



Shire of Ngaanyatjaraku
ON A JOURNEY

ORDINARY MEETING OF COUNCIL

MINUTES

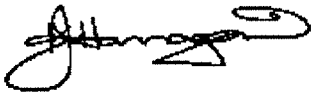
**Tjulyuru Cultural and Civic Centre
Warburton Community**

18 December 2019

**at
1.00 pm**

SHIRE OF NGAANYATJARRAKU
ORDINARY MEETING OF COUNCIL

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



Chief Executive Officer

Date: 19-12-2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Meeting of Council held on the 18 December 2019.

Presiding Member: _____

Date: _____

26/2/20

1.	DECLARATION OF OPENING.....	4
2.	ANNOUNCEMENT OF VISITORS.....	4
3.	ATTENDANCE	4
3.1	PRESENT.....	4
3.2	APOLOGIES.....	4
3.3	APPROVED LEAVE OF ABSENCE.....	4
4.	PUBLIC QUESTION TIME	4
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2	PUBLIC QUESTION TIME	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE	4
6.	DECLARATION BY MEMBERS.....	5
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA.....	5
6.2	DECLARATIONS OF INTEREST	5
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	6
8.	PETITIONS, DEPUTATIONS, PRESENTATIONS	6
8.1	PETITIONS.....	6
8.2	DEPUTATIONS	6
8.3	PRESENTATIONS	6
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	6
9.1	ORDINARY MEETING OF COUNCIL	6
10.	CEO REPORTS.....	7
10.1	REVIEW OF 2018/19 ANNUAL FINANCIAL STATEMENTS, INDEPENDENT AUDIT REPORT AND MANAGEMENT REPORT	7
10.2	ANNUAL REPORT 2018/19 AND AGM OF ELECTORS	10
10.3	PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS	13
10.4	ATTENDANCE BY TELEPHONE CR THOMAS.....	15
10.5	CHANGE OF REGION REQUEST – SHIRE OF WILUNA	17
11.	DEPUTY CEO REPORTS	19
11.1	PAYMENTS LISTING	19
11.2	COUNCIL INVESTMENTS.....	21
11.3	MONTHLY STATEMENT OF FINANCIAL ACTIVITY	24
12.	EHO & BUILDING SERVICES REPORTS	27
12.1	ACTION REPORT – ENVIRONMENTAL HEALTH & BUILDING SERVICES.....	27
13.	EARLY YEARS PROGRAM REPORTS.....	29
13.1	ACTION REPORT – EARLY YEARS PROGRAM.....	29
14.	WORKS ENGINEERING REPORTS	31
15.	NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION.....	31
16.	CONFIDENTIAL MATTERS	31
16.1	CEO SIX MONTH PERFORMANCE REVIEW.....	32
16.2	CEO ADDENDUM TO EMPLOYMENT CONTRACT	32
17.	NEXT MEETING.....	33
18.	CLOSURE OF MEETING	33

1. **DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.00pm.

2. **ANNOUNCEMENT OF VISITORS**

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

3. **ATTENDANCE**

3.1 **PRESENT**

Elected Members:	President Deputy President Councillor Councillor Councillor Councillor	D McLean P Thomas (by phone) J Frazer D Frazer L West J Porter
Staff:	CEO DCEO EYPC	K Hannagan (by phone) K Fisher A Shinkfield
Guests:		
Members of Public:	There were 2 members of the public in attendance at the commencement of the meeting (D Grant & J Cooke).	

3.2 **APOLOGIES**

Cr. A Bates

Cr. A Jones

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**

Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council in accordance with Section 2.25 (1) of the Local Government Act 1995 grants leave of absence to Cr A Bates for the 26 February 2020 Ordinary Meeting of Council.

Carried: 6/0

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

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

Declarations of Interest provided:

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

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The President gave an update on the Ngaanyatjarra Council Aboriginal Corporation proceedings in the High Court stemming from the complaint to the Human Rights and Equal Opportunity Commission against the Federal Governments Work for the Dole Program. The Federal Government have changed law firms and there has now been a Directions Hearing wherein further 'technical information' has been sought on technical matters and a further meeting has been scheduled for 3 March 2020.

