

SHIRE OF WYNDHAM EAST KIMBERLEY

# Ordinary Council Meeting: Agenda

24 OCTOBER 2023



## **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  
AGENDA  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON TUESDAY 24 OCTOBER 2023 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. ELECTION OF A DEPUTY SHIRE PRESIDENT**

The Shire President will call for nominations for Deputy Shire President and declare the close of nominations. All nominations must be in writing and can be given to the Chief Executive Officer either before the meeting or at this point in the meeting.

Any Councillor can nominate another Councillor for a position. In this case, the person conducting the election must also receive confirmation, either written or verbal, from the nominated Councillor that they are willing to be nominated.

Election will take place by secret ballot.

The Shire President will declare the result of the election. The declaration is to include the names of the candidates and the name and term of office of the candidate declared elected.

**3. DECLARATION OF INTEREST**

- Financial Interest
- Impartiality Interest
- Proximity Interest

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

**5. PUBLIC QUESTION TIME**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. PETITIONS**

## **8. CONFIRMATION OF MINUTES**

### **OFFICER'S RECOMMENDATION**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 26 September 2023.**

Note: The Minutes of the Ordinary Council Meeting held on 23 September 2023 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**

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

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

## **12. REPORTS**

### **12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

## 12.2. OFFICE OF THE CEO

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

<b>DATE</b>	24 October 2023
<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.

#### **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**

Various, as referenced in individual reports presented to the Council.

#### **FINANCIAL IMPLICATIONS**

Various, as referenced in individual reports presented to the Council.

#### **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of actions from the September 2023 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 - Completed - October 2023

Attachment 2 - Council Action Register - In Progress - October 2023

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

<b>DATE</b>	24 October 2023
<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 19 August 2023 to 19 October 2023.**

### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 19 August 2023 to 19 October 2023.

### **STATUTORY IMPLICATIONS**

#### **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 CEO,*

*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 CEO, 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.*  
[Section 9.49A inserted: No. 17 of 2009 s. 43; amended: No. 16 of 2019 s. 68.]

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

**Goal 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**Goal Outcome 10.4:** Innovation - Embrace technology, creativity and innovation to solve complex problems

**Strategy 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation

### **RISK IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **COMMUNITY ENGAGEMENT**

No community engagement is required

### **COMMENTS**

There were 2 documents for the time period of 19 August 2023 to 19 October 2023 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

<b>Date of Use</b>	<b>Document</b>
02-Oct-23	Lot 117 Pardalote Close Kununurra Reticulated Sewage
02-Oct-23	Lot 117 Pardalote Close Kununurra Potable Water

### **ATTACHMENTS**

Nil

### 12.2.3. Minutes and Recommendations from the North West Defence Alliance of 18 September 2023

<b>DATE</b>	24 October 2023
<b>AUTHOR</b>	Chief Executive Officer
<b>RESPONSIBLE OFFICER</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER</b>	Advocator, Facilitator and Leader
<b>VOTING REQUIREMENT</b>	Simple Majority

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

**That Council receives and endorses the minutes and resolutions of the North West Defence Alliance meeting Minutes of 18 September 2023 as provided at Attachment 1 to this report.**

#### **PURPOSE**

This report, presents for Council's endorsement, the Minutes from the last joint meeting of the North West Defence Alliance (NWDA).

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

The NWDA Zone is a group of nine local governments from the Kimberley and the Pilbara that are advocating for a greater defence presence in the north of Western Australia. This group includes the four Kimberley Shires in addition to the Shires of Ashburton, Exmouth, East Pilbara, Town of Port Hedland and City of Karratha.

The NWDA is a group established and operating within Terms of Reference. The objectives of the group are:

- To promote the case for increased defence infrastructure and personnel expenditure across local governments in the North West;
- To act as a point of liaison for the Department of Defence and associated authorities;
- To communicate key defence priorities to all levels of government, relevant stakeholders and to the public, and
- To maintain effective communication and collaboration between the Alliance members and to promote one another's strategic objectives.

#### **STATUTORY IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

The NWDA is aligned with the strategy of the Shire for better cooperation between the Federal Government and the Shire for investment in and upgrading of infrastructure that promote economic investment across the North of Western Australia.

## **RISK IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Financial information is provided in the minutes of the meeting and no request has been made to the Shire for additional funds.

## **COMMUNITY ENGAGEMENT**

Nil

## **COMMENTS**

The Minutes of the NDWA and the associated attachments give a comprehensive view of the activities during the past year. These include: the preparation of a report by a consultant to the Defence Strategic Review; attendance at defence industry events, and advocacy and meeting with key decision makers in the defence industry and government.

Upcoming events include the AGM for the NDWA which needs to be held in November this year and a visit by Defence Personnel to each local government area to establish what the status of usable infrastructure and services are.

Detailed information has not been provided in the report as aspects of the information could be regarded as sensitive. There is a lot of detail, nonetheless, in the attachments which have been made confidential for Councillors.

