

I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES  
ORDINARY COUNCIL  
MEETING**

**22 March 2022**

## **DISCLAIMER**

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council



**VERNON LAWRENCE**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING MINUTES  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON TUESDAY 22 MARCH 2022 AT 5:00PM**

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE  
(PREVIOUSLY APPROVED)**

**2.1. DECLARATION BY ELECTED MEMBER OF COUNCIL**

In accordance with the requirements of the *Local Government Act 1995*, the newly Elected Member of Council made their declaration before Mr Jeff Gooding JP.

The elected member made the following declaration:

*Having been elected to the office of Councillor of the Shire of Wyndham East Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the Shire of Wyndham East Kimberley under section 5.104 of the Local Government Act 1995.*

1. Bradley Kyne                      18 Month Term

***Local Government Act 1995***

***2.29. Declaration***

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) A declaration required by this section is to be taken or made before a prescribed person.*
- (4) A person who acts in an office contrary to this section commits an offence.*

*Penalty: \$5000 or imprisonment for one year.*

## 2.2. ELECTED MEMBER SEATING

In accordance with the Shire of Wyndham East Kimberley's Meeting Procedures Local Law 2016, Section 8.1 Members to be in their proper places

*1. At the first meeting held after each ordinary election day, the CEO is to allot, alphabetically, from the Councillor's last name, a position at the Council table to each Councillor.*

*2. Each Member is to occupy his or her allotted position at each Council meeting.*

Councillor Bradley Kyne seat has been allocated as per the Shire of Wyndham East Kimberley's Meeting Procedures Local Law.

### **Attendance**

|               |   |
|---------------|---|
| Cr D Menzel   | Shire President                             |
| Cr T Chafer   | Deputy Shire President                      |
| Cr N Brook    | Councillor                                  |
| Cr M Dear     | Councillor                                  |
| Cr J Farquhar | Councillor                                  |
| Cr D Hearty   | Councillor                                  |
| Cr B Kyne     | Councillor                                  |
| Cr C McNeil   | Councillor                                  |
| V Lawrence    | Chief Executive Officer                     |
| F Heading     | Director Corporate Services                 |
| N Kearns      | Director Planning and Community Development |
| N Bray        | Minute Taker                                |
| L Levi        | Shire Officer                               |
| D Carter      | Resident                                    |

### **Apologies**

|                 |            |
|-----------------|------------|
| Cr M McKittrick | Councillor |
|-----------------|------------|

## 3. DECLARATION OF INTEREST

- Financial Interest

Nil

- Impartiality Interest

| Councillor / Staff | Item    | Title   | Description of Interest                    |
|--------------------|---------|---|--|
| Cr C McNeil        | 12.3.2. | Annual Community Grant Program - Black Tie Event 2022 | Member of Ord River Sports Club & Ski Club |

|  |         |   |   |
|--|---------|---|---|
| Cr D Hearty  | 12.3.2. | Annual Community Grant Program - Black Tie Event 2022 | Member of Ord River Sports Club               |
| CEO V Lawrence   | 12.3.2. | Annual Community Grant Program - Black Tie Event 2022 | Member of Ord River Sports Club & Ski Club    |
| Nick Kearns, Director Planning and Community Development | 12.2.3  | Appointing an Acting Chief Executive Officer Policy   | Member of Shire executive mentioned in policy |
| Felicity Heading, Director Corporate Services            | 12.2.3  | Appointing an Acting Chief Executive Officer Policy   | Member of Shire executive mentioned in policy |

- Proximity Interest

Nil

#### 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

#### 5. PUBLIC QUESTION TIME

##### Question from Danny Carter, Resident

This is a community lead project with many volunteer hours put into delivering an event to benefit the East Kimberly Community as a whole. We feel it should not be left up to the community to also fund this event.

Fire is an issue which effects all of our lives and it is important to have an open forum on this topic. A tentative date of 3<sup>rd</sup> November 2022 has been set for the forum to take place and Key note speakers will be secured if we have support to fund the forum. Approximately \$5,000 is being requested from Shire toward this project.

Is the Shire willing to commit funding towards the East Kimberley Fire Forum?

##### Answer from Cr Menzel and CEO Vernon Lawrence:

Council are not able to confirm an answer in this meeting but are supportive of the forum. Council have noted the CEO will ensure this request is part of the 2022-2023 budget process for approval by Council.

*D Carter left meeting 5:10pm*

*S Tasi left meeting 5:15pm*

#### 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

#### 7. PETITIONS

Nil

## 8. CONFIRMATION OF MINUTES

### OFFICER'S RECOMMENDATION

**That Council confirms the Minutes of the Ordinary Council Meeting held on 22 February 2022**

#### Council Decision

**Minute Number: 22/03/2022 - 118591**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 22 February 2022**

**Moved: Cr T Chafer**

**Seconded: Cr C McNeil**

**Decision: 8/0**

Note: The Minutes of the Ordinary Council Meeting held on 22 February 2022 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

## 9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

**23 February 2022 - SWEK/NBN Co Business After Hours Event** – SWEK and NBN co recently launched a new NBN business fibre Zone at East Kimberley Regional Airport, made possible through a co-investment partnership between the 2 organisations. Our NBN Co local team presented on communication technology available to local businesses. The Shire presented on current project updates.

**24 February 2022 - Kununurra Connectivity Roundtable - Facilitated by NBN Local** – A roundtable meeting was held at the East Kimberley Regional Airport to identify and address the telecommunications (primarily internet/broadband) challenges and opportunities faced by communities in the region.

**25 February 2022 - Anti-social behaviour meeting** – Attended this meeting with other key agencies at the East Kimberley Chamber of Commerce and Industry to discuss issues in town related to anti-social behaviour.

**1 March 2022 – Meeting of Stakeholders for the Ord Channel upgrade.**

**2 March 2022 – Meeting with Hon Paul Papalia CSC MLA** – Attended meeting with the Deputy Shire President and CEO to discuss antisocial behaviour

**3 March 2022 Meeting to Discuss Youth Issue** – met with MG Corporation to discuss youth issues in the community.

**4 March 2022 - Breakfast - RDAK, Cr David Menzel and Cr Tony Chafer** – Met with Regional Development Australia Kimberley to discuss Seafarms.

**11 and 18 March 2022 – Briefings on the Master Planning and consultation process** for the Broome to Kununurra Regions of Growth corridor hosted by Senator Susan McDonald.

**15 March 2022 - Kimberley Regional Road Group Meeting** – Attended RRG meeting virtually to discuss issues relating to road infrastructure.

**17 March 2022 - Annual General Meeting of Electors** – unfortunately I was absent for this meeting however all other Councillors were in attendance to hear and answer questions and discuss matters of importance to the community.

At various times during the month the CEO and/or the Shire President has attended weekly OASG meetings related to the Covid-19 response by agencies.

## **10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Listed at item 16 being:

- 16.1. Expression of Interest to Purchase Lots 401 And 402 Pearse Street, Wyndham
- 16.2. Expression of Interest to Lease Lot 509 Millington Drive, Kununurra
- 16.3. Quotation Award for RFQ04-20/21 Wheeled Excavator
- 16.4. Request to Write Off Rates and Interest
- 16.5. Exercise of Power of Sale for Recovery of Outstanding Rates

## **11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil



## 12. REPORTS

### 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

#### 12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 14 March 2022

|                                     |   |
|-------------------------------------|---|
| <b>DATE:</b>                        | 22 March 2022   |
| <b>AUTHOR:</b>                      | Director Corporate Services   |
| <b>RESPONSIBLE OFFICER:</b>         | Vernon Lawrence, Chief Executive Officer  |
| <b>ASSESSMENT NO:</b>               | Various - As Detailed in the Minutes of 14 March 2022 Audit (Finance and Risk) Committee meeting  |
| <b>FILE NO:</b>                     | Various - As Detailed in the Minutes of 14 March 2022 Audit (Finance and Risk) Committee meeting  |
| <b>DISCLOSURE OF INTERESTS:</b>     | Nil   |
| <b>COUNCILS ROLE IN THE MATTER:</b> | Leader - Plan and provide direction through policy and practices<br>Regulator - Responsible for the enforcement of statutory requirements |
| <b>VOTING REQUIREMENT:</b>          | Simple Majority   |

*Cr J Farquhar moved that Committee Recommendation 1 – 6 be considered en-bloc. The motion was seconded by Cr M Dear.*

#### **COMMITTEE RECOMMENDATION 1**

**That Council, with reference to Item 7.1 “Standing Item - Rates Debtors” as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.**

**Council Decision**

**Minute Number: 22/03/2022 - 118592**

**That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.**

**Moved: Cr J Farquhar**

**Seconded: Cr M Dear**

**Decision: 8/0**

**COMMITTEE RECOMMENDATION 2**

**That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.**

**Council Decision**

**Minute Number: 22/03/2022 - 118593**

**That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.**

**Moved: Cr J Farquhar**

**Seconded: Cr M Dear**

**Decision: 8/0**

### **COMMITTEE RECOMMENDATION 3**

That Council, with reference to Item 7.3 *“Standing Item - Insurance Claims”* as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting.

#### **Council Decision**

Minute Number: 22/03/2022 - 118594

That Council, with reference to Item 7.3 *“Standing Item - Insurance Claims”* as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting.

Moved: Cr J Farquhar

Seconded: Cr M Dear

Decision: 8/0

### **COMMITTEE RECOMMENDATION 4**

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 14 March 2022 Audit (Finance and Risk) Committee Meeting.