8. PETITIONS, DEPUTATIONS, PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 MINUTES OF ORDINARY MEETING OF COUNCIL (ATT 9.1)

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr L West

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 27 November 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 REVIEW OF 2018/19 ANNUAL FINANCIAL STATEMENTS, INDEPENDENT AUDIT REPORT AND MANAGEMENT REPORT

FILE REFERENCE:	FM.02
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	12 December 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.

Summary

The Auditors conducted the Annual Financial Audit for 2018/19 during August 2019 to December 2019.

This report discusses outcomes of the Audit including the Independent Auditors Report and Management Letter and recommends that Council accept the Independent Auditors Report, Management Letter and Annual Financial Report and actions contained in this report in respect of the audit conducted.

Background

The following reports have been presented by the Auditors for the year ended 30 June 2019:

- Independent Auditors Report to the Electors of the Shire of Ngaanyatjaraku (Auditor's Report);
- Management Report for the year ended 30 June 2019 (Management Report); and
- Annual Financial Report 2018/19.

Comment

In accordance with Section 7.12A of the Local Government Act 1995, a local government is to meet with the auditor of the local government at least once in every year.

The President / Chair Audit Committee, Chief Executive Officer, Deputy Chief Executive Officer met with David Tomasi, Auditor, Moore Stephens WA by teleconference at 1pm on Thursday 12 December 2019.

Material matters raised by the Auditor have been reduced compared to previous years. Matters from the Management Report as follows:

Own Source revenue coverage ratio

Given the level of disability of the shire due to population, size and geographical location it is difficult to raise the Shires Ratio of 12% (2017/18 10%) to that of the benchmark ratio of 40%, requiring a 333% increase. The Shire is currently negotiating with the State Government the payment of ex-gratia rates and a range of other matters to address the Shire's Long Term Financial Sustainability..

Depreciation

The Shires BPMS provider has not made the correct amendments to the asset register and depreciation rates to align with the Shires adopted depreciation rates of Fair Value legislation. This function has now been brought back in-house.

Statutory Environment

Local Government Act 1995

7.12AD. Reporting on a financial audit

- (1) The auditor must prepare and sign a report on a financial audit.*
- (2) The auditor must give the report to —*
 - (a) the mayor, president or chairperson of the local government; and*
 - (b) the CEO of the local government; and*
 - (c) the Minister.*

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —*
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and*
 - (b) ensure that audits are conducted successfully and expeditiously.*
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) A local government must —*
 - (aa) examine an audit report received by the local government; and*
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - (b) ensure that appropriate action is taken in respect of those matters.*
- (4) A local government must —*
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

Financial Implications

The Shire has made a Budget Allocation for this Audit in its 2019/20 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 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, other than contained in the Recommendation.

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 10.1 – Annual Financial Statements 2018/19 including Independent Auditors Report.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr J Frazer

That Council:

- 1. Accepts the Independent Auditors Report and Annual Financial Report and actions contained in the reports in respect of the 2018/19 audit conducted;**
- 2. Notes progress made on addressing material matters raised in the Audit Report and other matters in the Management Report.**

Carried: 6/0

10.2 ANNUAL REPORT 2018/19 AND AGM OF ELECTORS

FILE REFERENCE: CS.13

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

DATE REPORT WRITTEN: 13 December 2019

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

Summary

The Local Government Act 1995 ("the Act") requires that Council accepts the draft Annual Report for 2018/19, including the Financial and Auditor's Report, no later than 31 December or within two months of the Auditor's Report becoming available if that is not received prior to 31 December of that FYE.

Council is also required to select a date, time and venue for the Annual General Meeting of Electors.