## **CONFIDENTIAL ATTACHMENTS**

Confidential Attachment 1 - North West Defence Alliance Meeting 6 - 2023 09 18 Minutes  
Confidential Attachment 2 - Submission to Defence Strategic Review  
Confidential Attachment 3 - North West Defence Study Tour - Program  
Confidential Attachment 4 - Defence Situation and 2024 NWDA Opportunities

#### 12.2.4. Councillor Committee Representation

<b>DATE</b>	24 October 2023
<b>AUTHOR</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO</b>	GN.05.7
<b>DISCLOSURE OF INTERESTS</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER</b>	Advocator - advocate and support initiatives on behalf of the community and the Kimberley.
<b>VOTING REQUIREMENT</b>	Absolute majority

#### OFFICER'S RECOMMENDATION

**That Council endorses the following representation on various Committees of Council as well as representation on external Boards and Committees:**

**Audit (Finance and Risk) Committee**

Representative 1 -  
Representative 2 -  
Representative 3 -  
Proxy -

**CEO review and selection panel**

Representative 1 -  
Representative 2 -  
Representative 3 -  
Proxy -

**Local Emergency Management Committee (LEMC)**

Representative 1 -  
Representative 2 -  
Proxy 1 -

**Bush Fire Advisory Committee (BFAC)**

Representative 1 -  
Representative 2 -  
Proxy 1 -

**Development Assessment Panels**

Representative 1 -  
Representative 2 -  
Proxy 1 -  
Proxy 2 -

**WALGA Kimberley Zone / Regional Collaborative Group**

Representative 1 -  
Representative 2 -

Proxy 1 -  
Proxy 2 -

**Kimberley Regional Road Group**

Representative 1 -  
Proxy 1 -

**Kununurra School and Community Library**

Representative 1 -  
Proxy 1 -

**Disability Access and Inclusion Committee**

Representative 1 -  
Representative 2 -  
Proxy 1 -

**SWEK Roadwise Committee**

Representative 1 -  
Proxy 1 -

**Kununurra Visitor Centre**

Representative 1 -  
Proxy 1 -

**Kununurra Wyndham Alcohol Accord**

Representative 1 -  
Representative 2 -  
Proxy 1 -

**Lake Kununurra Foreshore Reference Committee**

Representative 1 -  
Representative 2 -  
Proxy 1 -

**East Kimberley Marketing Group**

Representative 1 -  
Proxy 1 -

**Australian Airports Association (AAA)**

Representative 1 -  
Proxy -

**East Kimberley Regional Airport Committee**

Representative 1 -  
Representative 2 -  
Proxy 1 -

**PURPOSE**

This report provides for Council to confirm its delegates and representatives to various committees of Council as well as representation on external committees.

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

In accordance with s5.8 of the *Local Government Act 1995* a local government may establish committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

In accordance with the *Local Government Act 1995*:

- The Shire President is entitled to be a member of any Council appointed committee.
- Each committee of Council must comprise of at least three elected members and can consist of as many as nine elected members (i.e. the Council).
- In terms of meeting efficiency and effectiveness, previous committee numbers have been 3 (CEO Review Panel) and 3 (Audit) elected members. By convention, at least one deputy member should be appointed to assist each committee so that quorums can be easily maintained.
- These arrangements can be changed at any time by absolute majority decision subject to the requirements of the Local Government Act 1995

### **Function**

The function of a committee is to deliberate upon matters within its authority. In some cases it may be limited to only making recommendations to Council, in others the full authority to make decisions may be delegated. The Council may determine operational procedures for committees through its standing orders local law or by a policy decision.

### **Membership**

Committee members are usually appointed by Council at the first Council meeting following the local government ordinary elections. If a committee has position(s) for Council members and the Shire President wishes to be a member of that committee then the local government is to appoint the Shire President to be a member. The same principle applies if the CEO wishes to be appointed to a committee that has an employee representative.

The Shire is involved with a variety of committees, some of which are statutory requirements and others which are in-house and assist with the decision-making of Council and other committees relating to external stakeholders.

### **Committee Information:**

#### **LEGISLATED**

##### **Audit (Finance and Risk) Committee**

Section 7.1A (1) of the *Local Government Act* stipulates that a local government is to establish an audit committee of three or more persons to exercise the powers and discharge the duties conferred on it.

Section 7.1A (2) of the *Local Government Act* stipulates that the members of the audit committee of a local government are to be appointed **(by absolute majority)** by the local government and at least three of the members, and a majority of the members, are to be Council members.

Section 7.1A (3) and (4) stipulate that the Audit (Finance and Risk) Committee cannot have the CEO, their nominee or representative as a member of the Audit (Finance and Risk) Committee. The Audit (Finance and Risk) Committee is primarily responsible for the overview of the financial and risk management of the Council and operates in accordance with its Terms of Reference (Attachment 1).

- Number of Councillors - Three or Five
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Corporate Services
- Committee administrator - SWEK

### **CEO Review and Selection Panel**

The CEO is employed by the Council and the performance of the CEO is to be reviewed at least once in relation to every year of employment. Division 4 of the *Local Government Act 1995* s5.36, s5.39A, s5.39B and s5.39C gives guidance to Councillors on the employment of a CEO and s5.38 indicates that an annual review must take place and this is achieved in accordance with the Panel's Terms of Reference (Attachment 2).

- Number of Councillors - Three
- Frequency of meetings - As required (at least once a year)
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - SWEK

### **Local Emergency Management Committee (LEMC)**

The LEMC is established by the respective local government and operates under the provision of the *Emergency Management Act 2005* to plan on behalf of the community. This is a representative committee to provide a network of skills, knowledge and advice to assist the local government in ensuring that the local emergency management arrangements are established for its area.