#### **Council Decision**

Minute Number: 22/03/2022 – 118595

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 14 March 2022 Audit (Finance and Risk) Committee Meeting.

**Moved: Cr J Farquhar  
Seconded: Cr M Dear**

**Decision: 8/0**

#### **COMMITTEE RECOMMENDATION 5**

##### **Council Decision**

**Minute Number: 22/03/2022 - 118596**

**That Council, with reference to Item 7.5 “*Compliance Audit Return*” as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes and the attachments to the Agenda/Minutes of the 14 March 2022 Audit (Finance and Risk) Committee Meeting:**

- 1. Note the 2021 Compliance Audit Return has been completed;**
- 2. Authorise the Shire President and the CEO to certify the 2021 Compliance Audit Return; and**

**Authorise the Chief Executive Officer to submit the 2021 Compliance Audit Return to the Department of Local Government by 31 March 2022.**

**Moved: Cr J Farquhar  
Seconded: Cr M Dear**

**Decision: 8/0**

#### **COMMITTEE RECOMMENDATION 6**

##### **Council Decision**

**Minute Number: 22/03/2022 - 118597**

**That Council, with reference to Item 7.6 “*Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls*” as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes and the attachments to the Agenda/Minutes of the 14 March 2022 Audit (Finance and Risk) Committee Meeting:**

1. Note the results of the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the *Local Government (Audit) Regulations 1996* in the report at Attachment 2; and
2. Note the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* in the report at Attachment 2; and
3. Endorse that the implementation of the improvements outlined within the report will be prioritised and implemented in a staged approach and reported to future Audit (Finance and Risk) Committee meetings.

Moved: Cr J Farquhar

Seconded: Cr M Dear

Decision: 8/0

## **PURPOSE**

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 14 March 2022.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The background and details supporting the recommendations are contained within the Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **STATUTORY IMPLICATIONS**

Various - detailed within the Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **POLICY IMPLICATIONS**

Various - detailed within the Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **FINANCIAL IMPLICATIONS**

Various - detailed within the Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: PERFORMANCE - Civic Leadership

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements.

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

## **RISK IMPLICATIONS**

Various - detailed within the Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **COMMUNITY ENGAGEMENT**

Various - detailed within the Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **COMMENTS**

Various - detailed within the Minutes of the 14 March 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **ATTACHMENTS**

Attachment 1 - Compliance Audit Return 2021

Attachment 2 - Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls March 2022.

## 12.2. CHIEF EXECUTIVE OFFICER

### 12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

|                                      |  |
|--------------------------------------|--|
| <b>DATE:</b>                         | 22 March 2022  |
| <b>AUTHOR:</b>                       | Executive Officer to the CEO                                     |
| <b>RESPONSIBLE OFFICER:</b>          | Vernon Lawrence, Chief Executive Officer                         |
| <b>DISCLOSURE OF INTERESTS:</b>      | NIL  |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Leader - plan and provide direction through policy and practices |
| <b>VOTING REQUIREMENT:</b>           | Simple Majority  |

#### OFFICER'S RECOMMENDATION

**That Council notes the report - Outstanding Actions from Previous Council Resolutions.**

#### Council Decision

**Minute Number: 22/03/2022 - 118598**

**That Council notes the report - Outstanding Actions from Previous Council Resolutions.**

**Moved: Cr N Brook  
Seconded: Cr T Chafer**

**Decision: 8/0**

#### PURPOSE

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

#### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

## **STATUTORY IMPLICATIONS**

NIL

## **POLICY IMPLICATIONS**

NIL

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

Goal 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

## **RISK IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Not applicable as referenced in individual reports presented to the Council.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of actions from the February 2022 Council resolutions are detailed in Attachment 1.

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

## **ATTACHMENTS**

Attachment 1 - Council Action Register - February 2022

Attachment 2 - Council Action Register - Outstanding Actions from Previous Council Resolutions



### 12.2.2. Standing Item - Use of the Common Seal

|                                      |  |
|--------------------------------------|--|
| <b>DATE:</b>                         | 22 March 2022  |
| <b>AUTHOR:</b>                       | Executive Officer to the CEO                         |
| <b>RESPONSIBLE OFFICER:</b>          | Vernon Lawrence, Chief Executive Officer             |
| <b>DISCLOSURE OF INTERESTS:</b>      | NIL  |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Regulator - enforce state legislation and local laws |
| <b>VOTING REQUIREMENT:</b>           | Simple Majority                                      |

#### **OFFICER'S RECOMMENDATION**

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 February 2022 to 18 March 2022.**

#### **Council Decision**

**Minute Number: 22/03/2022 – 118599**

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 February 2022 to 18 March 2022.**

**Moved: Cr C McNeil**

**Seconded: Cr T Chafer**

**Decision: 8/0**

#### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 18 February 2022 to 18 March 2022.

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

##### **9.49A. Execution of documents**

(1) A document is duly executed by a local government if —

- (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

### **POLICY IMPLICATIONS**

NIL

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 3.1: To deliver the critical infrastructure that will create the conditions for economic growth across the Shire

### **RISK IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

There was 1 document for the time period of 18 February 2022 to 18 March 2022 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

| <b>Date of Use</b> | <b>Document</b>                                      |
|--------------------|--|
| 08/03/2022         | Lease Agreement, Ord River Magpies Football Club Inc |

## **ATTACHMENTS**

NIL

### 12.2.3. Appointing an Acting Chief Executive Officer Policy

|                                      |  |
|--------------------------------------|--|
| <b>DATE:</b>                         | 22 March 2022  |
| <b>AUTHOR:</b>                       | Chief Executive Officer  |
| <b>RESPONSIBLE OFFICER:</b>          | Vernon Lawrence, Chief Executive Officer   |
| <b>DISCLOSURE OF INTERESTS:</b>      | Felicity Heading; Nick Kearns  |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Leader - plan and provide direction through policy and practices<br>Regulator - enforce state legislation and local laws |
| <b>VOTING REQUIREMENT:</b>           | Absolute Majority  |

#### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Pursuant to section 5.39C (1) of the Local Government Act 1995, adopts policy CP Gov-3353 Appointing an Acting Chief Executive Officer;**
- 2. Repeals Delegation DA-03 Acting CEO – Appointment as it is replaced by the above Policy;**
- 3. Pursuant to section 5.39C (4) of the Local Government Act 1995, requests the Chief Executive Officer to ensure that the adopted Policy is published on the Shire's official website, as soon as practical.**

#### Council Decision

**Minute Number: 22/03/2022 – 118600**

**That Council:**

- 1. Pursuant to section 5.39C (1) of the Local Government Act 1995, adopts policy CP Gov-3353 Appointing an Acting Chief Executive Officer;**
- 2. Repeals Delegation DA-03 Acting CEO – Appointment as it is replaced by the above Policy;**
- 3. Pursuant to section 5.39C (4) of the Local Government Act 1995, requests the Chief Executive Officer to ensure that the adopted Policy is published on the Shire's official website, as soon as practical.**

**Moved: Cr T Chafer**

**Seconded: Cr J Farquhar**

**Decision: 8/0**

## **PURPOSE**

For Council to adopt the policy CP Gov-3353 Appointing an Acting Chief Executive Officer.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

- Local Government (Administration) Amendment Regulations 2021;
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021, and
- Local Government (Model Code of Conduct) Regulations 2021.

The government has enacted new legislation requiring all local governments to adopt a policy that covers the process to be followed by the local government in relation to the following:

- a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 5.39C of the Local Government Act 1995.

Council has approved as part of its delegations in the Delegations Register, at DA-03, delegated the power to appoint an Acting CEO to the CEO. The delegation reads:

*“The Council delegates its authority and power to the Chief Executive Officer to appoint one of the Shire of Wyndham East Kimberley's Directors to perform the role of Acting Chief Executive Officer during any periods of approved leave of absence or absence from the Shire for periods up to one month. Periods in excess of one month will be referred to Council for consideration. In making this delegation the Council has determined that the Shire's Directors are suitably qualified to perform the role of Acting Chief Executive Officer. The Shire's Directors are, Director Corporate Services, Director Infrastructure and Director Planning & Community Development.”*

## **STATUTORY IMPLICATIONS**

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995, Section 5.39C and 5.36 (2); and
- Local Government (Administration) Amendment Regulations 2021.

*“5.39C. Policy for temporary employment or appointment of CEO*

*(1) A local government must prepare and adopt\* a policy that sets out the process to be followed by the local government in relation to the following —*

*(a) the employment of a person in the position of CEO for a term not exceeding 1 year;*

*(b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

*\* Absolute majority required.*

*(2) A local government may amend\* the policy.*

*\* Absolute majority required.*

*(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

*(4) The CEO must publish an up-to-date version of the policy on the local government's official website”.*

No regulations have been promulgated to give guidance on this matter at the current time, and the Administration is not aware of any proposed.

Further, it has been long held that section 5.36(2) also relates to the position of Acting Chief Executive Officers. This section states:

*“A person is not to be employed in the position of CEO unless the council —*

*(a) believes that the person is suitably qualified for the position; and*

*(b) is satisfied\* with the provisions of the proposed employment contract”.*

## **POLICY IMPLICATIONS**

There is an implication for Council Policy CP Gov-3305 Designation of Senior Employees. For the purposes of Section 5.36 (2) of the Local Government Act 1995, the Council has determined in CP Gov-3305 Designation of Senior Employees that employees that are appointed in a Director position are suitably qualified to be appointed as Acting CEO by the incumbent CEO, from time to time, when the CEO is on periods of leave subject to any conditions set out in CP Gov-3353 Appointing an Acting Chief Executive Officer.

