



**Shire of Ngaanyatjaraku**  
ON A JOURNEY

**ORDINARY MEETING OF COUNCIL**

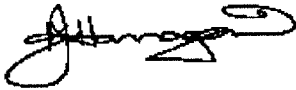
**MINUTES**

**Tjulyuru Cultural and Civic Centre  
Warburton Community**

**24 July 2019  
at  
1.35 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.



Date: 26-7-2019

Acting Chief Executive Officer

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

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

Date: 28/8/19

<b>1.</b>	<b>DECLARATION OF OPENING.....</b>	<b>4</b>
<b>2.</b>	<b>ANNOUNCEMENT OF VISITORS.....</b>	<b>4</b>
<b>3.</b>	<b>ATTENDANCE .....</b>	<b>4</b>
3.1	PRESENT.....	4
3.2	APOLOGIES.....	4
3.3	APPROVED LEAVE OF ABSENCE.....	4
<b>4.</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>4</b>
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	4
4.2	PUBLIC QUESTION TIME .....	4
<b>5.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>5</b>
<b>6.</b>	<b>DECLARATION BY MEMBERS.....</b>	<b>5</b>
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA .....	5
6.2	DECLARATIONS OF INTEREST .....	5
<b>7.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION ....</b>	<b>6</b>
<b>8.</b>	<b>PETITIONS, DEPUTATIONS, PRESENTATIONS.....</b>	<b>6</b>
8.1	PETITIONS.....	6
8.2	DEPUTATIONS .....	6
8.3	PRESENTATIONS .....	7
<b>9.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....</b>	<b>7</b>
9.1	ORDINARY MEETING OF COUNCIL .....	7
9.2	SPECIAL COMMITTEE MEETING .....	7
<b>10.</b>	<b>CEO REPORTS.....</b>	<b>8</b>
10.1	PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS .....	8
10.2	ATTENDANCE BY TELEPHONE CR THOMAS .....	10
10.3	COUNCIL POLICY REVIEW – NON-CURRENT ASSET ACCOUNTING.....	12
10.4	DEEDS OF TRANSFER – RUBBISH TRUCKS.....	14
10.5	OUTBACK WAY ANNUAL UPDATE.....	17
<b>11.</b>	<b>DEPUTY CEO REPORTS .....</b>	<b>18</b>
11.1	PAYMENTS LISTING.....	18
11.2	COUNCIL INVESTMENTS.....	20
11.3	MONTHLY STATEMENT OF FINANCIAL ACTIVITY.....	22
11.4	FEEES AND CHARGES 2019/20, RENTAL OFFICE / HOUSING – MEDIUM.....	25
11.5	VISITOR INFORMATION CENTRE ACCREDITATION.....	27
<b>12.</b>	<b>EHO &amp; BUILDING SERVICES REPORTS .....</b>	<b>29</b>
<b>13.</b>	<b>EARLY YEARS PROGRAM REPORTS.....</b>	<b>29</b>
<b>14.</b>	<b>WORKS ENGINEERING REPORTS .....</b>	<b>29</b>
<b>15.</b>	<b>NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION.....</b>	<b>29</b>
<b>16.</b>	<b>CONFIDENTIAL MATTERS .....</b>	<b>29</b>
<b>17.</b>	<b>NEXT MEETING.....</b>	<b>29</b>
<b>18.</b>	<b>CLOSURE OF MEETING .....</b>	<b>29</b>

## 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.35 pm.

## 2. ANNOUNCEMENT OF VISITORS

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

## 3. ATTENDANCE

### 3.1 PRESENT

<b>Elected Members:</b>	President Deputy President Councillor Councillor Councillor Councillor	D McLean P Thomas (by telephone) D Frazer A Jones L West J Frazer
<b>Staff:</b>	CEO DCS	K Hannagan (by telephone) K Fisher
<b>Guests:</b>	Nil	
<b>Members of Public:</b>	There were 3 members of the public in attendance at the commencement of the meeting. <ul style="list-style-type: none"><li>• Dereck Harris, Chairperson, NG Council</li><li>• Julie Porter, Member, NG Council</li><li>• Harriet Olney, Independent Member, NG Council</li></ul>	

### 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

Mr Dereck Harris wished to raise matters of Law and Order. In particular he outlined his concern with Warburton community members speeding around the town in vehicles and walking on the roads and not on the road verges. His suggestions were for the Shire to install more speed humps, establish more concrete footpaths and police community members.