The LEMC is not an operational response committee and is often confused with the functions of an Incident Management Group or at a larger emergency, the Operations Area Management Group. Members of the LEMC may well be involved with the operational management of an incident as a member of the Incident Management Group or the Local Recovery Coordinating Committee due to the roles they hold in their parent agency. Local government has an important part to play in that it has a legislative responsibility to prepare, plan and have linking arrangements with the appointed agencies.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Quarterly and as required during times of emergency
- Location of meetings - Alternates between Wyndham and Kununurra
- Responsible officer - Director of Infrastructure (Chairperson)
- Committee administrator - SWEK

### **Bush Fire Advisory Committee (BFAC)**

The function of the Bush Fire Advisory Committee (BFAC) is to provide support and guidance to Bush Fire Brigades and develop interagency strategies in relation to fire management in the Shire. It does this in collaboration with the Department of Fire and Emergency Services (DFES) and the Department of Biodiversity, Conservation and Attractions (DBCA) and various other key agencies. The BFAC meets to discuss operational and command and control issues and to advise on matters relating to prosecutions under the *Bush Fires Act 1954*. It also assists in coordinating the activities of the brigades and agencies tasked with fire management with respect to the preparation of firebreaks and general preparedness for fire incidents.

- Number of Councillors - Two
- Number of proxies - One

- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Infrastructure (Chairperson)
- Committee administrator - SWEK

### **Development Assessment Panels (DAP's)**

Council is obliged to nominate members and alternate members for a Development Assessment Panel. The DAP's principal purpose is to deal with major planning proposals - all proposals valued over \$10 million, and subject to the applicant nominating (i.e. opting in), proposals valued between \$2 million and \$10 million. Noting that the State Government is reviewing these thresholds and opt-in provisions at the moment.

The DAP only becomes operational once an application has been lodged.

- Number of Councillors - Two
- Number of proxies - Two
- Frequency of meetings - As required
- Location of meetings - Kununurra and by Teams or Zoom
- Responsible officer - Director Planning and Community Development
- Committee administrator - Department of Planning

Attachment 3 provides additional information, including with respect to consideration to diversity of representation for panel nomination.

## **REGIONAL REPRESENTATION**

### **WALGA Kimberley Zone/Regional Collaborative Group**

The Western Australian Local Government Association (WALGA) is the single association for Local Government, representing the political and strategic interests of Local Government at State and Federal levels. The Shire is a member of WALGA.

Local Governments are grouped into regional bodies called Zones (a geographically based subdivision containing Ordinary Members and is incorporated within a country or metropolitan constituency. The Kimberley Country Zone Membership is made up of the Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome, Shire of Derby/West Kimberley, Shire of Christmas Island and Shire of Cocos (Keeling) Islands.

The roles/functions of a Zone are primarily as follows:

- select a State Council representative;
- consider the State Council agenda;
- provide direction/feedback to their State Councillor;
- develop/advocate positions on regional issues affecting Local Government;
- progress regional Local Government initiatives;
- identify relevant issues for action by WALGA;
- networking and sharing information; and
- contributing to policy development through Policy Units and Policy Forums.

Zones:

- have an integral role in shaping the political and strategic direction of Local Government as a tier of government;
- are responsible for bringing relevant local and regional issues to the State decision making table;



- are a key player in developing policy and legislative initiatives for Local Government; and
- have direct relationships with the State Council of the Association, Policy Units and Policy Forums and the Secretariat of the Association.

Every Zone has at least one representative on the State Council (the Kimberley Zone has 1 – the Zone Chair who is also the State Council representative and the Deputy Zone Chair who is the Deputy State Council Representative). Each representative is primarily responsible for ensuring that the Association is governed in the best interests of all member Local Governments. Representatives are also required to advocate the viewpoints and interests of their Zone on issues under consideration by the State Council. The Shire representatives are the same as for the Kimberley Regional Group detailed below.

### **Kimberley Regional Group (KRG)**

In September 2010 as part of the Western Australian State Government's Local Government reform agenda, the four Kimberley Shires (Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome and the Shire of Derby/West Kimberley) formed the Kimberley Regional Collaborative Group (RCG), formalised with the signing of an agreement with the State Government. The Group was formed with a view to adopting a regional approach to strategic and community planning and facilitating the harmonisation of core functions and services across participating local governments.

The RCG was due to terminate on 30 June 2015. In preparation for this, the Kimberley Shires formed a Kimberley Regional Group (KRG) for the purpose of governing and undertaking shared regional initiatives. The KRG has a Kimberley Local Government Governance Agreement between the four Kimberley Shires, which provides the legal framework for the establishment, membership and operation of the Kimberley Regional Group. This agreement was originally signed in February 2014, with the latest version being signed in August 2019.

KRG meetings are held at the same time as the Zone meeting and the committee representatives are the same. Travel is required to each of the zones for the quarterly meetings as well as to Darwin and Perth for conferences generally held once a year.

- Number of Councillors - Two
- Number of proxies - Two
- Frequency of meetings - Quarterly for the KRG and as required for Zone to consider State Council Agenda items.
- Meeting location - Alternates between zone locations, Teams meetings and in Perth
- Responsible officer - Chief Executive Officer
- Committee administrator - Zone Secretariat (currently SWEK with the assistance of NAJA Business Consulting)

### **Kimberley Regional Road Group**

The Kimberley Regional Road Group is a grouping of the Broome, Wyndham East Kimberley, Halls Creek and Derby-West Kimberley Shires to work on regional road issues. Funding is made from the State Government towards regionally significant projects which municipalities must make submissions for funding. Funding submissions cover Black Spot funding, Aboriginal Access Roads funding, direct funding towards administrative costs and Regional Projects funding.