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2017-2027*:

Focus Area 4: PERFORMANCE - Civic Leadership

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.4: Build internal capacity by attracting, developing and retaining the best people

## **RISK IMPLICATIONS**

**Risk:** Failure to attract and retain suitably qualified and experienced technical staff to meet organisational requirements.

**Control:** Review of recruitment processes, working conditions, remuneration levels and the conduct of staff satisfaction surveys.

## **FINANCIAL IMPLICATIONS**

There are no financial implications of this policy that are not provided for in the annual budget.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

The DLGSC has not produced any regulations that stipulate the form or content of the required policy. There is, however, an expectation that the Council should adopt such a policy within a reasonable timeframe (no set date has been enshrined in legislation).

In the opinion of the author, the current process for appointing an Acting Chief Executive Officer is mostly consistent with the new requirements, however it does need to be referenced in 'Policy', rather than being solely referenced in a delegation, as currently occurs. This opportunity has been taken to clarify the process and to consider other matters relating to the appointment of an Acting CEO and include them in the Policy. These matters are:

1. The CEO is not an interim CEO or Acting in the position;
2. The person appointed is to be suitably qualified, experienced and knowledgeable for the Acting CEO role;
3. The appointment must not be for the purpose of filling any vacancy of the CEO's position;
4. The Chief Executive Officer must inform the elected members of all proposed Acting CEO arrangements;
5. The term of appointment is no longer than one month;
6. The CEO shall report to Council for their approval any proposal to fill an Acting CEO role over one month with as much advance notice as possible;
7. That the employment conditions of the person appointed are not varied other than the employee is entitled at the CEO's discretion, to an amount no greater than the salary equivalent to that of the CEO during the Acting period; and
8. If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council.

In the case of the unavailability of the CEO due to an emergency, the Director Planning and Community Development is automatically appointed as the Acting CEO for up to one month from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council.

A copy of the draft policy is provided at Attachment 1.

### **ATTACHMENTS**

Attachment 1 - Draft Council Policy CP Gov-3353 Appointing an Acting Chief Executive Officer



## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. CSRFF Small Grants 2022

|                                      |  |
|--------------------------------------|--|
| <b>DATE:</b>                         | 22 March 2022  |
| <b>AUTHOR:</b>                       | Manager Community Development  |
| <b>RESPONSIBLE OFFICER:</b>          | Nick Kearns, Director Planning and Community Development   |
| <b>ASSESSMENT NO:</b>                | N/a  |
| <b>FILE NO:</b>                      | GS.05.01   |
| <b>DISCLOSURE OF INTERESTS:</b>      | Nil  |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Advocator - advocate and support initiatives on behalf of the community<br>Facilitator - bring stakeholders together<br>Funder - provide funds or other resources<br>Provider - provide physical infrastructure and essential services |
| <b>VOTING REQUIREMENT</b>            | Simple Majority  |

#### OFFICER'S RECOMMENDATION

**That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) Small Grants round (2022) application from the Shire Wyndham East Kimberley for upgrades to essential infrastructure at the Wyndham Swimming Pool (motorised retractable shade sail).**

#### Council Decision

**Minute Number: 22/03/2022 – 118601**

**That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) Small Grants round (2022) application from the Shire Wyndham East Kimberley for upgrades to essential infrastructure at the Wyndham Swimming Pool (motorised retractable shade sail).**

**Moved: Cr D Hearty  
Seconded: Cr T Chafer**

**Decision: 8/0**

## **PURPOSE**

For Council to endorse the Shire's funding submission for the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Small Grants February 2022 round.

The submission will seek funding for upgrades to essential infrastructure at the Wyndham Swimming Pool. The project will remove the existing shade sails and replace them with a motorised retractable shade sail.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The purpose of the Community Sport and Recreation Facilities Fund (CSRFF) is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Local Government, Sports and Cultural Industries.

Under the CSRFF program's selection criteria, local government authorities are required to consider applications and advise the Department of Local Government, Sport and Cultural Industries if Council supports the applications, and if supported to rank the application in priority order - assuming there is more than one.

The CSRFF Small Grants are awarded to projects involving a basic level of planning. The total project cost for small grants must not exceed \$300,000.

The closing date for the current small rounds grants to be submitted to the Department of Local Government, Sport and Cultural Industries is 31 March 2022.

Submissions for funding were required to be forwarded to the Shire by 28 February 2022 for Council to be able to consider them at the March Ordinary Meeting, however, no submissions were received and instead Shire officers suggest that Council make application for funding for the purpose of substantially upgrading the Wyndham Swimming Pool with the installation of a motorised retractable shade sail. The estimated cost of the upgrade is \$298,380 (ex GST) and the Shire is eligible for the 50% Development Bonus and has applied for \$149,190 (ex GST) through the CSRFF process.

A copy of the draft application for funding is at Attachment 1 and includes a quotation from Greensafe (provided separately at Attachment 2), noting that Greensafe have most recently installed similar retractable shade sails in Derby and Halls Creek.

## **STATUTORY IMPLICATIONS**

There are no statutory implications associated with this report.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2017-2027*:

Focus Area 1: PEOPLE - Healthy vibrant active communities

Goal 1.2: Increase participation in sporting, recreation and leisure activities

Goal 3.1: To deliver the critical infrastructure that will create the conditions for economic growth across the Shire

Strategy 1.2.1: Collaborate with a wide range of stakeholders to advocate and provide accessible facilities that supports a range of sporting and recreational activities

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

**Shire Project:** 105 - WLC - Renew and upgrade facilities at the Wyndham Memorial Swimming Pool and Ted Birch Youth and Recreation Centre

## **RISK IMPLICATIONS**

**Risk:** Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

**Control:** Preparation of life cycle costings and appropriate project management including reporting and acquittals.

## **FINANCIAL IMPLICATIONS**

If the Shire's application for funding is successful the Shire will have to commit 50% of the total project cost (\$298,380) in the 2022/23 budget allocation of \$149,190 (ex GST).

The project is expected to provide operational savings through a reduction in damage from vandalism and adverse weather.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

Shade over the pools is critical in our climate, the existing shade is not adequate as it needs to be taken down from October to April each year to minimise damage from tropical storms and cyclones and for the safety of the staff and swimmers. Additionally trying to find adequate storage of 8 large shade sails during these months is problematic.

A retractable shade system allows for greater flexibility to control the levels of shade for each of the pools. It can be retracted 100% in the cooler months to allow the sun to warm the pool or cover 100% of the pools during the hotter months where historically the shade has been removed for safety reasons. Other Kimberley pools have reported that the shade has decreased water temperature during the build up months by up to 12 degrees. They have also indicated that there has been a significant decrease in chemical usage and water use from evaporation since the installation of retractable shade, meaning a cost benefit to council.

The ability to retract the shade nightly would also reduce ongoing maintenance costs caused by vandalism. This financial year alone insurance covered a repair of \$55,000 due to children jumping on the existing pool shade sails at night.

The Wyndham Swimming Pool is a critical facility for the Wyndham community. It provides a safe and affordable environment for people to swim. Improving and enhancing the facility through upgrades such as retractable shade will aid the community's well being and health through increased participation in sport and recreation and the provision and development of good quality, well designed and well utilised facilities, which is the focus of this funding.

## **ATTACHMENTS**

Attachment 1 - 2022 CSRFF February Small Grants Application Form

Attachment 2 - Quotation Greensafe Shade Sails

### 12.3.2. Annual Community Grant Program - Black Tie Event 2022

|                                      |  |
|--------------------------------------|--|
| <b>DATE:</b>                         | 22 March 2022  |
| <b>AUTHOR:</b>                       | Manager Community Development  |
| <b>RESPONSIBLE OFFICER:</b>          | Nick Kearns, Director Planning and Community Development                               |
| <b>ASSESSMENT NO:</b>                | Nil  |
| <b>FILE NO:</b>                      | GS.05.44   |
| <b>DISCLOSURE OF INTERESTS:</b>      | As per declaration forms   |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Facilitator - bring stakeholders together<br>Funder - provide funds or other resources |
| <b>VOTING REQUIREMENT</b>            | Simple Majority  |

#### OFFICER'S RECOMMENDATION

**That Council approves the allocation of \$5,000 from the Community Grant Program for the Ord River Sports Club (auspicing for Denise Lindsell) for a Black Tie Fundraiser event at Kununurra Water Ski Club on 18 June 2022, subject to the following conditions:**

- **Entering into a funding agreement;**
- **Providing an acquittal at the completion of the event;**
- **Suitably acknowledging the support of the Shire of Wyndham East Kimberley, and**
- **Ensuring that all necessary approvals and insurances are obtained prior to the event - including COVID directions.**

#### Council Decision

**Minute Number: 22/03/2022 – 118602**

**That Council approves the allocation of \$5,000 from the Community Grant Program for the Ord River Sports Club (auspicing for Denise Lindsell) for a Black Tie Fundraiser event at Kununurra Water Ski Club on 18 June 2022, subject to the following conditions:**

- **Entering into a funding agreement;**
- **Providing an acquittal at the completion of the event;**

- **Suitably acknowledging the support of the Shire of Wyndham East Kimberley, and Ensuring that all necessary approvals and insurances are obtained prior to the event - including COVID directions.**

**Moved: Cr T Chafer  
Seconded: Cr M Dear**

**Decision: 8/0**

## **PURPOSE**

For Council to endorse the Ord River Sports Club submission for funding for an event lodged under the Shire's Community Grant Program.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The Shire recently received an Events Grant application from the Ord River Sports Club (auspicing for Denise Lindsell). The request for funding is for a black tie fundraiser event to be held at the Kununurra Water Ski Club on 18 June 2022. The event organisers had previously been in contact with Shire officers regarding a submission for funding however they were not in a position to apply for funding when the Annual Grants Program closed in late October 2021.