Background

Under section 5.53 of the Act, the Shire is required to prepare an Annual Report for each financial year. The report is to contain:

- A report from the Shire President and the Chief Executive Officer;
- An overview of the Plan for the Future, including any major initiatives that are proposed to commence or continue in the next financial year;
- The Financial Report;
- Prescribed information in relation to payments made to employees;
- The Auditor Report;
- A report under section 29(2) of the Disability Services Act 1993;
- Entries made under section 5.121 during the financial year in the register of complaints; and
- Any other prescribed information.

Copies of the Annual Report for 2018/19 will be placed on the Shire's website when adopted.

Council is also requested to consider determining the date, time and location of the Annual General Meeting (AGM). The meeting must be held within 56 days from the date Council accepts the Annual Report and Financial Statements. If Council accepts the Annual Report at this meeting the latest possible date for the AGM is Wednesday, 12 February 2020.

Comment

Advice was sought from the Department of Local Government on extending the date of holding the AGM of Electors to prior to the Ordinary Council meeting to be held Wednesday 26 February 2020. The following response was received:

Unfortunately, there is no ability to request an extension for the AGM. However, when you complete your Compliance Audit Return, just include your explanation next to the 'non-compliance'. This will not adversely affect the Shire.

It is recommended the Annual Report be considered by the electors of the Shire at an AGM to be held on Wednesday 26 February 2020 commencing at 1.00 pm in Warburton.

Copies will be provided to Councilors and tabled at the meeting and will also be publicly available at the Shire Office Reception or on request 3 days prior to the meeting.

Statutory Environment

Local Government Act 1995

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,*
of the date, time, place and purpose of the meeting.
- 2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

Financial Implications

The financial implications are detailed in the Annual Financial 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 Ngaanyatjarraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is now "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

Not Applicable

Attachments

Attachment 10.2 – Annual Report 2018/19

Voting Requirement

Absolute Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Porter

Seconded: Cr D Frazer

That Council:

- 1. Accepts the 2018/19 Annual Report as per Attachment 10.2;**
- 2. Hold the Annual General Meeting of Electors on Wednesday 26 February 2020 commencing at 1.00 pm prior to the Ordinary Meeting of Council in Warburton; and**
- 3. Advertise the 2018/19 Annual Report and Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the Local Government Act 1995.**

Carried: 6/0

10.3 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

FILE REFERENCE:	GV.05
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	10 December 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.

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

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

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

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

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

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

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

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. The decision to have the report in the Council's monthly agenda is entirely Council's prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council 'speaks by resolution'.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Attachments

Attachment 10.1 - Council Resolutions - Status Report

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That Council notes the attached Council Resolutions – Status as at November 2019 (Attachment 10.1) and this report.

Carried: 6/0

10.4 ATTENDANCE BY TELEPHONE CR THOMAS

FILE REFERENCE:	GV.00
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	10 December 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 the July, August and September meetings by telephone for the 2019/20 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 Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Attachments

Not applicable

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Resolution

Moved: Cr J Frazer

Seconded: Cr D Frazer

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

Carried: 6/0

10.5 CHANGE OF REGION REQUEST – SHIRE OF WILUNA

FILE REFERENCE: GR.00

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

DATE REPORT WRITTEN: 7 December 2019

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

Summary

For Council to consider a request from the Shire of Wiluna to support a change of region from Murchison Subregion of the Midwest Region of Western Australia to the Goldfields Region.

Background

The Shire of Wiluna has experienced issues when trying to work with the Goldfields Voluntary Regional Organisational of Councils (GVROC). For example, the Shire is prevented from joining initiatives with other GVROC members because it is a member of another region.

Comment

The Shire of Wiluna at its November meeting has resolved the following and has requested Goldfield Councils to support their request.

Officer Recommendation & Council Decision	Item 9.3.3.
MOVED CR WARD	SECONDED CR CARMODY
1. The CEO request permission to join the Goldfields Esperance Regional Development Commission and leave the Midwest Development Commission.	
2. The Shire to request a change to the Goldfields Region of Regional Development Australia.	
<u>CARRIED 6/0</u>	Resolution 153/19

As part of the Shire of Wiluna's agenda item, the following comment was included:

Although the Shire needs to remember its past, it is more important to focus on the future. The Shire has developed strong bonds with the Goldfields region, in particular the Northern area whilst there is limited interaction with the Murchison sub region.

