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

29/10/2019

Varid Heyel

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

ORDINARY COUNCIL MEETING

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

Carbbles

CARL ASKEW

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.

CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2.		
	APPROVED)	4
3.	DECLARATION OF INTEREST	
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5.	PUBLIC QUESTION TIME	5
6.	APPLICATIONS FOR LEAVE OF ABSENCE	6
7.	PETITIONS	7
8.	CONFIRMATION OF MINUTES	7
9.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	7
10.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	8
11.	DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	8
12.	REPORTS	9
•	12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	9
•	12.2. CHIEF EXECUTIVE OFFICER	
	12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions	
	12.2.2. Standing Item - Use of the Common Seal	11
	12.2.3. Delegations Register 2019/20 DA-09 Private Works	
	12.3. PLANNING AND COMMUNITY DEVELOPMENT	
•	12.4. CORPORATE SERVICES	
	12.4.1. Monthly Financial Report August 2019	
	12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund	
	12.5. INFRASTRUCTURE	
_	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	
15.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	1
	MATTERS BEHIND CLOSED DOORS	
17	CLOSURE	24

SHIRE OF WYNDHAM EAST KIMBERLEY ORDINARY COUNCIL MEETING MINUTES Kununurra Council Chambers COUNCIL CHAMBERS HELD ON 24 SEPTEMBER 2019 AT 5:00PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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 minute

The Shire President declared the Meeting open at 5:00pm.

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

ATTENDENCE

Cr D Menzel Shire President

Cr T Chafer Deputy Shire President

Cr N Brook Councillor
Cr M Dear Councillor
Cr J Farquhar Councillor
Cr G Lodge Councillor
Cr M McKittrick Councillor
Cr D Pearce Councillor
Cr A Petherick Councillor

C Askew Chief Executive Officer S Dyson Director Infrastructure

N Kearns Director Planning and Community Development

V Lawrence Director Corporate Services

C Cane Minute Taker

Keith Wright Resident Wendy Casey Resident

3. DECLARATION OF INTEREST

Financial Interest

NIL

Impartiality Interest

NIL

Proximity Interest

NIL

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question 1 - Darren Spackman, Resident

My question is in relation to the Ivanhoe Road – Lilly Creek Lagoon drain where half has been dedicated and the other half has not. It has been an ongoing battle for years and I would like to know how the issue is progressing?

The Director Infrastructure provided the following response:

Your question was related to a drainage reserve that the Shire was proposing to extend/create over a parcel of unallocated Crown land referred to as King Location 715 (Lot 715 on DP 217490).

There is a drainage reserve located on the western side of Ivanhoe Road (Reserve 38106), which directs drainage from the town site south under the Victoria Highway. The water is then directed into Lot 715 where it is essentially filtrated through an old borrow pit.

Previously the Shire had started a process to create a drainage reserve (i.e. reservation not dedication) over this portion of land. However, this had not been progressed due to a number of factors including potential contamination and more importantly that the Water Corporation had included the area within the P1 public drinking water boundary in order to protect the nearby borefields.

We have contacted the Water Corporation in relation to this matter and they advised they require a formal letter in writing in order to consider the continuation of the easement. The Shire has commenced this process and is awaiting their response.

5. PUBLIC QUESTION TIME

NIL

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Lodge has provided a written request for a leave of absence for the 19 November 2019 Ordinary Council Meeting and the 10 December 2019 Ordinary Council Meeting.

OFFICER RECOMMENDATION

That Council approve a leave of absence for Cr Lodge for the 19 November 2019 Ordinary Council Meeting and the 10 December 2019 Ordinary Council Meeting.

Minute Number: 24/09/2019 - 118096

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council approve a leave of absence for Cr Lodge for the 19 November 2019 Ordinary Council Meeting and the 10 December 2019 Ordinary Council Meeting.

Carried: 9/0

Cr Pearce has provided a written request to attend the 29 October 2019 Ordinary Council Meeting via Video Conference.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council approve Cr Pearce to attend the 29 October 2019 Ordinary Council Meeting via Video Conference.

Minute Number: 24/09/2019 - 118097

Moved: Cr T Chafer Seconded: Cr N Brook

That Council approve Cr Pearce to attend the 29 October 2019 Ordinary Council

Meeting via Video Conference.

Carried: 9/0

Cr Pearce will attend the 29 October 2019 Ordinary Council Meeting via Video Conference from 112 Melville Parade, Como WA 6152.

7. PETITIONS

NIL

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 27 August 2019.

Note: The Minutes of the Ordinary Council Meeting held on 27 August 2019 are provided under separate cover via www.swek.wa.gov.au

Minute Number: 24/09/2019 - 118098

Moved: Cr G Lodge Seconded: Cr T Chafer

That Council confirms the Minutes of the Ordinary Council Meeting held on 27

August 2019.