The proposed black tie event is a fundraiser supporting the Lung Foundation Australia and the National Breast Cancer Foundation, with all profits from the event to be split evenly between those foundations. The event, which would accommodate a maximum of 200 people, will consist of: canape's and drinks; live music; door prizes; a silent auction, and a raffle draw. The event has the support from both foundations as well as a number of local businesses that have provided both in-kind support and door prizes for the night.

The event organiser, Denise Lindsell, has spoken to Shire officers and indicated that the aim of the fundraiser is to provide the community with an opportunity to socialise and promote awareness of lung and breast cancer, reducing the stigma of a diagnosis and raising community support. She believes that the proposed event has synergy with some of the key focus areas and goals within the Shire's Strategic Community Plan, in particular "healthy vibrant active communities", and has explained that support from the Shire will be critical to ensure that the fundraiser can proceed.

The amount requested is \$5,000 and this will go towards catering, venue hire, administration and staffing costs and equipment hire. All profits raised on the night from the bar, ticket price, silent auction, raffle and donations will go directly to the charities and split equally. Denise has said they aim to raise at least \$10,000 for each foundation and with the Shire's support should meet this goal. A copy of the funding application can be found at Attachment 1.

## **STATUTORY IMPLICATIONS**

There are no statutory implications associated with this matter other than requirements arising from the State Government's directions with respect to COVID-19 as they relate to conducting major events, which are provided to event organisers and which can be conditioned with approval of the request. The maximum capacity for this event under current directions is 500 people.

## **POLICY IMPLICATIONS**

CP/COM-3582 Community Grant Program is applicable to the consideration of this matter and the policy does not prevent Council from considering an application for funding outside the nominated funding round, which is done mostly for logistical and administrative purposes.

Conditions stipulated in the grant application form and guidelines include the need to:

- Enter into a funding agreement;
- Provide an acquittal at the completion of the event, and
- Suitably acknowledge the support of the Shire

Additional requirements may be conditioned with respect to COVID directions.

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2017-2027*:

Focus Area 1: PEOPLE - Healthy vibrant active communities

Goal 1.1: Bring community together and promote our rich culture and heritage

Strategy 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

**Shire Project:** 107 - Deliver a Community Grant Program

## **RISK IMPLICATIONS**

**Risk:** Failure to facilitate community development initiatives which support positive social outcomes for community members, including; health, aged care, youth services and Indigenous services.

**Control:** The Community Grant Program aims to support community lead initiatives that support priority social focus areas through financial assistance, which includes health, aged care, youth services and Indigenous services.

## **FINANCIAL IMPLICATIONS**

\$284,325.35 has been allocated from the Community Grant budget to date, with \$15,674.65 remaining, so the event can be funded without any changes to the budget.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

The application submitted by the Ord River Sports Club has been assessed against relevant criteria within the policy and guidelines and a summary of that assessment is provided at Attachment 2. That assessment shows that the proposal meets all applicable eligibility criteria and scores well with regard to the event's alignment with community strategic objectives; community need; budget, and their capacity to run the event.

The event organisers hope to attract up to 200 people to the event and with major events such as the Kimberley Moon cancelled, the Black Tie event could be a significant community event, which is well within the maximum capacity specified under current COVID directions.

Shire officers recommend that Council approve the \$5,000 request as a one off payment subject to conditions requiring the applicant to:

- Enter into a funding agreement;
- Provide an acquittal at the completion of the event;
- Suitably acknowledge the support of the Shire, and
- Ensure that all necessary approvals and insurances are obtained prior to the event - including COVID directions.

A poster for the event is provided at Attachment 3.

## **ATTACHMENTS**

Attachment 1: Community Grant Program (event) application for Black Tie Fundraiser

Attachment 2: Copy of Annual Grants Assessment Matrix - Black Tie Event

Attachment 3: Black Tie Poster



## 12.4. CORPORATE SERVICES

### 12.4.1. List of Accounts Paid From Municipal Fund and Trust Fund

|                                      |   |
|--------------------------------------|---|
| <b>DATE:</b>                         | 22 March 2022   |
| <b>AUTHOR:</b>                       | Coordinator Finance   |
| <b>RESPONSIBLE OFFICER:</b>          | Felicity Heading, Director Corporate Services                         |
| <b>FILE NO:</b>                      | FM.09.29  |
| <b>DISCLOSURE OF INTERESTS:</b>      | Nil   |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Regulator - Responsible for the enforcement of statutory requirements |
| <b>VOTING REQUIREMENT:</b>           | Simple Majority   |

### OFFICER'S RECOMMENDATION

**That Council receive the lists of accounts paid from the Municipal and Trust funds for February, being:**

|  |                        |
|--|------------------------|
| <b>Municipal EFT 142443 - 142695 (02/02/2022 - 23/02/2022)</b> | <b>\$ 3,005,362.84</b> |
| <b>Trust EFT 502296 - 502309 (04/02/2022 - 28/02/2022)</b>     | <b>\$ 8,588.50</b>     |
| <b>Payroll (09/02/2022 - 23/02/2022)</b>                       | <b>\$ 448,812.29</b>   |
| <b>Direct Bank Debits (01/02/2022 - 25/02/2022)</b>            | <b>\$ 158,600.43</b>   |
| <b>Total</b>   | <b>\$ 3,621,364.06</b> |

### Council Decision

**Minute Number: 22/03/2022 – 118603**

**That Council receive the lists of accounts paid from the Municipal and Trust funds for February, being:**

|  |                        |
|--|------------------------|
| <b>Municipal EFT 142443 - 142695 (02/02/2022 - 23/02/2022)</b> | <b>\$ 3,005,362.84</b> |
|--|------------------------|

|  |           |                      |
|--|-----------|----------------------|
| <b>Trust EFT 502296 - 502309 (04/02/2022 - 28/02/2022)</b> | <b>\$</b> | <b>8,588.50</b>      |
| <b>Payroll (09/02/2022 - 23/02/2022)</b>                   | <b>\$</b> | <b>448,812.29</b>    |
| <b>Direct Bank Debits (01/02/2022 - 25/02/2022)</b>        | <b>\$</b> | <b>158,600.43</b>    |
| <b>Total</b>   | <b>\$</b> | <b>3,621,364.06</b>  |
| <b>Moved: Cr M Dear</b>                                    |           |                      |
| <b>Seconded: Cr T Chafer</b>                               |           |                      |
|  |           | <b>Decision: 8/0</b> |

## **PURPOSE**

To present the list of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

In accordance with Council's Delegations Register which was adopted by Council on 27 October 2020, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995* - Section 5.42 Delegation of some power and duties to CEO

*Local Government (Financial Management) Regulations 1996* -

Regulation 5. CEO's duties as to financial management.

Regulation 11. Payments, procedures for making etc.

Regulation 12. Payments from municipal fund or trust fund, restrictions on making.

Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties etc.

## **POLICY IMPLICATIONS**

Sub-delegation 12 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with *Council Policy CP/FIN-3204 Purchasing*.

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2021/22 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027.*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability.

## **RISK IMPLICATIONS**

**Risk:** Failure to manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Budget.

**Controls:** Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name; the amount of the payment; the date of the payment; and sufficient information to identify the transaction. The list is to be presented to Council at the next ordinary meeting of Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented.

## **ATTACHMENTS**

Attachment 1 - List of Accounts Paid February 2022

## 12.4.2. Monthly Financial Report February 2022

|                                      |   |
|--------------------------------------|---|
| <b>DATE:</b>                         | 22 March 2022   |
| <b>AUTHOR:</b>                       | Director Corporate Services   |
| <b>RESPONSIBLE OFFICER:</b>          | Felicity Heading, Director Corporate Services                         |
| <b>FILE NO:</b>                      | FM.09.29  |
| <b>DISCLOSURE OF INTERESTS:</b>      | Nil   |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Regulator - Responsible for the enforcement of statutory requirements |
| <b>VOTING REQUIREMENT:</b>           | Simple Majority   |

### OFFICER'S RECOMMENDATION

**That Council receives the Monthly Financial Report for the period ended 28 February 2022.**

### Council Decision

**Minute Number: 22/03/2022 – 118604**

**That Council receives the Monthly Financial Report for the period ended 28 February 2022.**

**Moved: Cr J Farquhar  
Seconded: Cr C McNeil**

**Decision: 8/0**

### PURPOSE

For Council to receive the Interim Monthly Financial Reports for the period ended 28 February 2022.

### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 27 July 2021 Ordinary Council Meeting, the Council resolved the following:

## **Council Decision**

**Minute Number: 27/07/2021 - 11496**

***That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.***

**Moved: Cr G Lodge**

**Seconded: Cr M McKittrick**

**Decision 9/0**

The above materiality levels have been applied in the preparation of this report.

## **STATUTORY IMPLICATIONS**

### **Local Government Act 1995, Section 6.4.**

#### **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.*

*(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*

*(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*

*(b) the annual financial report of the local government for the preceding financial year.*

### **Local Government (Financial Management) Regulations 1996, Regulation 34.**

#### **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.*

### **POLICY IMPLICATIONS**

*CP/FIN-3201 Significant Accounting Policies* has been applied in the preparation of the report.