The State and Federal Governments place a heavy emphasis on regional projects and partnerships. It is the authors view that GVROC is positioning itself to better face the challenges than Cue Parliament who only meets twice a year.

The Shire was advised that it will need the permission of the two Development Commissions as well as the Minister of Regional Development before it can change regions.

The options the Shire has is to;

- 1. Remain in the Midwest Region,*
- 2. Relocate to the Goldfields Region.*

As a small remote local government, the Shire does find it difficult to support projects and activities in both the Goldfields and Midwest Regions due to lack of resources, particularly human resources. There has been some backlash from other local governments in the past about the perception that the Shire has its feet in both camps and needs to commit to one group or another.

Currently the Shire sends its CEO to GVROC meetings and the DCEO to MEG Meetings. This is to reduce the time away from the office by certain staff.

Statutory Environment

Not Applicable

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

There are no known policy implications for this matter.

Attachments

Not Applicable

Voting Requirement

Simple Majority

Officers Recommendation and Council Resolution

Moved: Cr D Frazer Seconded: Cr L West

That the Chief Executive Officer write to the Shire of Wiluna and advise them that the Shire of Ngaanyatjarraku supports their request to:

- 1. request permission to join the Goldfields Esperance Regional Development Commission and leave the Midwest Development Commission; and**
- 2. change to the Goldfields Region of Regional Development Australia.**

Carried: 6/0

11 DEPUTY CEO REPORTS

11.1 PAYMENTS LISTING, NOVEMBER 2019

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:	10 December 2019
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 J Porter Seconded: Cr D Frazer

That Council receives the Payment Listing, October 2019 totaling payments of \$419,384.85 as per Attachment 11.1.

Carried: 6/0

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:	9 December 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.

The term deposit with NAB has now matured and has been rolled into the Shires Westpac 'Corporate Online' account as it has the best interest rates available. There are three new accounts within this:

1. Business One Flexi, is the shires normal 'day to day' operating account;
2. Westpac Notice saver 31D, is a 31 day at call account for the balance of the shires 'day to day' operating account that earns a higher rate of interest than 1 above; and
3. Westpac Notice Saver 90D, are the Shire Restricted Reserve accounts.

Statutory Environment

Local Government Act 1995

Section 6.14 Power to Invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*

- (a) *make provision in respect of the investment of money referred to in subsection (1); and*
- [(b) deleted]*
- (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
- (d) *provide for the application of investment earnings; and*
- (e) *generally, provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

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

Financial Implications

Not applicable.

Strategic Implications

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

Risk Management

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

Policy Implications

Corporate Policy CS2.7 Investments.

Attachments

Attachment 11.2 – Westpac screen prints of Municipal and Investment Accounts, NAB and CBA documents for Term Deposits

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr J Frazer Seconded: Cr D Frazer

That the report on Council Investments as at 9 December 2019 be received.

Carried: 6/0

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

FILE REFERENCE:	FM.10
AUTHOR'S NAME AND POSITION:	Kerry Fisher Deputy Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Chief Executive Officer
DATE REPORT WRITTEN:	12 December 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 for November 2019.

Background

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

Council has resolved that details and explanations of the material variances reflected on the Statement of Financial Activity are provided as required by Local Government (Financial Management) Regulation 34(1) (d). The attached statements include details of variances between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold of \$20,000 or 10.00% whichever is the greater (refer last page of statements). These materiality levels have been applied in the preparation of this report.

Comment

Comments in relation to budget to actual variances are included as notes (last page) in the Financial Reports attached. Comments related to 'Timing' refer to an estimate of when costs would occur at the time the budget was formulated versus actual costs being incurred. Depreciation is yet to be run for 2019-20, awaiting the finalisation of the audit of the 2018/19 Annual Financial Statements.

