



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES
ORDINARY COUNCIL
MEETING**

22 November 2022

DISCLAIMER

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

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

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

Signed on behalf of Council



VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING MINUTES
WYNDHAM COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 22 NOVEMBER 2022 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 minutes.

The Shire President declared the Meeting open at 5:08pm.

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

Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor (Video Conferencing)
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr B Kyne	Councillor
Cr D Hearty	Councillor (Video Conferencing)
Cr C McNeil	Councillor
V Lawrence	Chief Executive Officer
F Heading	Director Corporate Services
Paul Webb	Director Infrastructure
N Kearns	Director Planning and Community Development
N Bray	Minute Taker

Apologies

Cr D Menzel	Shire President
Cr M McKittrick	Councillor

3. DECLARATION OF INTEREST

- Financial Interest
Nil
- Impartiality Interest
Nil

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 25 October 2022

Council Decision

Minute Number: 22/11/2022 - 118750

That Council confirms the Minutes of the Ordinary Council Meeting held on 25 October 2022

Moved: Cr T Chafer

Seconded: Cr J Farquhar

Decision: 7/0

Note: The Minutes of the Ordinary Council Meeting held on 25 October 2022 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

To be presented at the next ordinary council meeting.

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

Nil

12.2. OFFICE OF THE CEO

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

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

OFFICER'S RECOMMENDATION

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

Council Decision

Minute Number: 22/11/2022 - 118751

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

Moved: Cr J Farquhar

Seconded: Cr B Kyne

Decision: 7/0

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

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

ATTACHMENTS

Attachment 1 - Council Action Register - November 2022

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	22 November 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
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 18 October 2022 to 18 November 2022.

Council Decision

Minute Number:

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

Moved: Cr C McNeil

Seconded: Cr M Dear

Decision: 7/0

PURPOSE

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

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

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

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

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

Date of Use	Document
01/11/2022	Car Parking Lease - Timothy Shamus McClintock Airport Lease, Airport Terminal, East Kimberley Regional Airport WA

ATTACHMENTS

Nil

12.2.3. WALGA Best Practice Governance Review

DATE:	22 November 2022
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the Best Practice Governance Review undertaken by the Western Australian Local Government Association;**
- 2. Endorses the Administrations recommendation for the Shire to support governance model Option 3 as its preferred option, and**
- 3. Endorses the preference ranking of the remaining options as Option 2, then Option 4, Option 1 and Option 5.**

Council Decision

Minute Number: 22/11/2022 - 118753

That Council:

- 1. Notes the Best Practice Governance Review undertaken by the Western Australian Local Government Association;**
- 2. Endorses the Administrations recommendation for the Shire to support governance model Option 3 as its preferred option, and**
- 3. Endorses the preference ranking of the remaining options as Option 2, then Option 4, Option 1 and Option 5.**

Moved: Cr M Dear

Seconded: Cr B Kyne

Decision: 7/0

PURPOSE

The purpose of the report is to consider the Best Practice Governance Review Consultation Paper produced by the Western Australian Local Government Association (WALGA) and to provide support for a preferred option of the 5 options presented and to provide a preferred ranking of the options..

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In March 2022, the State Council commissioned the WALGA Best Practice Governance Review (BPGR) with the aim of ensuring WALGA's governance model is contemporary, agile and maximises engagement with members. The BPGR, is overseen by a Steering Committee appointed by the State Council and Cr Menzel sits on that Committee.

The BPGR Steering Committee has formulated a set of governance principles to guide the development of potential governance models and at a special meeting on 22 August, the State Council endorsed the principles, along with an AGM Agenda item which sought endorsement of the principles by members at the 2022 Annual General Meeting on 3 October - the purpose being to gauge member support for progressing the BPGR to the development of potential models.

Following consideration of the principles at the 2022 AGM, a consultation and engagement process was initiated which will run into December this year, following which, member feedback will be used to confirm a preferred model and finalise the report. The final report will then be considered at Zone meetings in February 2023 and then at the March 2023 State Council meeting.