### **FINANCIAL IMPLICATIONS**

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

### **RISK IMPLICATIONS**

**Risk:** Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

**Controls:** Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

### **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

### **COMMENTS**

The Shire has engaged Moore Australia to prepare the Monthly Financial Report on an ongoing basis. The basis of the report is the same as for previous Monthly Financial Reports but in addition to the Statements of Financial Activity by Program and by Nature or Type, the report includes summary information in the form of graphs showing budgets versus actuals,

an executive summary of key financial activities, and additional explanatory notes to the financial statements.

The Monthly Financial Report for the period ended 28 February 2022 includes the adjusted opening surplus as at 30 June 2021, but does not include adjustments to carry forward figures for the capital works program. These adjustments are included in the budget review which will be presented to Council in a separate report in this agenda. Once approved by Council, these adjustments will be incorporated in the Monthly Financial Report for March 2022.

Comments in relation to budget versus actual variances are included at note 14 in the Financial Statements attached.

### **ATTACHMENTS**

Attachment 1 - Monthly Financial Report February 2022

### 12.4.3. Review of Council Policy CP-FIN 3211 Fees and Charges Pricing

|                                      |   |
|--------------------------------------|---|
| <b>DATE:</b>                         | 22 March 2022   |
| <b>AUTHOR:</b>                       | Director Corporate Services   |
| <b>RESPONSIBLE OFFICER:</b>          | Felicity Heading, Director Corporate Services   |
| <b>FILE NO:</b>                      | FM.05.22  |
| <b>DISCLOSURE OF INTERESTS:</b>      | Nil   |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Provider - provide physical infrastructure and essential services<br>Regulator - enforce state legislation and local laws |
| <b>VOTING REQUIREMENT:</b>           | Simple Majority   |

#### **OFFICER'S RECOMMENDATION**

**That Council adopt the reviewed CP-FIN-3211 Fees and Charges Pricing Policy.**

#### **Council Decision**

**Minute Number: 22/03/2022 – 118605**

**That Council adopt the reviewed CP-FIN-3211 Fees and Charges Pricing Policy.**

**Moved: Cr T Chafer  
Seconded: Cr D Hearty**

**Decision: 8/0**

#### **PURPOSE**

For Council to consider adopting the reviewed CP-FIN 3211 Fees and Charges Pricing Policy prior to the review of the Fees and Charges Schedule for the 2022/23 financial year.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Fees and charges are generally established as part of the annual budget setting process. The 2014/15 financial year was the first year that the Council resolved to apply pricing principles and a pricing basis methodology to ensure fair and reasonable charging to the community for the goods and services that the Shire provides. Shire Officers consider that it is prudent to review the Policy on an annual basis as part of the Fees and Charges setting



process. This process has been implemented and the Policy was last reviewed in March 2021.

### **COUNCIL DECISION**

**Minute No. 30/03/2021 - 118407**

**That Council adopt the amended Council Policy CP-FIN 3211 Fees and Charges Pricing.**

**Moved: Cr T Chafer**

**Seconded: Cr N Brook**

**Carried 9/0**

### **STATUTORY IMPLICATIONS**

**Local Government Act 1995**

**Part 6, Division 5**

#### **6.16 Imposition of fees and charges**

(1) A local government may impose\* and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.

\* Absolute majority required.

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- \_\_\_\_\_ (a) imposed\* during a financial year; and
- (b) amended\* from time to time during a financial year.

\* Absolute majority required.

#### **6.17 Setting level of fees and charges**

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

### 6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

- (a) determine an amount that is inconsistent with the amount determined under the other written law; or
- (b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

### 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

## **POLICY IMPLICATIONS**

There are no other policy implications.

## **FINANCIAL IMPLICATIONS**

The application of the Policy and associated financial impacts is not finalised for the 2022/23 Budget at this stage of the budget process. Any significant changes to individual fees and charges will be identified as part of the revised Fees and Charges Schedule that will be presented to Council for adoption at a later stage in the budget process.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4 Apply best practice financial management to ensure long term sustainability

## **RISK IMPLICATIONS**

**Risk:** Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

**Controls:** Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

Annual review of Fees and Charges with reference to the cost of services, service levels and extent of subsidisation by general rate revenue.

## **COMMUNITY ENGAGEMENT**

Engagement will take place in accordance with Section 6.19 of the *Local Government Act 1995*, which outlines the requirements for the Shire to provide local public notice of fees and charges.

## **COMMENTS**

The Policy has been reviewed to ensure legislation is referenced correctly and the goods and services pricing basis are still relevant. The Policy makes for good governance in that it provides the community with transparency as to what factors are considered when the Council reviews its annual fees and charges, and also provides guidance for officers as to the principles that need to be considered when recommending fees and charges for goods or services.

There have been no changes made to the reviewed policy.

## **ATTACHMENTS**

Attachment 1 - Reviewed Council Policy CP/FIN-3211 Fees and Charges Pricing

#### 12.4.4. Review of Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements

|                                      |   |
|--------------------------------------|---|
| <b>DATE:</b>                         | 22 March 2022   |
| <b>AUTHOR:</b>                       | Director Corporate Services   |
| <b>RESPONSIBLE OFFICER:</b>          | Felicity Heading, Director Corporate Services   |
| <b>FILE NO:</b>                      | FM.05.22  |
| <b>DISCLOSURE OF INTERESTS:</b>      | NIL   |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Leader - Plan and provide direction through policy and practices.<br>Regulator - Responsible for the enforcement of statutory requirements. |
| <b>VOTING REQUIREMENT:</b>           | Simple Majority   |

#### **OFFICER'S RECOMMENDATION**

**That Council adopt the amended Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements.**

#### **AMENDED MOTION**

Cr T Chafer proposed to amend the motion to insert additional the additional wording to allow for the Shire President's fee be aligned with the Shire of Derby allowance. It was also noted that the Salaries and Administrative Tribunal had not formalized the changes to the remuneration for Elected Members as yet and it was appropriate to bring the Policy back to Council at a briefing once the determination had been made:

#### **Council Decision**

**Minute Number: 22/03/2022 – 118606**

**That Council adopt the amended Council Policy CP/CNC-3141 Elected Member Allowances, subject to the Policy being brought to Council briefing after the declaration be Salaries Administrative Tribunals 2022.**

**Moved: Cr T Chafer**

**Seconded: Cr M Dear**

**Decision: 8/0**

The Amended motion was passed and became the substantive motion:

**Council Decision**

**Minute Number: 22/03/2022 – 118607**

**That Council adopt the amended Council Policy CP/CNC-3141 Elected Member Allowances, subject to the Policy being brought to Council briefing after the declaration be Salaries Administrative Tribunals 2022.**

**Moved: Cr T Chafer**

**Seconded: Cr B Kyne**

**Decision: 8/0**

**PURPOSE**

For Council to review proposed amendments to Council Policy *CP/CNC-3141 Elected Member Allowances and Entitlements* which will provide the Administration with the policy framework to determine Members Allowances and Entitlements in the annual budget process for the 2022/23 financial year.

**BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The Council considers Members' Allowances and Entitlements on an annual basis. For the 2017/18 financial year the Commissioner reduced the amounts down from 100% of the maximum Salaries and Allowances Tribunal (SAT) determination to 70% of the determination.

Council in the 2018/19 and 2019/20 budget processes maintained the level at 70%.

For the 2020/21 financial year at the time of budget adoption Council set the level at 60% of the maximum Salaries and Allowances Tribunal (SAT) determination as a strategy to limit the impact of Covid-19. Council subsequently amended the President's and Deputy President's allowances and fees for 2020/21 to 70% at the November 2020 Ordinary Council Meeting to recognise the additional work that they put in as part of the Covid-19 response. Councillor's fees remained at 60%.

For the 2021/22 financial year, Council set the level at 70% of the maximum Salaries and Allowances Tribunal (SAT) determination.

**COUNCIL DECISION**

**Minute Number: 27/07/2021 - 118495**

**That Council:**

1. **Notes that the Elected Members annual attendance fees and annual allowances have been determined with reference to the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 30 March 2021 Ordinary Meeting of Council (Minute No. 30/03/2021 - 118408) to be incorporated into the 2021/22 Municipal Fund Budget.**
2. **Notes the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 30 March 2021 Ordinary Meeting of Council (Minute No. 30/03/2021 - 118408) provides for the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:**
  - a. **The President's Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
  - b. **The Elected Members Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
  - c. **The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
  - d. **The Deputy President's Annual Allowance is 25% of the President's Allowance.**
  - e. **The Elected Members will receive an ICT Allowance of \$2,400 per annum.**
3. **Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:**
  - a. **President \$21,804.30**
  - b. **Councillors \$16,261.00**
4. **Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**
  - a. **President \$44,347.80**
5. **Pursuant to section 5.98A(1) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**
  - a. **Deputy President \$11,086.95**

**Moved: Cr J Farquhar**

**Seconded: Cr M Dear**

**Carried 9/0**

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995 Division 8 — Local government payments and gifts to its members*

5.98. *Fees etc. for council members*

(1A) *In this section —*

*determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.*

(1) *A council member who attends a council or committee meeting is entitled to be paid —*

- (a) *the fee determined for attending a council or committee meeting; or*
- (b) *where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.*

(2A) *A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —*

- (a) *the fee determined for attending a meeting of that type; or*
- (b) *where the local government has set a fee within the range determined for meetings of that type, that fee.*

(2) *A council member who incurs an expense of a kind prescribed as being an expense —*

- (a) *to be reimbursed by all local governments; or*
- (b) *which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,*

*is entitled to be reimbursed for the expense in accordance with subsection (3).*

(3) *A council member to whom subsection (2) applies is to be reimbursed for the expense —*

- (a) *where the extent of reimbursement for the expense has been determined, to that extent; or*
- (b) *where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.*

(4) *If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.*

(5) *The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —*

- (a) *the annual local government allowance determined for mayors or presidents;*  
*or*

(b) *where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.*

(6) *A local government cannot —*

(a) *make any payment to; or*

(b) *reimburse an expense of,*

*a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.*

(7) *A reference in this section to a committee meeting is a reference to a meeting of a committee comprising —*

(a) *council members only; or*

(b) *council members and employees.*

*[Section 5.98 amended: No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]*

**5.98A. Allowance for deputy mayor or deputy president**

(1) *A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

*\* Absolute majority required.*

(2) *An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.*

*[Section 5.98A inserted: No. 64 of 1998 s. 37; amended: No. 2 of 2012 s. 15.]*

**5.99. Annual fee for council members in lieu of fees for attending meetings**

*A local government may decide\* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

(a) *the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*

(b) *where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

*\* Absolute majority required.*

*[Section 5.99 amended: No. 2 of 2012 s. 16.]*



#### 5.99A. Allowances for council members in lieu of reimbursement of expenses

(1) A local government may decide\* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —

(a) the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or

(b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

\* Absolute majority required.