Carried: 9/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President acknowledged a series of visits, meetings and briefings that took place over the month:

- **29 August 2019 Ken Bond 20 Year SWEK Anniversary.** I attended a small ceremony at the East Kimberley Regional Airport to acknowledge 20 years of service to Ken Bond. His achievement is the second longest ongoing term of service within our organisation. Congratulations to Ken.
- **2 September 2019 Water Corporation, Gantry Crane unveiling.** The Shire was honoured to receive the original Gantry Crane, gifted by the Water Corporation. The historic monument is now positioned on the corner of the Victoria Highway and Millington Drive for all to admire and enjoy.
- 2 September 2019 Local Government Ordinary Election Information Session
- 3 September 2019 Kimberley Zone Meeting
- 5 September 2019 Niegel Grazia (Deputy Director General, Industry and Economic Development, DPIRD) Meeting to further discuss Cotton Industry development.
- **6 September 2019 Opening Night of the Kimberley Writers Festival.** I was privileged to open the 2019 Kimberley Writers Festival. It was another very successful festival as expected and I congratulate all those involved in organising the event.

- **10 September 2019 Attorney General Meeting** to discuss matters relating to his portfolio and our community.
- **10 September 2019 Sundowner Event with the Hon. Peter Tinley** hosted by East Kimberley Chamber of Commerce and Industry.
- **11 September 2019 Hon. Peter Tinley Meeting** with Directors of Corporate Services and Planning and Community Development. It was a very valuable meeting.
- **12 September 2019 Local Government Ordinary Elections 2019 Ballot Draw.** Congratulations to all those who have nominated and all the best on Election Day.
- **17 September 2019 Australian Citizenship Ceremony.** In my absence, Deputy Shire President, Cr Tony Chafer, officiated the ceremony in which the Shire welcomed seven new Citizens to Australia. Congratulations to the new Citizens.

I would also like to acknowledge and give thanks to all current Councillors for their contribution to our community over the past two years. An election will be held prior to the next Ordinary Council Meeting so this may be the last time that we gather with this group as a Council. It has been a pleasure and an honour to work with everyone.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

NIL

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	24 September 2019
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Council Decision

Minute Number: 24/09/2019 - 118099

Moved: Cr D Pearce Seconded: Cr N Brook

That Council notes the report - Outstanding Actions from Previous Council

Resolutions.

Carried: 9/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making though 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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the August 2019 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 - August 2019

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	24 September 2019
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

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 24 August to 20 September 2019.

Council Decision

Minute Number: 24/09/2019 - 118100

Moved: Cr G Lodge

Seconded: Cr M McKittrick

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 24 August to 20 September 2019.

Carried: 9/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 24 August to 20 September 2019.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

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

FINANCIAL 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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There was one document for the time period of 24 August to 20 September 2019 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
	Lease over part Reserve 27603, part Lot 500 on DP 66554, Tourism House, Coolibah Drive Kununurra – Kununurra Visitor Centre

ATTACHMENTS

NIL

12.2.3. Delegations Register 2019/20 DA-09 Private Works

DATE:	24 September 2019
AUTHOR:	Senior Governance and Risk Officer
RESPONSIBLE OFFICER:	Carl Askew Chief Executive Officer
FILE NO:	PL.02.1
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council delegates its authority and power to the Chief Executive Officer to enter into commercial arrangements under which the Shire is to provide works or services, subject to Council Policy CP/OPS-3650 Private Works and that the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the Local Government Act 1995.

Council Decision

Minute Number: 24/09/2019 - 118101

Moved: Cr T Chafer Seconded: Cr M Dear

That Council delegates its authority and power to the Chief Executive Officer to enter into commercial arrangements under which the Shire is to provide works or services, subject to Council Policy CP/OPS-3650 Private Works and that the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the Local Government Act 1995.

Carried: 9/0

PURPOSE

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The purpose of this report is to amend the current Council Delegations Register 2019/20 to include DA-09 Private Works which is attached to this report under a separate cover.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 28 August 2019 Ordinary Council Meeting, Council adopted the 2019 revised delegation register:

Council Decision

Minute Number: 27/08/2019 - 118075

Moved: Cr G Lodge

Seconded: Cr J Farquhar

That Council adopt the revised Delegations Register for the 2019/2020 financial year.

Carried: 6/2

Against: Cr M McKittrick, Cr A Petherick

The *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer the exercise of certain powers or the discharge of any of its duties under the Act.