WALGA has prepared a discussion paper relevant to this matter, which is provided at Attachment 1 and asked member local governments to endorse a preferred (Governance) model and to rank the balance options in order of preference. This is sought by WALGA by 23 December 2022.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

There are no policy implications associated with this matter.

STRATEGIC IMPLICATIONS

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

Focus Area 4: PERFORMANCE - Civic Leadership

Goal: 4.1: Effective representation through advocacy at a regional, state and national level

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

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

Service Area: Governance and Executive Services
Executive Services

RISK IMPLICATIONS

Risk: Failure to manage a governance framework which transparently embraces good governance practices.

Control: Contribution to state wide forums as they relate to the business of local government and which best promote 'best practice'.

FINANCIAL IMPLICATIONS

There are no financial implications that impact a budget consideration.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

WALGA are looking for a decision of Council as to which governance model (option) Council prefers out of a choice of 5. These are:

Option 1: The top tier being a Board comprising 11 Members, tier two being a Policy Council comprising 25 Members and tier three maintaining the existing Zones of 5 metro and 12 country Zones.

Option 2: The top tier being a Board comprising 11 Members, tier two being 8 regional bodies consisting of 4 metro and 4 country and the third tier is the policy teams, forums and committees.

Option 3: The top tier being a Board comprising 15 Members, tier two being amalgamated Zones comprising 6 metro and 6 country Zones and tier three being the policy teams, forums and committees.

Option 4: The top tier being a Member Elected Board comprising 11 Members, tier two being the policy teams, forums and committees and tier three being regional groups.

Option 5: Current Model which is the State Council comprising 25 Members, the existing Zones of 5 metro and 12 country Zones and the third tier being policy teams, forums or committees

The Administration has considered the Options and makes the following observations:

1. There is a distinct difference between the Kimberley Zone and the Kimberley Regional Group (KRG). The Kimberley Zone comprises the four Kimberley Shire's, Christmas Island Local Government and the Cocos Islands Local Government. The latter two do not participate in any significant manner in the Zone meetings. In contrast, the KRG is an alliance of only the four Kimberley Shires under an MOU to essentially pursue matters of common interest across the region. This has been successful and the valuable part arising out of the Zone process
2. The Current Model is dated. It does not particularly serve the needs of Shire's in the Kimberley. The Zone aspect is focused on the State Council agenda which deals with matters such as strategy, financial oversight, policy development, advocacy, employment of the WALGA CEO etc. The matters are to a greater degree more relevant to the metropolitan Councils than regional local governments. On a practical note, these matters, when put up for consideration at Kimberley Zone meetings, draw very little comment or discussion. The valuable part of the Zone meetings is the KRG agenda that is discussed. The Administration therefore would welcome a model that reduced the Shire's need to host and or participate in the Zone meeting process as they relate to pure Zone business.
3. Option 1 preserves the current Zone structure and so on this point alone the Administration would not suggest this option as a preference. It does put forward reduced numbers on a Board structure which is an improvement on the current process which is set out in Option 5.
4. Option 4 does away with Zones and replaces them with Regional Groups such as the Regional Capitals Alliance and the KRG. The Administration considers that, for the Shire, the KRG is not the forum to consider the State Agenda items as it would in effect be the same as the current situation. Under this model it would be possible for the KRG to decline to consider the State Agenda items. It is even possible that the KRG may cease to exist at a point in time. There would then be no guaranteed formal pathway for input into items on the State Agenda that the Shire could access. The Administration recognises the need for there to be a formal Zone structure in place but greatly reduced in numbers.
5. Options 2 and 3 are similar in structure. The difference being Option 2 has Regional Bodies and Option 3 has Zones. The Regional Bodies in the Country areas comprise Mining and Pastoral, Agriculture, Peel/South West/Great southern and Regional Capitals. Option 3 proposes 6 Zones of which the Shire would be in a combined Pilbara/Kimberley Zone. The Administration considers that these two options are the preferable ones with Option 3 as the preferred one due to retaining a Zone structure but it being rationalised.