(2) For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —

(a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;

(b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.

[Section 5.99A inserted: No. 64 of 1998 s. 38; amended: No. 2 of 2012 s. 17; No. 26 of 2016 s. 13.]

#### **POLICY IMPLICATIONS**

There are no other policy implications.

#### **FINANCIAL IMPLICATIONS**

The financial implications of this policy will be contained in the 2022/23 Annual Budget. At this stage of the budget process if Council adopts the amended policy and the maximum amounts contained in the 2022 Salaries and Allowances Tribunal (SAT) determination increase by a similar amount to the previous year, the funding requirement is estimated to be \$243,736, an increase of \$14,809 from the 2021/22 budgeted amount of \$228,927.

#### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: PERFORMANCE - Civic Leadership

Goal: 4.1: Effective representation through advocacy at a regional, state and national level.  
Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services.

Strategy 4.1.1: Advocate and lobby effectively on behalf of the community.

Strategy 4.3.4: Build internal capacity by attracting, developing and retaining the best people.

## **RISK IMPLICATIONS**

**Risk:** Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

**Control:** Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

## **COMMUNITY ENGAGEMENT**

No community engagement is required. Community engagement on the budget in general will be conducted later in the budget process.

## **COMMENTS**

The Salaries and Allowances Tribunal (SAT) determination for 2022 has not been published as at the time of preparing this report. Shire Officers do not expect that the 2022 determination will be materially different to the 2021 determination in which it states that *'each local government can set remuneration within the band to which it is allocated. Any increase, within the bands, must be determined by each local government through its own assessment of whether changes are justified'*.

The 2022 determination is expected to be published in April 2022 after which the amounts for Members Allowances and Entitlements will be finalised for budget preparation purposes and will be reported to Council as part of the 2022/23 Annual Budget at the June 2022 Ordinary Council Meeting.

Officers have undertaken a comparison of Elected Members Allowances for other Band 2 Shires in the Kimberley as reported in their adopted budgets for 2020/21 and 2021/22. Elected Members allowances are generally set at 75% of the maximum allowance under the SAT determination. Taking the above into consideration, the increased costs associated with attending meetings and briefings, and additional responsibilities being undertaken by Elected Members in particular the Shire President in relation to major infrastructure and economic development strategies, the draft Policy CP/CNC-3141 Elected Member Allowances and Entitlements has been amended to increase the allowances from 70% to 75%.

The attached draft Policy CP/CNC-3141 Elected Member Allowances and Entitlements also includes an amendment to clause 4.3(h) to remove reference to the Shire president. Under the *Local Government Act 1995* the Shire President has no administrative authority and as such no authority to approve reimbursements.

## **ATTACHMENTS**

Attachment 1 - Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements -  
DRAFT

Attachment 2 - SAT Local Government CEO and Elected Members Determination 2021

#### 12.4.5. Mid Year Budget Review 2021/22

|                                      |   |
|--------------------------------------|---|
| <b>DATE:</b>                         | 22 February 2022  |
| <b>AUTHORS:</b>                      | Director Corporate Services                                       |
| <b>RESPONSIBLE OFFICER:</b>          | Felicity Heading, Director Corporate Services                     |
| <b>FILE NO:</b>                      | FM.05.23  |
| <b>DISCLOSURE OF INTERESTS:</b>      | Nil   |
| <b>COUNCIL'S ROLE IN THE MATTER:</b> | Provider - provide physical infrastructure and essential services |
| <b>VOTING REQUIREMENT:</b>           | Absolute Majority   |

#### OFFICER'S RECOMMENDATION

##### **That Council:**

- 1. Receives the 2021/22 Mid Year Budget Review Report for the period ended 28 February 2022;**
- 2. Notes that the actual cash balance carried forward and the estimated carry forward cash balance used in the 2021/2022 Annual Budget differed by \$53,677 which is not sufficiently material to require changes to the 2021/2022 Adopted Annual budget; and**
- 3. Approves the budget amendments as detailed in Attachment 1 to this report.**

##### Council Decision

**Minute Number: 22/03/2022 – 118608**

##### **That Council:**

- 1. Receives the 2021/22 Mid Year Budget Review Report for the period ended 28 February 2022;**
- 2. Notes that the actual cash balance carried forward and the estimated carry forward cash balance used in the 2021/2022 Annual Budget differed by \$53,677 which is not sufficiently material to require changes to the 2021/2022 Adopted Annual budget; and**
- 3. Approves the budget amendments as detailed in Attachment 1 to this report.**

**Moved: Cr T Chafer**  
**Seconded: Cr J Farquhar**

**Decision: 8/0**

## **PURPOSE**

To consider the proposed amendments to the 2021/22 Budget arising from the 2021/22 Mid-Year Budget Review process including to report the changes to the opening cash position for the 2021/2022 Annual Municipal Fund Budget arising from the difference between the estimates as at 30 June 2021 for budget purposes and the actual cash position achieved following the finalisation of the Annual Financial Statements for the year ended 30 June 2021.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

In preparing the 2021/22 Municipal Fund Budget, Shire officers followed a rigorous process from which estimates of income and expenditure for the 2021/22 financial year were determined. As the preparation of the budget was based on estimates of what the financial position of the Shire would be at 30 June 2021, once the 2020/21 Annual Financial Statements were finalised and audited, Officers had to consider differences between the forecast data used in preparing the 2021/22 Budget and the estimates used.

At the 27 July 2021 Ordinary Council Meeting Council resolved the following:

***Minute Number: 27/07/2021 - 118498***

***Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, that Council adopt the Municipal Fund Budget as contained in Attachment 5 of this agenda, for the Shire of Wyndham East Kimberley for the 2021/22 financial year which includes the following:***

- 1. Statement of Comprehensive Income by Nature and Type***
- 2. Statement of Comprehensive Income by Program***
- 3. Statement of Cash Flows;***
- 4. Rate Setting Statement showing a net amount required to be raised from rates of \$10,485,671;***
- 5. Notes to and forming Part of the Budget;***
- 6. Fees and Charges Schedule.***

***Moved: Cr D Menzel***  
***Seconded: Cr J Farquhar***

***Carried 9/0***

The Department of Local Government and Communities issued Circular No. 06/2006 to provide local governments with information about the budget review process. The following paragraph is a key point from the circular:

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

A detailed review of the financial position and operations for the period to 28 February 2022 has been undertaken identifying the reasons for significant variances and the action required to address them. Attachment 1 contains the details of the Officer recommendations and is now presented to Council for its consideration.

Officers have ensured that Council resolutions presented during the 2021/22 financial year have been considered in this Mid Year Budget Review. Changes to the Adopted Budget are proposed by Officers where they believe that circumstances have occurred that impact permanently on the budget position for the financial year under review.

## **STATUTORY IMPLICATIONS**

### **Local Government Act, 1995:**

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

- 1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
  - a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - b) *is authorised in advance by resolution\*;*
  - c) *is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

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

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

### **Local Government (Financial Management) Regulations 1996:**

#### **Regulation 32 - Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3)):**

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

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

**Regulation 33A - Review of Budget:**

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- (b) consider the local government's financial position as at the date of the review; and
- (c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

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

\*Absolute majority required.

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The financial implications for the 2021/2022 Adopted Annual Budget are minor. The cash position carried forward increased by \$53,677. This does not require any changes to the adopted budget. The analysis however also revealed that the estimated forecast of

expenditure as at 30 June 2021 on the capital works programs for budget purposes was over estimated by \$1,627,421. As these funds are related to capital works they are quarantined within the capital works program. The surplus funds are made up of a mixture of municipal funds, reserve funds, grant funding and contract funding. As these funds are in the custody of the Shire they are carried forward to the relevant capital works jobs in the 2021/2022 financial year.

The Mid Year Budget Review determined that there is no need to change the operational budget. Operating expenditure is well within budget and it would be prudent to only consider any action on possible operating budget surpluses to be considered in the 2022/2023 budget process. The Mid Year Budget Review did identify a number of capital projects requiring budget adjustments. The changes have been highlighted in the comments section below.