The Shire President advised that:

1. some strategically placed speed humps could be looked at and the Chief Executive Officer gave an undertaking for the Works Engineer to provide a report to Council on this matter;
2. people speeding in vehicles was a policing matter and he would speak to the Warburton Police about the matter;
3. installation of concrete footpaths was expensive and they had a tendency to crack over time in the local climatic conditions, bitumen footpaths were a better alternative but again very expensive to get bitumen footpath contractors to

Warburton. The Shire does not have a rate payer base to pay for such infrastructure, but the Shire would see if any grants may be available.

4. the correct agency for policing people walking on the road was WAPol and he would also talk to Warburton Police about this matter.

## **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

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President advised that the Human Rights and Equal Opportunity case against the Federal Government of Australia was to be listed for hearing in the High Court of Australia and the Shire of Ngaanyatjaraku was no longer listed as a party as a 'complainant'. This would remove any potential for costs to be awarded against the Shire as an outcome of the Hearing.

The Shire President also advised that several road names within the Shire would need to be considered to be changed as over time things have changed and are no longer relevant today. For example, the Giles – Mulga Park Road was named for its connection of the Giles Weather Station to Mulga Park Station in South Australia as it was the route taken to get to the weather station. However, today some of the connectivity is via the Warakurna Community Access Road, Great Central Road, Giles Mulga Park Road to intersection of Warburton Blackstone Road and through to Wingellina before continuing to Mulga Park Station in SA.

The Chief Executive Officer gave an undertaking for the Works Engineer to liaise with Main Roads WA on the process for changing of road names and report back to Council.

**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 D Frazer      Seconded: Cr J Frazer**

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 26 June 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**

**9.2 MINUTES OF SPECIAL MEETING OF COUNCIL (ATT 9.2)**

**Officers Recommendation and Council Resolution**

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

**That the Unconfirmed Minutes of the Special Meeting of Council held on 29 May 2019 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (ATTACHMENT 9.2) be confirmed as a true and accurate record.**

**Carried: 6/0**

## 10. CEO REPORTS

### 10.1 PROGRESS ON THE IMPLEMENTATION OF COUNCIL RESOLUTIONS

<b>FILE REFERENCE:</b>	GV.05
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	15 July 2019
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interest in the proposal.

#### Summary

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

#### Background

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

#### Comment

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.

All resolutions to June 2019 have 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 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 10.1 - 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 June 2019 (Attachment 10.1) and this report.**

**Carried: 6/0**

## 10.2 ATTENDANCE BY TELEPHONE CR THOMAS

<b>FILE REFERENCE:</b>	GV.00
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	15 July 2019
<b>DISCLOSURE OF INTERESTS:</b>	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 not attended any 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'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 A Jones      Seconded: Cr L West**

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

**Carried: 6/0**

## 10.3 COUNCIL POLICY REVIEW – NON-CURRENT ASSET ACCOUNTING

<b>FILE REFERENCE:</b>	CM.14
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	15 July 2019
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to consider amending Council Policy CS.20, Non-Current Asset Accounting by increasing the existing capitalisation amount from \$2,500 to \$5,000.

### Background

In accordance with Council Policy all assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition.

### Comment

Regulation 17A(5) of the LG Financial Management Regulations requires, with effect from 2018-19, assets with a value below \$5,000 at the time of acquisition, to be excluded from the assets reported in the financial report. These assets will instead be reported as an expense in the statement of comprehensive income in the year of acquisition.

Australian Accounting Standard AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors, requires this amendment to the asset values to be treated as a change in accounting policy. The standard requires balances to be adjusted retrospectively, unless it is impracticable to determine the period-specific or cumulative effects of the change.