The Local Government Act 1995 further provides that the Chief Executive Officer may delegate any of their powers to another employee, this is to occur once the delegations to the CEO are adopted. These Sub-delegations may be amended during the year by the Chief Executive Officer to maintain operational and statutory requirements.

In accordance with other legislation, Council may not be able to delegate the responsibility for appointing authorised persons to the Chief Executive Officer. In these instances, appointment of authorised persons must be approved directly by Council. Although these authorisations do not have delegated authority, they are included in this Register for ease of reference and review.

The Delegations Register was last reviewed by Council 28 August 2019.

STATUTORY IMPLICATIONS

5.42. Delegation of some powers 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).

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

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43 Limits on delegations to CEO²⁹

A local government cannot delegate to a CEO any of the following powers or duties

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor:
- (i) such other powers or duties as may be prescribed.

POLICY IMPLICATIONS

CP-OPS 3650 Private Works Policy

FINANCIAL IMPLICATIONS

There are no financial implications attached to this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

RISK IMPLICATIONS

Risk: Failure to manage a governance framework which transparently governs and embraces good governance practice.

^{*} Absolute majority required.

Control: Review of the Delegations Register against legislation and organisational requirements annually

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Delegations Register adopted at the previous Council Meeting was missing a page, and as such the delegation for DA-09 Private Works was not delegated by Council to the Chief Executive Officer.

ATTACHMENTS

Attachment 1 - Shire of Wyndham East Kimberley Delegations Register DA-09 Private Works

12.3. PLANNING AND COMMUNITY DEVELOPMENT

NIL

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report August 2019

DATE:	24 September 2019
AUTHOR:	Financial Accountant
RESPONSIBLE OFFICER:	Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Report for the period ending 31 August 2019.

Council Decision

Minute Number: 24/09/2019 - 118102

Moved: Cr M Dear

Seconded: Cr J Farquhar

That Council receives the Monthly Financial Report for the period ending 31

August 2019.

Carried: 9/0

PURPOSE

For Council to receive the Monthly Financial Report for the period ended 31 August 2019.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

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 25 June 2019 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 25/06/2019 - 118046

Moved: Cr G Lodge

Seconded: Cr J Farquhar

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.

Carried 9/0

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

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4. Local Government (Financial Management) Regulations 1996, Regulation 34.

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 the Council with the ability to oversee the Shire's financial performance against budgeted targets.

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 audit performed.

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.

COMMENTS

Comments in relation to budget to actual variances are included as notes in the Financial Report attached.

ATTACHMENTS

Attachment 1 - Monthly Financial Report - 31 August 2019.

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

DATE:	24 September 2019
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:		
Municipal EFT 135733 - 135997 (02/08/2019 - 29/08/2019)	\$	1,704,028.63
Municipal Cheques 51975 - 51979 (09/08/2019 - 29/08/2019)	\$	808.70
Trust Cheque 1234 - 1235 (29/08/2019)	\$	250.00
Trust EFT 501856 - 501870 (05/08/2019 - 28/08/2019)	\$	13,055.65
Payroll - (14/08/2019 - 28/08/2019)	\$	500,908.84
Direct bank debits (01/08/2019 - 28/08/2019)	\$	112,508.66
Total	\$	2,331,560.48

Council Decision

Minute Number: 24/09/2019 - 118103

Moved: Cr G Lodge Seconded: Cr T Chafer

That Council receives the listing of accounts paid from the Municipal and Trust funds,

being:

Municipal EFT 135733 - 135997 (02/08/2019 - 29/08/2019) \$ 1,704,028.63

Municipal Cheques 51975 - 51979 (09/08/2019 - 29/08/2019) \$ 808.70

Trust Cheque 1234 - 1235 (29/08/2019)	\$ 250.00
Trust EFT 501856 - 501870 (05/08/2019 - 28/08/2019)	\$ 13,055.65
Payroll - (14/08/2019 - 28/08/2019)	\$ 500,908.84
Direct bank debits (01/08/2019 - 28/08/2019)	\$ 112,508.66
Total	\$ 2,331,560.48
	Carried: 9/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2019/20 which was adopted by Council on 27 August 2019, 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

Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

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 2019/20 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: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 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.

Controls: Annual Financial Audit. Annual Compliance Return to Department of Local Government, Sport and Cultural Industries.

COMMUNITY ENGAGEMENT

No community engagement is required.

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; amount of payment; date of payment, and sufficient information to identify the transaction. The list is to be presented to the Council at the next Ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid August 2019

12.5. INFRASTRUCTURE

NIL

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

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

NIL

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

NIL

16. MATTERS BEHIND CLOSED DOORS

NIL

17. CLOSURE

The Shire President declared the meeting closed at 5:11pm.