- Councillor representation - One
- Number of proxies - One
- Frequency of meetings - Bi-annually
- Meeting location - Rotated through Shire locations

- Responsible officer - Director Infrastructure
- Committee administrator - Main Roads WA

## LOCAL REPRESENTATION

### Kununurra School and Community Library

The Kununurra School and Community Library Committee provides advice on policy with respect to the running of the Library in Kununurra, which is jointly managed by the Shire and the Department of Education.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Once each school term
- Location of meetings - Kununurra School and Community Library
- Responsible officer - Director Planning and Community Development
- Committee administrator - SWEK

### Disability Access and Inclusion Committee

The objective of this Committee is to oversee and advise Council on the implementation, review and evaluation of the Shire's Disability Access and Inclusion Plan (DAIP), which is required under *the Disability Services Act 1993*. The Committee nominally meets annually but meets on a more regular basis when it is tasked to review and update the DAIP and comprises industry representatives - mostly (NDSIS) service providers - as well as community representatives.

- Number of Councillors - Two
- Number of proxies - One
- Frequency of meetings - Annually or as otherwise required
- Location of meetings - Kununurra
- Responsible officer - Director Planning and Community Development
- Committee administrator - SWEK

### SWEK RoadWise Committee

The WALGA RoadWise Program supports Local Governments, community groups, private businesses and individuals to become involved in local road safety issues. RoadWise achieves this by supporting local road safety committees, providing access to resources and training, and increasing knowledge, which all contribute to building the capacity of local committees to make an effective contribution to improving road safety in their own areas.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Infrastructure
- Committee administrator - WALGA RoadWise

### Kununurra Visitor Centre

Tourism is a major economic sector for the Shire and it is important that Council understands the needs and requirements of the sector that impact many areas of Council's work. SWEK is also the owner of Tourism House and therefore has a financial interest in the building.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Monthly

- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - East Kimberley Visitor's Centre Manager

### **Kununurra Wyndham Alcohol Accord**

The Kununurra Wyndham Alcohol Accord comprises representatives from Industry, Local and State Government and WA Police. The Accord's aim is to address issues associated with the sale and consumption of alcohol. Over the last couple of years the Accord's primary focus has been in relation to liquor restrictions and the enhancement of the Take Away Management System (TAMS) to include a Banned Drinkers Register (BDR). The Accord also advises strategy and policy to Council related to liquor availability and general licensing matters.

- Number of Councillors - Two
- Proxy - One
- Frequency of meetings - Bi-monthly
- Location of meetings - Kununurra
- Responsible officer - Director Planning and Community Development
- Committee administrator - Kununurra and Wyndham Alcohol Accord

### **Lake Kununurra Foreshore Reference Committee**

The purpose of the Lake Kununurra Foreshore Reference Committee is to update and implement the Lake Kununurra and Aquatic Use Plan. It includes broad representation from relevant government agencies (responsible for foreshore and water management) as well as community representatives.

- Number of Councillors - Two
- Proxy - One
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Planning and Community Development
- Committee administrator - SWEK

### **East Kimberley Marketing Group**

The East Kimberley Marketing Group was formed as a result of industry forums held in Kununurra during late 2013 and early 2014 when tourism operators came together to try and work out the best way of giving tourism a boost in the region. The East Kimberley Marketing Group's focus is on delivering actions aligned with the SWEK East Kimberley Tourism Action Plan 2022, (now updated) and more specifically Part B – Operational Marketing Plan.

- Number of Councillors - One
- Proxy - One
- Frequency of meetings - Monthly
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - East Kimberley Marketing Group

### **East Kimberley Regional Airport Committee**

Development at the East Kimberley Regional Airport (EKRA) is expected to be significant in the medium term. This will most likely result in the operations of the airport becoming larger and more complex as freight and flights to the east coast of Australia become a factor. There is a need for a more focused approach to the management of the strategic direction and the operations of the EKRA. As this is a community asset the Administration considers that a

governance committee be formed to perform the function similar to that which a board of directors would.

- Number of Councillors - Two
- Proxy - One
- Frequency of meetings - Quarterly
- Location of meetings - EKRA
- Responsible officer - Manager Airports
- Committee administrator - SWEK

## **OFFICER REPRESENTATION**

### **Australian Airport Association (AAA)**

The AAA is the national voice that represents the interests of over 250 airports and aerodromes Australia wide - from the local country community landing strip to major international gateway airports. Airport members represent vital infrastructure crucial to the communities in which they operate and for the overall national economy.

The AAA facilitates cooperation among airport members and their many and varied partners in Australian aviation, while contributing to an air transport system that is safe, secure, environmentally responsible and efficient for the benefit of all Australians and visitors.

- Officer - Chief Executive Officer
- Proxy - Manager Airports
- Frequency of meetings - Annual
- Location of meetings - Various locations throughout Australia
- Responsible officer - Chief Executive Officer

At the 26 October 2021 Ordinary Council Meeting, the Council resolved the following:

### COUNCIL DECISION

*Minute Number: 26/10/2021 – 118534*

*That Council endorses the following representation on various Committees of Council as well as representation on external Boards and Committees:*

#### Audit (Finance and Risk) Committee

*Representative 1 – Cr M McKittrick*

*Representative 2 – Cr T Chafer*

*Representative 3 – Cr D Hearty*

*Proxy – Cr J Farquhar*

#### CEO review and selection panel

*Representative 1 – Cr D Menzel*

*Representative 2 – Cr N Brook*

*Representative 3 – Cr T Chafer*

*Representative 4 – Cr J Farquhar*

*Proxy – Cr M McKittrick*

#### Local Emergency Management Committee (LEMC)

*Representative 1 – Cr M Dear*

*Representative 2 – Cr N Brook*

*Proxy 1 – Cr C McNeil*

#### Bush Fire Advisory Committee (BFAC)

*Representative 1 – Cr C McNeil*

*Representative 2 – Cr T Chafer*

*Proxy 1 – Cr M Dear*

Development Assessment Panels

Representative 1 – Cr T Chafer  
Representative 2 – Cr D Menzel  
Proxy 1 – Cr M McKittrick  
Proxy 2 – Cr D Hearty