The recommendation of the Administration is that Option 3 is the preferred choice, followed by Option 2. Option 4 is the third choice, then Option 1 and finally Option 5.

ATTACHMENTS

Attachment 1 - WALGA Best Practice Governance Review - Consultation Paper Model Options

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Policy Review - Property Street Numbering

DATE:	22 November 2022
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	LP.06.8
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

The Council adopts the revised Property Street Numbering (CP/PMG-3782) Policy at Attachment 2.

Council Decision

Minute Number: 22/11/2022 - 118754

The Council adopts the revised Property Street Numbering (CP/PMG-3782) Policy at Attachment 2.

Moved: Cr T Chafer

Seconded: Cr J Farquhar

Decision: 7/0

PURPOSE

For Council to consider the adoption of the reviewed Property Street Numbering Policy (CP/PMG-3782).

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council policies provide guidance to Elected Members and Officers with regards to certain procedures and processes and assisting decision makers. To ensure policies remain current and relevant, reviews are regularly undertaken.

The current Property Street Numbering Policy, adopted by Council in February 2016, replaced Council Policy F9 - Street Numbering Guidelines. Originally the policy was developed to ensure uniformity in the number of streets in future land releases within townsite areas, and following the development of the Australian/New Zealand Standard 4819:2011: Rural and Urban Addressing (AS/NZS 4819: 2011) the Policy was updated.

The proposed changes to the Policy include, slight wording and editing changes to update the Policy to the new template and a general review of the included information to ensure it is current and still relevant.

A copy of the current policy is at Attachment 1 and the proposed revised policy is at Attachment 2.

STATUTORY IMPLICATIONS

The Local Government Act 1995 empowers Council in the determination of policy under section 2.7 Role of Council - '(2)(b) determine the local government's policies'.

POLICY IMPLICATIONS

Council Policy CP/GOV-3112 Policy Management Policy requires that policies be reviewed at a minimum of every five years and a report presented to Council detailing any proposed changes.

STRATEGIC IMPLICATIONS

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

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

RISK IMPLICATIONS

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: Policies updated in accordance with an agreed schedule and operational requirements.

FINANCIAL IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Community engagement is not required for a general policy review.

COMMENTS

A review of the Property Street Numbering Policy (CP/PMG-3782) has been undertaken in accordance with the requirements of the Policy Management Policy (CP/GOV-3112).

The revised Policy sets out objectives and identifies policy provisions for the allocation of street numbers to new properties and the consideration for new street numbers to existing properties. The format of the updated Policy has been modified to be clearer and to conform with the Shire's updated Policy template.

The proposed changes to the Policy are considered to be relatively minor, and include mainly editing, formatting and slight wording changes, which are consistent with the Australian and New Zealand Standards.

ATTACHMENTS

Attachment 1 - Current Property Street Numbering Policy

Attachment 2 - Proposed revised Property Street Numbering Policy

12.4. CORPORATE SERVICES

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

DATE:	22 November 2022
AUTHOR:	Finance - Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for October 2022, being:

Municipal EFT 144179 - 144325 (03/10/2022 - 24/10/2022)	\$ 2,765,138.42
Trust EFT 20221005-22021027 (07/10/2022 - 31/10/2022)	\$ 9,078.80
Payroll (05/10/2022 - 19/10/2022)	\$ 525,064.03
Direct Bank Debits (03/10/2022 - 21/10/2022)	\$ 124,991.30
Total	\$ 3,424,272.55

Council Decision

Minute Number:

That Council receive the lists of accounts paid from the Municipal and Trust funds for October 2022, being:

