;**
2. **Close the meeting to the public at 1.20pm pursuant to sub section 5.23 (2)(a) and (b) of the Local Government Act 1995.**

Carried: 6/0

There were no members of the public gallery. (Note: Acting Chief Executive Officer and Finance and Admin Coordinator remained to take minutes.)

Voting Requirement
Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr L West

That Council:

- 1. Advise Department of Health of the Shires intention not to enter into an extension of Community Services Request DOHRQ102015N for Environmental Health Services in Regional and Remote Aboriginal Communities beyond the current contract expiry date of 30 June 2019 unless a satisfactory funding agreement can be reached that more fully covers the costs of the program.**
- 2. Inform Department of Health that the Shire has provided early notice of its intention to enable the department to find an alternate service provider and reduce the impact on service provision to the community and enable consultation with affected Shire staff.**

Carried: 6/0

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer

Seconded: Cr J Frazer

That Council re-open the meeting to the public at 1.29 pm.

Carried: 6/0

There were no members of the public gallery or other staff members.

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

17. NEXT MEETING

Scheduled for Wednesday, 22 May 2019 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

18. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 1.30 pm.