WALGA Kimberley Zone / Regional Collaborative Group

Representative 1 – Cr D Menzel  
Representative 2 – Cr T Chafer  
Proxy 1 – Cr N Brook  
Proxy 2 - CEO

Kimberley Regional Road Group

Representative 1 – Cr T Chafer  
Proxy 1 – Cr D Menzel

Kununurra School and Community Library

Representative 1 – Cr J Farquhar  
Proxy 1 – Cr N Brook

Disability Access and Inclusion Committee

Representative 1 – Cr M Dear  
Representative 2 – Cr M McKittrick  
Proxy 1 - Cr J Farquhar

SWEK Roadwise Committee

Representative 1 – Cr M Dear  
Proxy 1 – Cr C McNeil

Kununurra Visitor Centre

Representative 1 – Cr J Farquhar  
Proxy 1 – Cr M McKittrick

Kununurra Wyndham Alcohol Accord

Representative 1 – Cr T Chafer  
Representative 2 – Cr M Dear  
Proxy 1 – Cr D Menzel

Lake Kununurra Foreshore Reference Committee

Representative 1 – Cr N Brook  
Representative 2 – Cr J Farquhar  
Proxy 1 – Cr M Dear

East Kimberley Marketing Group

Representative 1 – Cr C McNeil  
Proxy 1 – Cr N Brook

Australian Airports Association (AAA)

Representative 1 - CEO  
Proxy – Manager Airport

East Kimberley Regional Airport Committee

Representative 1 – Cr D Menzel  
Representative 2 – Cr T Chafer  
Proxy 1 – Cr N Brook  
Moved: Cr T Chafer  
Seconded: Cr D Hearty

Decision: 8/0

## **STATUTORY IMPLICATIONS**

- 5.8. *Establishment of committees*  
*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*  
*\* Absolute majority required.*
- 5.9. *Committees, types of*  
(1) *In this section —*  
*other person means a person who is not a council member or an employee.*  
(2) *A committee is to comprise —*  
(a) *council members only; or*  
(b) *council members and employees; or*  
(c) *council members, employees and other persons; or*  
(d) *council members and other persons; or*  
(e) *employees and other persons; or*  
(f) *other persons only.*
- 5.10. *Committee members, appointment of*  
(1) *A committee is to have as its members —*  
(a) *persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*  
(b) *persons who are appointed to be members of the committee under subsection (4) or (5).*  
*\* Absolute majority required.*  
(2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*  
(3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*  
(4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*  
(5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*  
(a) *to be a member of the committee; or*  
(b) *that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*  
*[Section 5.10 amended: No. 16 of 2019 s. 18.]*
- 5.11A. *Deputy committee members*  
(1) *The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.*  
*\* Absolute majority required.*  
(2) *A person who is appointed as a deputy of a member of a committee is to be —*  
(a) *if the member of the committee is a council member — a council member; or*  
(b) *if the member of the committee is an employee — an employee; or*  
(c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*  
(d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*

- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

*[Section 5.11A inserted: No. 17 of 2009 s. 20.]*

**5.11. Committee membership, tenure of**

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
  - (b) *the person resigns from membership of the committee; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,**whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the term of the person's appointment as a committee member expires; or*
  - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,**whichever happens first.*

**5.12. Presiding members and deputies, election of**

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
  - (a) *to "office" were references to "office of presiding member"; and*
  - (b) *to "council" were references to "committee"; and*
  - (c) *to "councillors" were references to "committee members".*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
  - (a) *to "office" were references to "office of deputy presiding member"; and*
  - (b) *to "council" were references to "committee"; and*
  - (c) *to "councillors" were references to "committee members"; and*
  - (d) *to "mayor or president" were references to "presiding member".*

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item other than the commitment of human resources and time to attend/administer the respective committees. The Annual Budget provides the resources to meet the costs of attending and administering these committees.

**STRATEGIC IMPLICATIONS**

**Focus Area:** Liveability

**Focus Area:** Connection

**Focus Area:** Sustainability

**Goal 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**Goal Outcome 10.3:** Advocacy - Strong and consistent advocacy for local needs and priorities

**Strategy 10.3:** The Shire will influence decisions of others in a way that recognises and prioritises the needs of our local community

### **RISK IMPLICATIONS**

Nil

### **COMMUNITY ENGAGEMENT**

The Shire's Community Engagement Policy has been considered in relation to this item. No community engagement is required.

### **COMMENTS**

The endorsement of Committee memberships is an operational function of the organisation and a legislative requirement. As a general rule each Committee has at least one representative and one proxy, unless it is a requirement of the respective group to have two nominees (such as the WALGA Zone or the Development Assessment Panel) and in such cases the number of proxies may also be varied. Representation is for a period of two years and will expire at the local government election date in October 2025.