### Statutory Environment

*Local Government (Financial Management) Regulations 1996*

17A. *Assets, valuation of for financial reports etc.*

(5) *An asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5 000.*

### Financial Implications

Assets with a value between \$2,500 and \$5,000 at the time of acquisition, will now be excluded from the assets reported in the financial report. These assets will instead be reported as an expense in the statement of comprehensive income in the year of acquisition.

### 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" and can be managed by routine procedures and is unlikely to need specific application of resources.

### Policy Implications

It is proposed to amend Council Policy CS.20, Non-Current Asset Accounting.

**Attachments**

Not applicable.

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

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

**That Council amends Council Policy, CS.20, Non-Current Asset Accounting as outlined in this report.**

**Carried: 6/0**

## 10.4 DEEDS OF TRANSFER – RUBBISH TRUCKS

<b>FILE REFERENCE:</b>	CP.03
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	15 July 2019
<b>DISCLOSURE OF INTERESTS:</b>	The author has no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to transfer three Isuzu Rubbish Trucks to the Community Boards of Jameson, Blackstone and Wingellina to enable the communities to undertake their own rubbish collection services.

### Background

The Shire at its June meeting resolved the following in part:

- 2. Commence the process in accordance with Section 3.58 of the Local Government Act 1995 to transfer ownership of the three Isuzu Rubbish Trucks to the respective communities for use in community rubbish collection services as outlined in this report;*

### Comment

The Shire has been unsuccessful in recruiting staff to undertake rubbish collection services. As such the communities using the shires rubbish trucks have undertaken rubbish collection themselves. It is now proposed to transfer ownership to the respective communities and cease charging Fees and Charges for Waste services.

Local Public Notice has been given of the proposed disposition in accordance with section 3.58 of the Local Government Act 1995, with no submissions received.

In accordance with section 3.58 of the Local Government Act 1995, Council must comply with the following:

- (c) the market value of the disposition —
  - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

A Fair Valuation was undertaken for the vehicles in 2014/15 and the 30 June 2019 Written Down Values are as follows:

- 1DHR911, Blackstone 2009 Isuzu NPR300 caged body tipper/rubbish truck \$14,783.06
- 1DIK691, Jameson 2010 Isuzu NPR300 caged body tipper/rubbish truck \$14,783.06
- 1ELK198, Wingellina 2013 Isuzu NPR300 Rubbish Truck \$29,574.62.

As such it is proposed that the above values are based on a valuation carried out more than 6 months before the proposed disposition that the Shire believes to be a true indication of the value at the time of the proposed disposition.

Attached are Deeds of Transfer from the Shires lawyers McLeod Legal.

## **Statutory Environment**

### Local Government Act 1995

- 3.58. *Disposing of property*
- (1) *In this section —*  
*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*  
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*  
(ii) *giving details of the proposed disposition; and*  
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*  
*and*  
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*  
(b) *the consideration to be received by the local government for the disposition; and*  
(c) *the market value of the disposition —*  
(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*  
(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*  
(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*  
(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*  
(d) *any other disposition that is excluded by regulations from the application of this section.*

### WA Accounting Manual, Section 9

*The carrying amount of a non-current asset is removed from the statement of financial position under the following conditions:*

- *It is disposed (e.g. on sale, trade or gifted or lost), or*
- *There is no further economic benefit expected from its use or disposal (e.g. technical obsolescence or exhaustion of capacity).*

*Removing the asset generates a profit or loss that is to be shown in the statement of comprehensive income. There may be an exception to this rule if the asset class is on the revaluation model (see the section on revaluation of assets).*

### **Financial Implications**

The write off of \$59,140.74 will generate a loss that is to be shown in the statement of comprehensive income. However, this will be a 'non-cash' item.