Municipal EFT 144179 - 144325 (03/10/2022 - 24/10/2022) \$ 2,765,138.42

Trust EFT 20221005-22021027 (07/10/2022 - 31/10/2022)	\$ 9,078.80
Payroll (05/10/2022 - 19/10/2022)	\$ 525,064.03
Direct Bank Debits (03/10/2022 - 21/10/2022)	\$ 124,991.30
Total	\$ 3,424,272.55
Moved: Cr C McNeil	
Seconded: Cr J Farquhar	
	Decision: 7/0

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 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

Local Government Act 1995 - Section 5.42 Delegation of some power and duties to CEO
Local Government (Financial Management) Regulations 1996 -
 Regulation 5. CEO's duties as to financial management.
 Regulation 11. Payments, procedures for making etc.
 Regulation 12. Payments from municipal fund or trust fund, restrictions on making.
 Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties etc.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2022/23 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

ATTACHMENTS

Attachment 1 - List of Accounts Paid October 2022

12.4.2. Review of Council Policy CP/FIN-3203 Investments

DATE:	22 November 2022
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	CM.11.2, FM.10.12
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the amended policy CP/FIN-3203 Investments as provided at Attachment 1.

Council Decision

Minute Number: 22/11/2022 - 118756

That Council adopt the amended policy CP/FIN-3203 Investments as provided at Attachment 1.

Moved: Cr T Chafer

Seconded: Cr N Brook

Decision: 7/0

PURPOSE

For Council to consider adopting the amended Council Policy CP/FIN-3203 Investments.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The last major review of Council Policy CP/FIN-3203 was undertaken in 2014 following recommendations from the Regulation 17 Review to ensure compliance with changes to the *Local Government (Financial Management) Regulations 1996*.

Subsequent reviews were undertaken in 2015, 2017, and 2020 with only minor amendments made.

Audit (Finance and Risk) Committee - 24 February 2014

COMMITTEE RESOLUTION

Minute: AC291

Moved: Cr B Robinson

Seconded: Cr D Spackman

That the committee recommends to Council that it adopts the attached amended Council Investment Policy, CP FIN – 3203 with the following amendment – to remove the paragraph “Investments fixed for greater than 12 months are to be approved by Council, reviewed on a regular term and invested for no longer than 5 years” under the heading Counterparty Credit Framework – to ensure statutory compliance.

Carried Unanimously 3/0

Ordinary Council Meeting

COUNCIL DECISION

Minute No. 10335

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council adopts the recommendations from the Audit (Finance & Risk) Committee Meeting held on 24 February 2014.

Carried Unanimously 9/0

STATUTORY IMPLICATIONS

All investments must comply with the following:

- a. *Local Government Act 1995, section 6.14*
- b. *Local Government (Financial Management) Regulations 1996*
- c. *The Trustee Act 1962, Part III Investments*
- d. *Australian Accounting Standards*

If at any stage the legislation or standards are amended which are contrary to the Council Policy, then the legislative or standards requirements will prevail.

Local Government Act 1995

6.14. Power to invest

(1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.

(2A) A local government is to comply with the regulations when investing money referred to in subsection (1).

(2) Regulations in relation to investments by local governments may —

- (a) make provision in respect of the investment of money referred to in subsection (1); and*

[(b) deleted]

(c) prescribe circumstances in which a local government is required to invest money held by it; and

(d) provide for the application of investment earnings; and

(e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

(1) In this regulation —

authorised institution means —

(a) an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or

(b) the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;

foreign currency means a currency except the currency of Australia.

(2) When investing money under section 6.14(1), a local government may not do any of the following —

(a) deposit with an institution except an authorised Institution;

(b) deposit for a fixed term of more than 3 years;

(c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;

(d) invest in bonds with a term to maturity of more than 3 years;

(e) invest in a foreign currency.

POLICY IMPLICATIONS

Council Policy CP/GOV-3112 Policy Management requires that policies be reviewed at minimum every five years and a report presented to Council detailing any proposed changes.