Three additional capital works projects were added to the capital works program. All three of these projects have grant funding attached to them. Two projects are fully funded from the grant funds while the other project required a co-contribution from municipal funds. These projects are:

- Weaber Plain Rd/Mulligan Lagoon Rd Intersection - Main Roads Funded - \$255,000
- St Peters Way Wyndham - Main Roads Funded - \$265,000
- Wyndham Childcare Centre Refurbishment - \$280,000 (\$110,000 Commonwealth Department of Education Grant and \$170,000 Municipal funds)

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

## **RISK IMPLICATIONS**

**Risk:** Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

**Control:** Annual financial audit.

**Risk:** Inability to deliver levels of service expected by the community.

**Control:** Current budget and service levels.

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

### **Carry Forward Cash Position**



At the time of the preparation of the 2021/22 Budget estimates of both capital and operating expenditure and revenue had to be made as actual data was not available at that time. It was the intention that once the actual data was available after the audit of the annual financial statements that the budget would be revisited to adjust budget allocations for any change in circumstances due to any material variance between actual data and estimated data. This exercise is not a review of the budget as contemplated by Section 33A. Review of budget of the *Local Government (Financial Management) Regulations 1996*, but an adjustment to the budget based on information that was not available at the time the budget was prepared.

In the preparation of the 2021/22 Budget, the Rate Setting Statement detailed the estimated revenue and expenditure of both operating and capital nature, the financing activities, and the movement in the Reserves for the 2020/21 financial year. These estimates gave a forecast opening cash position of \$3,956,303 for the 2021/22 financial year. The actual position as presented in the finalised Annual Financial Statements for 30 June 2021 was \$4,009,980. The difference to the estimated position is an increase in cash available of \$53,677. This amount is not sufficiently material to require a revision of the budget as adopted. Furthermore the amount is not large enough to require Council to consider further budget allocations or transfers to reserves. It is the opinion of the Administration that it would be prudent to not to adjust the 2021/22 Adopted Budget for this amount. Any adjustments to individual budgets will be made as part of the Mid Year Budget Review part of this report. This involves reallocation of budget amounts to different projects for funds already approved and approval of new projects that have funding streams already attached to them.

### **General Comments**

The 2021/22 Annual Budget was presented at the Ordinary Council Meeting held on the 27 July 2021 and a balanced Closing Funding Surplus was adopted.

The Mid Year Budget Review examined both the operating income and expenditure of the Shire, and the capital works program for the 2021/2022 financial year to date at 28 February 2022. The review determined that there is no need to change the operational budget. Operating expenditure is well within budget and it would be prudent to only consider any action on possible operating budget surpluses to be considered in the 2022/2023 budget process. The Mid Year Budget Review did identify a number of capital projects requiring budget adjustments.

### **Capital Works Program**

#### Capital Revenue

- Main Roads WA (State Election Commitment) Grant - Weaber Plain Rd/Mulligan Lagoon Rd Intersection \$255,000
- Main Roads WA (State Election Commitment) Grant - St Peters Way Wyndham \$265,000
- Commonwealth Department of Education, Skills and Employment Grant – Wyndham Childcare \$110,000

#### Capital Expenditure

The details of all amendments to the Capital Works budget are included at Attachment 1.

The significant items are:

- Additional funds for purchase of excavator - \$250,000
- Self performing drainage works - (\$250,000)
- Wyndham oval lights \$84,000
- Wyndham oval surface upgrade (\$84,000)
- Weaber Plain Rd/Mulligan Lagoon Rd intersection (fully grant funded) \$255,000
- St Peters Way Wyndham (fully grant funded) \$265,000
- Footpath lighting, landscaping and reticulation - Kununurra (\$95,000)
- East Lily Creek - Reinstatement of vegetation - (\$75,000)
- Wyndham Childcare refurbishment (grant funding \$110,000) \$280,000

## **ATTACHMENTS**

Attachment 1 - Budget Review Report

**12.5. INFRASTRUCTURE**

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY  
DECISION**

**16. MATTERS BEHIND CLOSED DOORS**

**Council Decision**

**Minute Number: 22/03/2022 – 118609**

**That Council move in-camera to discuss confidential matters in Agenda item 16  
at 5:55 PM**

**Moved: Cr D Menzel  
Seconded: Cr T Chafer**

**Decision: 8/0**

**Council Decision**

**Minute Number: 22/03/2022 – 118610**

**That Council move out of camera at 6:20 PM**

**Moved: Cr Menzel  
Seconded: Cr Chafer**

**Decision: 8/0**

## 16.1. EXPRESSION OF INTEREST TO PURCHASE LOTS 401 AND 402 PEARSE STREET, WYNDHAM

|                                 |  |
|---------------------------------|--|
| <b>DATE:</b>                    | 22 March 2022  |
| <b>AUTHOR:</b>                  | Senior Planning Officer                                  |
| <b>RESPONSIBLE OFFICER:</b>     | Nick Kearns, Director Planning and Community Development |
| <b>ASSESSMENT NO:</b>           | A5594P; A5595P   |
| <b>FILE NO:</b>                 | CM.16.422  |
| <b>DISCLOSURE OF INTERESTS:</b> | Nil  |

### OFFICER'S RECOMMENDATION

That Council:

1. **Accepts the offer from Paul Cavanagh for Lots 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham (land) for the combined price of \$22,400 in accordance with the Expression of Interest lodged and subject to local public notice of the proposed disposition being given in accordance with the *Local Government Act 1995*.**
2. **On the basis of the valuation dated 17th of September 2020, where the market value of the land was determined to be \$10,000 (exc GST) for vacant possession, Council adopts this amount to be a true indication of the fair market value of the land as at 22 March 2022.**
3. **Notifies other applicants, in writing, that they were unsuccessful in their submission to purchase the land and that the successful applicant was Paul Cavanagh.**
4. **Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising contract of sale documentation and a deed of agreement being to ensure that the following conditions are formally documented (formal agreement):**
  - a. **Lots 401 and 402 on Deposited Plan 144222 are amalgamated (amalgamated land); and**
  - b. **The required road access to the amalgamated land is constructed at the purchaser's sole cost (road construction obligation) and to design and construct specifications approved by the Shire; and**
  - c. **The amalgamation of Lots 401 and 402 on Deposited Plan 144222 condition and the road construction obligation will transfer to any subsequent purchaser of the land who will be required to enter into a replacement deed in the same terms as the original formal agreement between the subsequent purchaser and the Shire (replacement deed); and**

- d. The purchaser will consent to a caveat being lodged on lots 401 and 402 on Deposited Plan 144222 to secure the obligations in the formal agreement and any replacement deed, such caveat to be removed to allow for compliant dealings on the land by the purchaser.

### **Council Decision**

**Minute Number: 22/03/2022 – 118611**

**Minute Number:**

**That Council:**

1. Accepts the offer from Paul Cavanagh for Lots 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham (land) for the combined price of \$22,400 in accordance with the Expression of Interest lodged and subject to local public notice of the proposed disposition being given in accordance with the *Local Government Act 1995*.
2. On the basis of the valuation dated 17th of September 2020, where the market value of the land was determined to be \$10,000 (exc GST) for vacant possession, Council adopts this amount to be a true indication of the fair market value of the land as at 22 March 2022.
3. Notifies other applicants, in writing, that they were unsuccessful in their submission to purchase the land and that the successful applicant was Paul Cavanagh.
4. Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising contract of sale documentation and a deed of agreement being to ensure that the following conditions are formally documented (formal agreement):
  - a. Lots 401 and 402 on Deposited Plan 144222 are amalgamated (amalgamated land); and
  - b. The required road access to the amalgamated land is constructed at the purchaser's sole cost (road construction obligation) and to design and construct specifications approved by the Shire; and
  - c. The amalgamation of Lots 401 and 402 on Deposited Plan 144222 condition and the road construction obligation will transfer to any subsequent purchaser of the land who will be required to enter into a replacement deed in the same terms as the original formal agreement between the subsequent purchaser and the Shire (replacement deed); and
  - d. The purchaser will consent to a caveat being lodged on lots 401 and 402 on Deposited Plan 144222 to secure the obligations in the formal agreement and any replacement deed, such caveat to be removed to allow for compliant dealings on the land by the purchaser.

**Moved: Cr T Chafer**  
**Seconded: Cr J Farquhar**

**Decision: 8/0**

**VOTING REQUIREMENT**

Simple Majority

**PURPOSE**

For Council to consider the Expressions of Interests received for the sale of Lots 401 and 402 Pearse Street, Wyndham.