### **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**

10.4, 3 x Deeds of Transfer

### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr A Jones**

**Seconded: Cr D Frazer**

#### **That Council:**

- 1. Authorises the transfer of the three Isuzu rubbish trucks to the Jameson, Blackstone and Wingellina Communities for the provision of Rubbish Services effective 1 September 2019;**
- 2. Endorses the written down value of \$59,140.74 (three vehicles) as a true indication of the values at the time of the proposed disposition based on valuations carried out more than 6 months before the proposed disposal; and**
- 3. Authorises the use of the Common Seal to enable the President and Chief Executive Officer to enter into three Deeds of Transfer as attached to this report from the Shire's lawyers, McLeod Legal.**

**Carried: 6/0**



## 10.5 OUTBACK WAY ANNUAL UPDATE

**FILE REFERENCE:** RD.00

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

**DATE REPORT WRITTEN:** 16 July 2019

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

### Summary

For Council to be updated on activities of the Outback Hi-Way Development Council for the last 12 months.

### Background

The shire is a financial member of the Outback Hi-Way Development Council whose primary focus is to achieve sealing of the Outback Way from Laverton to Winton.

### Comment

Attached is the Outback Hi-Way Development Council update 2019/20.

### Statutory Environment

*Not applicable.*

### Financial Implications

The Shires annual membership contribution is \$25,000.

### 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" and can be managed by routine procedures and is unlikely to need specific application of resources.

### Policy Implications

Not applicable.

### Attachments

Attachment 10.5 – Outback Hi-Way Development Council Update for Shires 2019/20.

### Voting Requirement

Simple Majority Required.

#### Officers Recommendation and Council Resolution

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

**That Council notes the Outback Hi-Way Development Council Update for Shires 2019/20 (Attachment 10.5).**

**Carried: 6/0**

## 11. DEPUTY CEO REPORTS

### 11.1 PAYMENTS LISTING, JUNE 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:** 14 July 2019

**DISCLOSURE OF INTERESTS:** The authorising officer has an impartiality interest in the proposal as it contains a payment to Core Business Australia which the CEO 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 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

The Chief Executive Officer had disclosed an interest as per the Disclosure of Interests section of this report. Council resolved the following:

#### **Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr D Frazer**

**That Council authorizes the Chief Executive Officer to remain in the Chamber whilst this report is debated and resolved.**

**Carried: 6/0**

### **Voting Requirement**

Simple Majority Required.

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

**Moved: Cr D Frazer**

**Seconded: Cr P Thomas**

**That Council receives the Payment Listing, June 2019 totaling payments of \$922,913.52 as per Attachment 11.1.**

**Carried: 6/0**

## 11.2 COUNCIL INVESTMENTS AS AT 19 JULY 2019

<b>FILE REFERENCE:</b>	FM.04
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	19 July 2019
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

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

### Background

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

### Comment

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

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

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

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

### Statutory Environment

#### *Local Government Act 1995*

#### *Section 6.14 Power to Invest*

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

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

*Local Government (Financial Management) Regulations 1996*

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

**Financial Implications**

Not applicable.

**Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

**Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku'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 and NAB screen prints of Municipal and Investment Accounts

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr A Jones**

**Seconded: Cr J Frazer**

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

**Carried: 6/0**

## 11.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED JUNE 2019

<b>FILE REFERENCE:</b>	FM.10
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	18 July 2019
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to receive the monthly financial report.

### 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 for the Financial Year End are yet to be made and hence why most variance explanations relate to this matter.

### 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 - Monthly Financial Report

### **Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr J Frazer**

**That Council receives the monthly financial report for June 2019.**

**Carried: 6/0**



## 11.4 FEES AND CHARGES 2019/20, RENTAL OFFICE / HOUSING – MEDIUM

<b>FILE REFERENCE:</b>	FM.09
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	15 July 2019
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

Council adopted 2019/20 Fees and Charges at its June 2019 Ordinary Council Meeting. At that time the rental for medium sized offices at Warburton Community Resource Centre was not included.

### Background

A local government may impose and recover a fee or charge for goods or services it provides. The proposed Fees and Charges have been collated and compiled in consultation with Coordinators responsible for providing the relevant services to the community and where possible ensuring appropriate levels of income/cost recovery are generated for the Shire.

### Comment

The proposed increase to Fees and Charges 2019/20 includes the following assumptions and changes:

- Community Resource Centre, Warburton increased 5% to recoup capital expenditure for caging of offices due to continued high cost of break-ins.

Proposed changes are hilited in blue.