### **ATTACHMENTS**

Attachment 1 - Audit (Finance and Risk) Committee Terms of Reference

Attachment 2 - CEO Review and Selection Panel Terms of Reference

Attachment 3 - Shire of Wyndham-East Kimberley - DAPs - Local Government Nominations



## 12.2.5. Change of Meeting Date and 2024 Meeting Dates

<b>DATE</b>	24 October 2023
<b>AUTHOR</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER</b>	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 Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT</b>	Simple Majority

### OFFICER'S RECOMMENDATION

That Council:

1. Approves the change of dates for the below Council Meetings:
  - a. Council Briefing Session from 7th November to the 14th November 2023
  - b. Ordinary Council Meeting from 21st November to the 28th November 2023
2. Adopts the Ordinary Council Meeting, Council Briefing and Audit (Finance and Risk) Committee meeting dates, times and locations for 2023 as detailed in the below table:

MONTH	Audit (Finance and Risk) Committee	Location and time	Council Briefing Sessions	Location and time	Ordinary Council Meetings	Location and time
JANUARY	-		Recess		Recess	
FEBRUARY	-		13th	Kununurra 17:00	27th	Wyndham 17:00
MARCH	11th	Kununurra 17:00	12th	Kununurra 17:00	26th	Kununurra 17:00
APRIL	-		9th	Kununurra 17:00	23rd	Kununurra 17:00
MAY	-		14th	Kununurra 17:00	28th	Wyndham 17:00
JUNE	10th	Kununurra 17:00	11th	Kununurra 17:00	25th	Kununurra 17:00
JULY	-		9th	Kununurra 17:00	23rd	Kununurra 17:00
AUGUST	-		13th	Wyndham 17:00	27th	Kununurra 17:00
SEPTEMBER	9th	Kununurra 17:00	10th	Kununurra 17:00	24th	Kununurra 17:00
OCTOBER	-		8th	Kununurra 17:00	22nd	Kununurra 17:00
NOVEMBER	-		12th	Wyndham 17:00	26th	Kununurra 17:00
DECEMBER	2nd	Kununurra 17:00	No Briefing		10th	Kununurra 17:00

3. Notes that meetings are held at the Kununurra Council Chambers or the Wyndham Council chambers as indicated in the table above.
4. Notes that due to a change in Local Government Regulations to live stream Ordinary Council Meetings, all Council Meetings will be held in the Kununurra Council Chambers from June 2024 until Wyndham Council Chambers are fitted out with the necessary equipment to live stream.
5. Authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.

## **PURPOSE**

For Council to approve the change of date for November 2023 Council Briefing Session and Ordinary Council Meeting and adopt the 2024 Ordinary Council Meeting dates, times and locations.

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

At the 25 October 2022 Ordinary Council Meeting, Council made the following resolution:

### Council Decision

Minute Number: 25/10/2022 - 118735

That Council:

1. adopts the Ordinary Council Meeting dates, times and locations for 2023 as detailed in the table below:

<i>Month</i>	<i>Date</i>	<i>Location of Meeting</i>
<i>January</i>	<i>RECESS</i>	<i>RECESS</i>
<i>February</i>	<i>Tuesday, 21st</i>	<i>Wyndham</i>
<i>March</i>	<i>Tuesday, 21st</i>	<i>Kununurra</i>
<i>April</i>	<i>Tuesday, 18th</i>	<i>Kununurra</i>
<i>May</i>	<i>Tuesday, 30th</i>	<i>Wyndham</i>
<i>June</i>	<i>Tuesday, 27th</i>	<i>Kununurra</i>
<i>July</i>	<i>Tuesday, 25th</i>	<i>Kununurra</i>
<i>August</i>	<i>Tuesday, 22nd</i>	<i>Wyndham</i>
<i>September</i>	<i>Tuesday, 26th</i>	<i>Kununurra</i>
<i>October</i>	<i>Tuesday, 24th</i>	<i>Kununurra</i>
<i>November</i>	<i>Tuesday, 21st</i>	<i>Wyndham</i>
<i>December</i>	<i>Tuesday, 12th</i>	<i>Kununurra</i>

*All meetings will commence at 5.00pm.*

2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.

Moved: Cr C McNeil

Seconded: Cr J Farquhar

Decision: 8/0

## **STATUTORY IMPLICATIONS**

### *Division 2 — Council meetings, committees and their meetings and electors' meetings*

#### *Subdivision 1 — Council meetings*

#### **5.3. Ordinary and special council meetings**

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

#### **5.4. Calling council meetings**

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
  - (i) the mayor or president; or
  - (ii) at least  $\frac{1}{3}$  of the councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

#### **5.5. Convening council meetings**

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

In accordance with the *Local Government (Administration) Regulations 1996, Part 2 r.12:*

#### **12. Publication of meeting details (Act s. 5.25(1)(g))**

- (1) In this regulation —

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
  - (a) ordinary council meetings;
  - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

## **POLICY IMPLICATIONS**

Council Policy POL-1000 Council Briefing Sessions applies to this report.

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033:*

**Focus Area:** SUSTAINABILITY

**Goal 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**Goal Outcome 10.3:** Advocacy - Strong and consistent advocacy for local needs and priorities

**Strategy 10.3:** The Shire will influence decisions of others in a way that recognises and prioritises the needs of our local community

## **RISK IMPLICATIONS**

**Risk:** Failure to manage the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

**Control:** Ensure that adequate policies and procedures are in place to monitor and address risk management, internal control and legislative compliance requirements.

## **FINANCIAL IMPLICATIONS**

Minor expenditure will be incurred to ensure the appropriate statutory advertising occurs, this is provided for in the 2023/2024 Annual Budget.

## **COMMUNITY ENGAGEMENT**

In accordance with the *Local Government (Administration) Regulations 1996, Part 2 r.12*, details regarding the change of meeting dates for November 2023 and the adopted 2024 Council Meeting dates will be duly advertised on the Shire's website, on social media and via public notice boards.