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

Policy Implications

No policy implications apply in the preparation of the report.

Attachments

Attachment 11.3 - Monthly Financial Report October 2019.

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council receives the monthly financial reports for November 2019.

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 Chief Executive Officer
DATE REPORT WRITTEN:	10 December 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 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

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr P Thomas

Seconded: Cr J Frazer

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

Carried: 6/0

13. EARLY YEARS PROGRAM REPORTS

13.1 ACTION REPORT – EARLY YEARS PROGRAM

FILE REFERENCE: CS.13

AUTHOR'S NAME AND POSITION: Anne Shinkfield
Early Years Program Coordinator

AUTHORISING OFFICER AND POSITION: Kevin Hannagan
Chief Executive Officer

DATE REPORT WRITTEN: 13 December 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 Early Years Program activities and events over the last few months.

Background

Not applicable

Comment

Not applicable

Statutory Environment

Not applicable

Financial Implications

No known financial implications for this matter.

Strategic Implications

Integrated Strategic Plan 2018 - 2028
Goal 2, Our People
Outcome, 2.3 Smart People
Strategy, 2.3.1 Good Education
Action, Provide early years learning service

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 – Activity Report, Early Years Program, December 2019

Voting Requirement

Simple Majority Required.

Officers Recommendation and Council Resolution

Moved: Cr L West Seconded: Cr J Porter

That Council receives the Action Report, Early Years Program for December 2019.

Carried: 6/0

Council Resolution

Moved: Cr P Thomas Seconded: Cr L West

That Council thanks Anne and Rowan Shinkfield for their dedication over the last eleven years in advancing the Early Years Program for the Ngaanyatjarra Lands communities.

Carried: 6/0

14. WORKS ENGINEERING REPORTS

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

16. CONFIDENTIAL MATTERS

16.1 CEO SIX MONTH PERFORMANCE REVIEW

16.2 CEO ADDENDUM TO EMPLOYMENT CONTRACT

FILE REFERENCE: PL.00

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

DATE REPORT WRITTEN: 10 December 2019

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

Voting Requirement
Simple Majority Required.

Council Resolution

Moved: Cr P Thomas

Seconded: Cr D Frazer

That Council:

1. Resolve that the:

(i) CEO Six-month Performance Review Report; and

(ii) CEO Addendum to employment contract Report;

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

1. a matter affecting an employee or employees;

2. Close the meeting to the public at 1.25 pm pursuant to sub section 5.23 (2)(a) of the Local Government Act 1995.

Carried: 6/0

All members of the public gallery (D Grant & J Cooke) and staff members K Hannagan (hung up phone) and A Shinkfield left the meeting at 1.25 pm. (Note: Deputy Chief Executive Officer to remain and take any minutes.)

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 1.34 pm.

Carried: 6/0

Members of the public gallery (D Grant & J Cooke) re-entered the room and staff member K Hannagan joined the meeting (by phone) at 1.34 pm.

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

16.1 CEO SIX MONTH PERFORMANCE REVIEW

Council Resolution

Moved: Cr P Thomas Seconded: Cr L West

That Council:

- 1. Notes the Chief Executive Officers six-month progress against the criteria as per Attachment 16.1;**
- 2. Rates the Chief Executive Officers performance as exceeding the Key Performance Indicators; and**
- 3. Requests the Chief Executive Officer to report back to Council at 12 months on progression against the criteria.**

Carried: 6/0

16.2 CEO ADDENDUM TO EMPLOYMENT CONTRACT

Council Resolution

Moved: Cr P Thomas Seconded: Cr L West

That the Shire President advise the Chief Executive Officer that during the course of his employment he will incur and pay for expenses that are intrinsic in fulfilling the role of Chief Executive Officer that are not included in the employment contract and those items listed will not be reimbursed by the Shire.

Carried: 6/0

17 NEXT MEETING

Scheduled for Wednesday, 26 February 2020 at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

18 CLOSURE OF MEETING

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