**16.2. EXPRESSION OF INTEREST TO LEASE LOT 509 MILLINGTON DRIVE,  
KUNUNURRA**

|                                 |  |
|---------------------------------|--|
| <b>DATE:</b>                    | 22 March 2022  |
| <b>AUTHOR:</b>                  | Senior Planning Officer                                  |
| <b>RESPONSIBLE OFFICER:</b>     | Nick Kearns, Director Planning and Community Development |
| <b>FILE NO:</b>                 | CP.07.10   |
| <b>ASSESSMENT NO:</b>           | A7564  |
| <b>DISCLOSURE OF INTERESTS:</b> | Nil  |

**OFFICER'S RECOMMENDATION**

**That Council:**

- (1) Offers Lake Kununurra Boat Hire a 10 year lease over a portion of Reserve 50467, Lot 509 on Deposited Plan 66529, Commercial Boating Facility, Kununurra to Lake Kununurra Boat Hire subject to:
  - (a) Consent from the Minister for Lands;**
  - (b) Local public notice of the proposed disposition being given in accordance with the *Local Government Act 1995*; and**
  - (c) Lease rent to be in accordance with a current market rental valuation.****
- (2) Notifies other applicants, in writing, that they were unsuccessful in their submission for the lease over a portion of Reserve 50467, Lot 509 on Deposited Plan 66529, Commercial Boating Facility, Kununurra and that the successful applicant was Lake Kununurra Boat Hire.**
- (3) Authorises the Chief Executive Officer to negotiate the lease agreement, finalise and affix the common seal.**

**Council Decision**

**Minute Number: 22/03/2022 – 118612**

**That Council:**

- (1) Offers Lake Kununurra Boat Hire a 10 year lease over a portion of Reserve 50467, Lot 509 on Deposited Plan 66529, Commercial Boating**

**Facility, Kununurra to Lake Kununurra Boat Hire subject to:**

- (a) Consent from the Minister for Lands;**
  - (b) Local public notice of the proposed disposition being given in accordance with the *Local Government Act 1995*; and**
  - (c) Lease rent to be in accordance with a current market rental valuation.**
- (2) Notifies other applicants, in writing, that they were unsuccessful in their submission for the lease over a portion of Reserve 50467, Lot 509 on Deposited Plan 66529, Commercial Boating Facility, Kununurra and that the successful applicant was Lake Kununurra Boat Hire.**
- (3) Authorises the Chief Executive Officer to negotiate the lease agreement, finalise and affix the common seal.**

**Moved: Cr T Chafer**

**Seconded: Cr C McNeil**

**Decision: 8/0**

### **VOTING REQUIREMENT**

Simple Majority

### **PURPOSE**

For Council to consider Expressions of Interest received for a 10 year lease over a portion of Reserve 50467, Lot 509 on Deposited Plan 66529, Commercial Boating Facility, Kununurra.



### 16.3. QUOTATION AWARD FOR RFQ04-20/21 WHEELED EXCAVATOR

|                                 |  |
|---------------------------------|--|
| <b>DATE:</b>                    | 27 July 2021                             |
| <b>AUTHOR:</b>                  | Senior Procurement and Contracts Officer |
| <b>RESPONSIBLE OFFICER:</b>     | Vernon Lawrence, Chief Executive Officer |
| <b>FILE NO:</b>                 | CM.16.404                                |
| <b>DISCLOSURE OF INTERESTS:</b> | Nil                                      |

#### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Note the recommendation in the Evaluation Report for RFQ04-20/21 Wheeled Excavator (Attachment 1); and**
- 2. Endorse that the additional funds required can be committed from GL:1041004050 - Drainage Works - Self Performing in the Mid Year Budget Review.**
- 3. Accept the quote from Hitachi Construction (Australia) Pty Ltd as the most advantageous quotation; and**
- 4. Authorise the Chief Executive Officer;**
  - a) To negotiate and sign a purchase agreement with Hitachi Construction (Australia) Pty Ltd, or**
  - b) Where a purchase agreement cannot be executed with the preferred supplier, begin negotiations with the second preferred supplier, and after ensuring that all appropriate financial due diligence is undertaken, sign a purchase agreement with the second preferred supplier.**

## **Council Decision**

**Minute Number: 22/03/2022 – 118613**

**That Council:**

- 1. Note the recommendation in the Evaluation Report for RFQ04-20/21 Wheeled Excavator (Attachment 1); and**
- 2. Endorse that the additional funds required can be committed from GL:1041004050 - Drainage Works - Self Performing in the Mid Year Budget Review.**
- 3. Accept the quote from Hitachi Construction (Australia) Pty Ltd as the most advantageous quotation; and**
- 4. Authorise the Chief Executive Officer;**
  - a) To negotiate and sign a purchase agreement with Hitachi Construction (Australia) Pty Ltd, or**
  - b) Where a purchase agreement cannot be executed with the preferred supplier, begin negotiations with the second preferred supplier, and after ensuring that all appropriate financial due diligence is undertaken, sign a purchase agreement with the second preferred supplier.**

**Moved: Cr M Dear**

**Seconded: Cr D Hearty**

**Decision: 8/0**

## **VOTING REQUIREMENT**

Simple Majority

## **PURPOSE**

Council approved a budget allocation for the purchase of a Wheeled Excavator in the 2021/22 Budget. Shire officers followed required provisions contained within the *Local Government (Functions and General) Regulations 1996* to source quotes for a Wheeled Excavator. The report contains a detailed quotation evaluation report and a recommendation for award of the most advantageous quotation.

*L Levi left room 6:10pm*

#### 16.4. REQUEST TO WRITE OFF RATES AND INTEREST

|                                 |   |
|---------------------------------|---|
| <b>DATE:</b>                    | 22 March 2022                                 |
| <b>AUTHOR:</b>                  | Rates Officer                                 |
| <b>RESPONSIBLE OFFICER:</b>     | Felicity Heading, Director Corporate Services |
| <b>ASSESSMENT NO:</b>           | A8147   |
| <b>FILE NO:</b>                 | FM.11.156                                     |
| <b>DISCLOSURE OF INTERESTS:</b> | Nil   |

#### OFFICER'S RECOMMENDATION

That Council, in accordance with Section 6.12(c) of the *Local Government Act 1995*, write off the following unrecoverable rates with a total value of \$4,385.80:

- Diamond Bright Star Pty Ltd (Deregistered) \$4,385.80.

#### Council Decision

Minute Number: 22/03/2022 – 118614

That Council, in accordance with Section 6.12(c) of the *Local Government Act 1995*, write off the following unrecoverable rates with a total value of \$4,385.80:

- Diamond Bright Star Pty Ltd (Deregistered) \$4,385.80.

Moved: Cr C McNeil

Seconded: Cr D Hearty

Decision: 8/0

#### PURPOSE

For Council to consider the recommendation from Shire Officers to write off Rates Debts to the total of \$4,385.80 + interest

## 16.5. EXERCISE OF POWER OF SALE FOR RECOVERY OF OUTSTANDING RATES

|                                 |   |
|---------------------------------|---|
| <b>DATE:</b>                    | 22 March 2022                                 |
| <b>AUTHOR:</b>                  | Rates Officer                                 |
| <b>RESPONSIBLE OFFICER:</b>     | Felicity Heading, Director Corporate Services |
| <b>FILE NO:</b>                 | FM.11.168, A5818D, A5819D, A5820D             |
| <b>DISCLOSURE OF INTERESTS:</b> | Nil   |

### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Resolve to exercise a power of sale under Part 6 Subdivision 6 of the *Local Government Act 1995* in relation to Rates Assessments A5818, A5819, and A5820, which each have rates in arrears for 3 or more years (as detailed in the table below) for the recovery of outstanding rates and service charges;**

|                           |  |
|---------------------------|--|
| <b>Rate Category</b>      | GRV Residential                        |
| <b>Period Outstanding</b> | 24/07/2015 to Current                  |
| <b>Last Payment</b>       | 12/04/2016                             |
| <b>Amount Outstanding</b> | \$23,803.91 + interest from 01/03/2022 |

|                           |  |
|---------------------------|--|
| <b>Rate Category</b>      | GRV Residential                        |
| <b>Period Outstanding</b> | 24/07/2015 to Current                  |
| <b>Last Payment</b>       | 12/04/2016                             |
| <b>Amount Outstanding</b> | \$23,803.92 + interest from 01/03/2022 |

|                           |                       |
|---------------------------|-----------------------|
| <b>Rate Category</b>      | GRV Residential       |
| <b>Period Outstanding</b> | 24/07/2015 to Current |

|                    |                                      |
|--------------------|--------------------------------------|
| Last Payment       | 12/04/2016                           |
| Amount Outstanding | 23,803.92 + interest from 01/03/2022 |

**2. Request the CEO or their delegate to instruct the Shire's legal representatives to commence legal proceedings in accordance with Part 6 Subdivision 6 of the *Local Government Act 1995*.**

**Council Decision**

**Minute Number: 22/03/2022 – 118615**

**That Council:**

**1. Resolve to exercise a power of sale under Part 6 Subdivision 6 of the *Local Government Act 1995* in relation to Rates Assessments A5818, A5819, and A5820, which each have rates in arrears for 3 or more years (as detailed in the table below) for the recovery of outstanding rates and service charges;**

|                    |  |
|--------------------|--|
| Rate Category      | GRV Residential                        |
| Period Outstanding | 24/07/2015 to Current                  |
| Last Payment       | 12/04/2016                             |
| Amount Outstanding | \$23,803.91 + interest from 01/03/2022 |

  

|                    |  |
|--------------------|--|
| Rate Category      | GRV Residential                        |
| Period Outstanding | 24/07/2015 to Current                  |
| Last Payment       | 12/04/2016                             |
| Amount Outstanding | \$23,803.92 + interest from 01/03/2022 |

  

|                    |                       |
|--------------------|-----------------------|
| Rate Category      | GRV Residential       |
| Period Outstanding | 24/07/2015 to Current |

|   |                                      |
|---|--------------------------------------|
| <b>Last Payment</b>   | 12/04/2016                           |
| <b>Amount Outstanding</b>   | 23,803.92 + interest from 01/03/2022 |
| <p><b>2. Request the CEO or their delegate to instruct the Shire's legal representatives to commence legal proceedings in accordance with Part 6 Subdivision 6 of the <i>Local Government Act 1995</i>.</b></p> <p><b>Moved: Cr M Dear</b><br/> <b>Seconded: Cr D Hearty</b></p> <p style="text-align: right;"><b>Decision: 8/0</b></p> |                                      |

**PURPOSE**

For Council to consider exercising a power of sale under Part 6 Subdivision 6 of the *Local Government Act 1995* in relation to Rates Assessment numbers A5818, A5819, A5820 for the recovery of outstanding rates, service charges, interest, and legal costs.

**17. CLOSURE**

The Shire President declared the meeting closed at 6:21pm