STRATEGIC IMPLICATIONS

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

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

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

Service Area: Financial Management

RISK IMPLICATIONS

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: Review policies in accordance with review schedule.

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 Plans and Annual Budget.

Control: Monthly and quarterly progress and financial reporting against Corporate Business Plan and Annual Budget.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of this Policy, however it will ensure that the Shire's internal control procedures and restrictions over investments continue to be maintained and adhered to, and meet all statutory requirements, and therefore forms a key element of the Shire's financial management framework. Effective investment portfolio management will ensure that the Shire earns an appropriate return on any cash balances held, with due consideration to the preservation of capital, and satisfying liquidity requirements.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The policy has been reviewed and amendments made to the Counterparty Credit Framework to increase the maximum allowable percentages for direct investment with an individual counterparty/institution within individual credit rating categories. Officers consider these changes necessary due to a reduction in investment services being provided by some banking institutions, and they will allow increased flexibility within the Shire's investment portfolio resulting in improved investment returns.

Further minor amendments have been made to include additional definitions for clarity and to remove definitions that are not used within the policy.

ATTACHMENTS

Attachment 1 - Amended Council Policy CP/FIN-3203 Investments

Attachment 2 - Amended Council Policy CP/FIN-3203 Investments with track changes

12.5. INFRASTRUCTURE

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

Council Decision

Minute Number: 22/11/2022 - 118757

That Council moves in camera at 5:22pm to discuss items in 16. Matters Behind Closed Doors.

Moved: Cr T Chafer

Seconded: Cr M Dear

Decision: 7/0

Council Decision

Minute Number: 22/11/2022 - 118759

That Council moves out of camera at 5:33pm

Moved: Cr T Chafer

Seconded: Cr C McNeil

Decision: 7/0

16.1. REQUEST FOR QUOTATION RFQ05-22/23 WASTE COLLECTION SERVICES - SHIRE OF WYNDHAM EAST KIMBERLEY

DATE:	22 November 2022
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
FILE NO:	CM16.454
DISCLOSURE OF INTERESTS:	Nil
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Accepts the submission from Cleanaway Pty Ltd (ABN: 79 000 164 938) of Level 4, 441 St Kilda Road, Melbourne VIC 3004 for RFQ05-22/23 Waste Collection Services – Shire of Wyndham East Kimberley, as being the most advantageous quotation to form a contract with, for the initial term of seven (7) years from the 1 July 2023;**
- 2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to variations (of a minor nature), prior to entry and throughout the duration of the Contract; and**
- 3. Requests the Chief Executive Officer to report to Council at the conclusion of the initial seven (7) year term, for authorisation to execute any of the included 3 x 1-year additional Contract terms.**

Council Decision

Minute Number: 22/11/2022 - 118758

That Council:

- 1. Accepts the submission from Cleanaway Pty Ltd (ABN: 79 000 164 938) of Level 4, 441 St Kilda Road, Melbourne VIC 3004 for RFQ05-22/23 Waste Collection Services – Shire of Wyndham East Kimberley, as being the most advantageous quotation to form a contract with, for the initial term of seven (7) years from the 1 July 2023;**
- 2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to variations (of a minor nature), prior to entry**

and throughout the duration of the Contract; and

Requests the Chief Executive Officer to report to Council at the conclusion of the initial seven (7) year term, for authorisation to execute any of the included 3 x 1-year additional Contract terms.

Moved: Cr M Dear

Seconded: Cr B Kyne

Decision: 7/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* section 5.23(2)(c):

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

(3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

PURPOSE

To consider submissions received for RFQ05-22/23 and to make recommendation for award of contract. On the basis that the Contract will exceed \$500,000, a confidential report has been provided to Council for their consideration of awarding the Contract to the most advantageous respondent.

17. CLOSURE

Cr T Chafer declared the meeting closed at 5:34pm.