## **COMMENTS**

### **Relating to the proposed change of meeting dates**

Due to operational requirements in November, it is proposed to change the dates of the November meetings to ensure attendance by the majority of Councillors and the Executive Management Team, it is proposed to reschedule these meetings to 7 days later than their originally set dates as follows:

#### Council Briefing Session

Original Date: 7th November 2023

Proposed Date: 14th November 2023

#### Ordinary Council Meeting

Original Date: 21st November 2023

Proposed Date: 28th November 2023

### **Relating to the proposed 2024 Meeting Dates**

The proposed meeting dates have considered the following events:

- Easter
- ANZAC Day Public Holiday
- Ord Valley Muster
- Local Government Week
- WA Public Holidays
- The timing of briefings.

It is common practice in many Councils to take a recess in January due to the Christmas/New Year period, when many businesses close down and individuals take holidays (including Shire Councillors and Staff), this is the case in the East Kimberley due to both the Christmas period and the impact of the wet season.

A recess held in January 2023 did not significantly impact Shire business and it is not foreseen to not pose a risk if repeated again in January 2024. Should any issues be raised during the

proposed recess, it can be addressed through either a delegation or the convening of a Special Council Meeting for a specific purpose.

In previous years, no Council Briefing Session has been held in December to allow the Ordinary Council Meeting to occur earlier in the month, this is due to school holidays commencing, the Christmas public holidays and many businesses closing with individuals commencing their holiday breaks (many residents leave the region during this period), the agenda for this meeting is generally smaller due to the natural wind down in the community leading up to the Christmas holiday period.

The meeting dates/times and locations for the 2024 Audit (Finance & Risk) Committee will be endorsed at their next meeting on 4 December 2023, if there are any changes recommended by the committee, those changes will be advertised on the Shire's website, through social media and on public notice boards to ensure the public are informed.

Due to the Local Government reforms upcoming change to mandatory live streaming of Ordinary Council Meetings, the Shire is required to make significant technology upgrades. The cost makes it not financially viable to invest in IT infrastructure for both Kununurra and Wyndham Council Chambers at this time. It is therefore proposed that the Council meetings for the second half of the calendar year all be held in Kununurra where it will co-incide with the implementation of the live streaming. No Council Meetings will take place in Wyndham in August and November 2023. However, to maintain the Shire's commitment to the Wyndham community, the administration proposes the Councillors and the Executive Management Team continue to travel to Wyndham and hold Meet and Greet sessions at the briefing dates for August and November 2023 prior to the briefing sessions commencing. It should be noted that while the Meet and Greet sessions are generally attended by members of the Wyndham community, it is unusual for them to remain for the Council Meeting. Holding Council Meetings in Wyndham will be resumed once the necessary IT infrastructure is installed in the Wyndham Council Chambers.

Regular Council Briefing Sessions occur two weeks prior to each Ordinary Council Meeting with the exception of December as outlined above.

## **ATTACHMENTS**

Attachment 1 - 2024 Proposed Meeting Dates

## 12.2.6. Minutes and Recommendations from the Kimberley Regional Group of 4 October 2023

<b>DATE</b>	24 October 2023
<b>AUTHOR</b>	Chief Executive Officer
<b>RESPONSIBLE OFFICER</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER</b>	Advocator, Facilitator and Leader
<b>VOTING REQUIREMENT</b>	Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council receives and endorses the resolutions of the Kimberley Regional Group as attached in the Kimberley Regional Group meeting Minutes of 4 October 2023 as provided at Attachment 1 to this report.**

### **PURPOSE**

This report, presents for Council's endorsement, the Minutes from the last meeting of the Kimberley Regional Group (KRG).

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

The Kimberley Regional Group (KRG) operates under a Memorandum of Understanding to promote collaboration between the four Kimberley Shire's as it relates to strategic, community planning and major projects. Meetings of this group normally coincide with the WALGA Kimberley Zone meeting, however in this case, only the KRG met.

The meeting was conducted via Zoom and did not include any presentations from external agencies.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

The work of the KRG strongly reinforces the strategy of the Shire as that relates to improvements to local and regional programs and policy and for the initiation of major projects that promote economic investment and which maximise community benefit. With respect to this, the priorities remain:

- Emergency management - arrangements and policy
- Housing

- Banned Drinkers Register
- Annual Auditing
- First Point of Entry Status for Wyndham and Brome Ports
- Major projects including the upgrade and sealing of Tanami Road
- Defence arrangements (associated with the North West Defence Alliance)

The KRG also promotes strong collaboration around common issues and strengthens the Shire's ability to advocate around matters of interest to the community.

### **RISK IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

A Financial Report was tabled at the meeting and is included in the Minutes of the KRG meeting (Attachment 1) at pages 20 to 23. Elected members did review individual contributions to the KRG operation and voted for those to remain unchanged and are seeking some clarity with respect to funding for the North West Defence Alliance. Otherwise, the budget displays a healthy financial position.

### **COMMUNITY ENGAGEMENT**

Nil

### **COMMENTS**

The Minutes of the meeting are provided at Attachment 1. Of note is the changes to the funding split to each Shire for the RRG Road Projects, which has the greatest impact to the Shire's of Halls Creek and Derby West Kimberley, which will be followed up by Cr Mitchell, being the Chair of the Kimberley Zone. The member Shire's are uncertain as to the benefit of contributing funds to the KDC for data, which will be followed up by Cr Menzel as Chair of the KRG. Examples of the data are included in the Minutes.

The executive team has forwarded the KRG's Housing Position Paper in preference to lodging a formal submission to the enquiry into Housing and Homelessness as there would not have been sufficient time to gather member input into that submission.