### Statutory Environment

*Local Government Act 1995,*

*S6.16 (Imposition of Fees and Charges),*

*S6.17 (Setting level of Fees and Charges) and*

*S6.19 (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 be included in budgeting process for the 2019/20 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.

**Policy Implications**

No policy implications apply in the preparation of the report.

**Attachments**

Attachment 11.4 – Proposed Fees and Charges 2019/20.

**Voting Requirement**

Absolute Majority Required.

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr D Frazer**

**That with respect to the inclusion of a fee for medium size office space at the Warburton Community Resource Centre, Council:**

- 1. Amend the fees and charges schedule, and**
- 2. Authorise the 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**

## 11.5 VISITOR INFORMATION CENTRE ACCREDITATION

<b>FILE REFERENCE:</b>	ED.00
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Deputy Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	16 July 2019
<b>DISCLOSURE OF INTERESTS:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

### Summary

For Council to be advised that the Shire has completed the WA Tourism, Visitor Information Centre accreditation.

### Background

The shire now has the ability to sell Warta Shop paintings and artifacts over the internet via the upgrade of the Shire's website to have a presence for the Warta Shop. The next step has been to have the Warta Shop accredited as a Visitor Information Centre.

The Shires Integrated Strategic Plan 2018-2028 (incorporating Corporate Business Plan) has at Strategy, 1.1.2 the desire to attract more tourists to the Shire. As such establishment of a Visitor Information Centre will assist this Strategy.

Visitor Centre Accreditation Program raises the standards of information services. Visitor Centre's that display the yellow on blue italicized 'i' sign have achieved certain quality standards in their service provision and operational systems

The yellow and blue 'i' sign has been trademarked on the provision that it represents these standards, hence distinguishing it from the existing blue and white 'i' sign.

### Comment

#### Visitor Centre Accreditation Standards

The standards to be an accredited WA Visitor Centre include:

- Friendly, knowledgeable and professionally trained staff.
- Information on local road and transport options.
- Information on attractions, events, retail outlets, restaurants, local services, accommodation and tours.
- Maps & directional and visitor safety information.
- Services for visitors such as onsite public toilets.

#### Visitor Centre Accreditation Benefits

Accredited Visitor Centre's will benefit from the following:

- Use of the yellow and blue 'i' sign trademark at point of business and on all promotional and advertising material.
- Listing as an Accredited Visitor Centre on key consumer websites including westernaustralia.com, trustthetickwa.com.au, Visitor Centres WA and WA's five RTO's consumer websites in Western Australia.

- Support through state and national marketing activities & campaigns, encouraging travelers to visit an Accredited Visitor Centre.

The Shire is now entitled to incorporate the "Quality Tourism Business" logo in all our marketing (websites, road signs, news adds, holidays planners and building) which provides a competitive marketing advantage and increased consumer confidence.

Other benefits are:

- Complimentary Bronze Membership of Tourism Council WA and all associated benefits.
- Services & Discounts with various Tourism Council WA partners.
- Access to discounted training workshops and tourism advice.
- Support through state and national marketing activities & campaigns, encouraging travelers to visit Quality Tourism Accredited Businesses.
- Support and assistance in the development and implementation of business and marketing plans.

**Statutory Environment**

*Not applicable*

**Financial Implications**

Membership of the Tourism Council was incorporated in the Shires 2018/19 adopted Budget.

**Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 1, Our Land

Outcome 1.1 Enjoy the Land

Strategy: 1.1.2 Attract Tourism

**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**

Not Applicable.

**Voting Requirement**

Simple Majority

**Officers Recommendation and Council Resolution**

**Moved: Cr P Thomas**

**Seconded: Cr L West**

**That Council:**

1. **Notes this report, and**
2. **That the Warta Shop is now an Accredited Visitor Information Centre.**

**Carried: 6/0**

- 12. EHO & BUILDING SERVICES REPORTS**
- 13. EARLY YEARS PROGRAM REPORTS**
- 14. WORKS ENGINEERING REPORTS**
- 15. NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION**
- 16. CONFIDENTIAL MATTERS**
- 17. NEXT MEETING**

Scheduled for Wednesday, 28 August 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 2.10 pm.