The KRG also confirmed the annual budget for the 2023/24 financial year whereby the contributions for each Shire will remain unchanged.

The next meeting of the KRG, which will be held jointly with the WALGA Zone, is planned for 23 November 2023, via Zoom.

Minutes of the KRG meeting are at Attachment 1.

### **ATTACHMENTS**

Attachment 1 - Minutes Kimberley Regional Group 4 October 2023

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

## 12.4. CORPORATE SERVICES

### 12.4.1. Monthly Financial Report

<b>DATE</b>	24 October 2023
<b>AUTHOR</b>	Manager Finance
<b>RESPONSIBLE OFFICER</b>	Felicity Heading, Director Corporate Services
<b>FILE NO</b>	FM.09.36
<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 31 August 2023.**

### **PURPOSE**

For Council to receive the Monthly Financial Report for the period ended 31 August 2023.

### **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 June 2023 Ordinary Council Meeting, the Council resolved the following:

#### Council Decision

Minute Number: 27/06/2023 - 118865

*That Council, pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$50,000 at financial statement level.*

Moved: Cr D Menzel  
Seconded: Cr T Chafer

Decision 8/0

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 the previous month (the **relevant 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 relevant month; and
- (c) actual amounts of expenditure, revenue and income to the end of the relevant month; 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 relevant month and a note containing a summary explaining the composition of the net current assets.

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (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 must be shown according to nature classification.

(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 relevant month; 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.

[Regulation 34 inserted: Gazette 31 Mar 2005 p. 1049-50; amended: Gazette 20 Jun 2008 p. 2724; SL 2022/88 r. 8; SL 2023/106 r. 19.]

**35. Financial position statement required each month**

(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the **previous month**) and —

- (a) the financial position of the local government as at the last day of the previous financial year; or
- (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.

(2) A statement of financial position must be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and
- (b) recorded in the minutes of the meeting at which it is presented.

[Regulation 35 inserted: SL 2023/106 r. 20.]

## **POLICY IMPLICATIONS**

The Significant Accounting Policies incorporated within the 2023/24 annual budget have 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**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

**FOCUS AREA:** Sustainability

**GOAL 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**GOAL OUTCOME 10.4:** Innovation - Embrace technology, creativity and innovation to solve complex problems

**STRATEGY 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation

## **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**

The Shire of Wyndham East Kimberley's *CP/GOV-3100 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required in relation to this item.

## **COMMENTS**

Changes to the *Local Government (Financial Management) Regulations 1996* effective for the 2023/24 financial year mean the reporting requirements for the Monthly Financial Reports have changed with additional information required to be reported including a Statement of Financial Position (Balance Sheet) and an explanation of Net Current Assets.

Moore Australia has prepared the attached Monthly Financial Report in accordance with the amended regulations.

## **ATTACHMENTS**

Attachment 1 - Monthly Financial Report August 2023

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

<b>DATE</b>	24 October 2023
<b>AUTHOR</b>	Creditors Officer
<b>RESPONSIBLE OFFICER</b>	Felicity Heading, Director Corporate Services
<b>FILE NO</b>	FM.09.32
<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 lists of accounts paid from the Municipal and Trust funds for September 2023 being:

<b>Municipal EFT 146438 - 146634 (04/09/23 - 28/09/23)</b>	<b>\$ 4,688,539.84</b>
<b>Payroll (06/09/23 - 20/09/23)</b>	<b>\$ 534,793.92</b>
<b>Direct Bank Debits (01/09/23 - 20/09/23)</b>	<b>\$ 26,182.27</b>
<b>Total</b>	<b>\$ 5,249,516.03</b>

#### **PURPOSE**

For Council to receive the list of accounts paid from the Municipal Fund and Trust Fund in order to meet 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 September 2022, 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**

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached report includes these payments.

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

*(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

*(a) this Act other than those referred to in section 5.43; or*

*(b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

\* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

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

#### **Regulation 5. CEO's duties as to financial management (in part)**

(1) Efficient systems and procedures are to be established by the CEO of a local government —  
(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and

#### **Regulation 11. Payments, procedures for making etc.**

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

(a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and  
(b) petty cash systems.

(2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

(3) Payments made by a local government —

(a) subject to subregulation (4), are not to be made in cash;  
and

(b) are to be made in a manner which allows identification of —

(i) the method of payment; and

(ii) the authority for the payment; and

(iii) the identity of the person who authorised the payment.

(4) Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

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

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by resolution of the council.

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

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

#### **13A. Payments by employees via purchasing cards**

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment;

(d) sufficient information to identify the payment.  
(2) A list prepared under subregulation (1) must be —  
(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and  
(b) recorded in the minutes of that meeting.  
[Regulation 13A inserted: SL 2023/106 r. 6.]

## **POLICY IMPLICATIONS**

Shire of Wyndham East Kimberley Delegation Register 2022-2023 Sub-delegation 6 “Payments from the Municipal Fund and Trust Fund” applies subject to compliance with *Council Policy POL-2004 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 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, as well as to comply with legislative requirements.

## **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

**FOCUS AREA:** Sustainability

**GOAL 10:** Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

**GOAL OUTCOME 10.4:** Innovation - Embrace technology, creativity and innovation to solve complex problems

**STRATEGY 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation

## **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 Council after the list is prepared and

is to be recorded in the minutes of the meeting at which it is presented as required by the applicable regulations.

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached List of Accounts Paid includes these payments.

## **ATTACHMENTS**

Attachment 1 - List of Accounts Paid September 2023

**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**

**17. CLOSURE**