



**SHIRE OF HALLS CREEK
MINUTES**

OF THE ORDINARY MEETING OF COUNCIL

HELD ON

17 September 2020

Please Note - These minutes have yet to be confirmed by Council as a true record of proceedings

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Notes for Members of the Public

PUBLIC QUESTION TIME

The Shire welcomes your questions and will continue to set aside a period of 'Public Question Time' to enable a member of the public to put questions to the Council. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

Please Note - These minutes have yet to be confirmed by Council as a true and correct record of proceedings

COVID-19 UPDATE – In person Council meetings:

With easing of Restrictions as at Monday 18 May 2020 the advice from the Department of Local Government is that appropriate space to allow for the four square metres per person requirement and gathering restrictions of 20 people need to be maintained.

The Shire of Halls Creek will resume in person meetings with the Council and administration present, along with room for 3 members of the public up to a maximum of 12 persons. To ensure that the Shire adheres to the social distancing requirements the remaining staff will attend the meeting via videoconference.

2020 COUNCIL MEETING DATES

The following Council Meeting dates and times have been resolved by Council.

January Council in Recess

20 February 2020	Council Chamber, Halls Creek	4.30pm
19 March 2020	Council Chamber, Halls Creek	4.30pm
23 April 2020	Council Chamber, Halls Creek	4.30pm
21 May 2020	Council Chamber, Halls Creek	4.30pm
18 June 2020	Council Chamber, Halls Creek	4.30pm
23 July 2020	Council Chamber, Halls Creek	4.30pm
20 August 2020	Council Chamber, Halls Creek	4.30pm
17 September 2020	Council Chamber, Halls Creek	4.30pm
15 October 2020	Council Chamber, Halls Creek	4.30pm
19 November 2020	Council Chamber, Halls Creek	4.30pm
17 December 2020	Council Chamber, Halls Creek	4.30pm
<i>No meeting held in January 2021</i>		
18 February 2021	Council Chamber, Halls Creek	4.30pm

Notes for Elected Members

DECLARATIONS OF INTEREST

Section 5.65 and 5.70 of the Local Government Act 1995 requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision-making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

APPLICATION FOR LEAVE OF ABSENCE

In accordance with Section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for an Elected Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings.

This approval must be by Council resolution and differs from the situation where an Elected Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings.

Please Note - These minutes have yet to be confirmed by Council as a final record of proceedings

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Halls Creek expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

Please Note - These minutes have yet to be confirmed by Council as a matter of Council Proceedings

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THURSDAY 17 SEPTEMBER 2020

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To be held at the conclusion of the Concept Forum commencing at 3.00pm. The Agenda Forum provides an opportunity for Elected Members to ask questions and seek additional information to that provided within the Council reports listed on the agenda.

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ATTACHMENTS

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ORDINARY MEETING OF COUNCIL

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The meeting was opened at 4.30pm by President Cr Malcolm Edwards

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Halls Creek for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within the minutes of this meeting.

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

2.1 Attendance

Shire President
Councillors

Cr Malcolm Edwards
Cr Virginia O'Neil
Cr Rosemary Stretch
Cr Bonnie Edwards
Cr Trish McKay
Cr Darrylin Gordon

Chief Executive Officer
Director Corporate Services
Director Health & Regulatory Services
Director Youth & Community Development
Minutes

Noel Mason
Lloyd Barton
Musa Mono
Margaret Glass
Dianne Rowbottom (online)

2.2 Leave of Absence (previously approved)

Cr Chris Loessl

2.3 Apologies

Nil

2.4 Late Arrivals

Nil

2.5 Declaration of Interests

Councillor/Staff Member	Item No.	Interest	Comments
Cr Virginia O'Neil	9.4.5	Conflict of interest	
Cr Darrylin Gordon	9.2.1	Financial	
Cr Rosemary Stretch	9.2.1	Financial	

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

There were no notifications of any Public Questions at the time of preparing this agenda.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil at the time of preparing the agenda.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil at the time of preparing the agenda.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 20 August 2020.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION: 2020/094

Moved: Cr Rosemary Stretch

Seconded: Cr Trish McKay

That Council confirms the minutes of the Ordinary Council Meeting held 20 August 2020 as a true and accurate record.

CARRIED 6/0

Note: The minutes of the Council meeting listed above is provided under separate cover via www.halls creek.wa.gov.au

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

There were no items for this section at the time of preparing the agenda.

9. OFFICERS REPORTS

9.1. CHIEF EXECUTIVE OFFICER

9.1.1. Policy Review

ITEM NUMBER:	9.1.1
REPORTING OFFICER:	Noel Mason, Chief Executive Officer
SENIOR OFFICER	NA
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

- 1.1 Adoption of the Shire of Halls Creek policy manual following review. (Attachment A)

2.0 Background

- 2.1 As a result of the Department of Local Government and Communities Implementation Action Plan (IAP) adopted by Shire in December 2018 and the recommendations of the Moore Stephens Regulation 17 Audit report conducted in 2018, a complete re-write of the Shire of Halls Creek policies was required.
- 2.2 The Shire Council workshopped the policy manual on Thursday 2 May 2019 and the discussed amendments have been included.
- 2.3 The policy framework has been reviewed and a new format adopted reflecting a more contemporary Local Government appearance. Many of the existing policy wordings have been thinned and streamlined to remove all process and practice description.
- 2.4 The objectives of the Council's Policy Manual are:
- to provide Council with a formal written record of all policy decisions;
 - to provide employees with precise direction in how to act in accordance with Council's wishes;
 - to enable employees to act promptly in accordance with Council's requirements, but without reference to Council, in the case of delegated actions;
 - to allow Councillors to be knowledgeable in how the Administration will act in relation to policy matters;
 - to enable a record of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances; and
 - to enable ratepayers to obtain immediate advice on matters of Council Policy.

- 2.5 The last full review of Council policies was conducted 15 June 2017. Previously, it was intended that Shire policies be reviewed every four years, with the next review due 2020. Independent review by the CCC, DLGC and Moore Stephens identified a number of changes required to existing policies and significant policy gaps. For these reasons it was decided to rewrite the Policy Manual completely and to adopt a different format.

3.0 Comments

- 3.1 The Shire of Halls Creek Policy Manual has been prepared to assist Council and staff to administer the Shire. The creation of Policy sits in the realm of Councillors and Council.
- 3.2 This manual is a compilation of policy on subject matters that form the basis of administrative decision making, without the need to refer matters to the Council for a decision before they can be enacted. It also enables Councillors and staff to readily answer questions raised by electors, the public and stakeholders about the usual business of the Shire.
- 3.3 As new policies are adopted, or existing policies are amended, the Manual is updated, maintaining the Shire's most recent view on how it will conduct business. The guiding documents establishing the principles of doing business are established in the Code of Conduct and the Customer Service Charter.
- 3.4 Obviously, time changes the need for and the relevance of policy responses. The Policy Manual framework allows the Council to design, recreate or update policy, without being overly influenced by current hot topics or influences as it develops the best Shire response to matters at a policy level.
- 3.5 The use of policy in Local Government (LG) sits between statute and legislative requirements or the 'must do's and must comply' elements of its business. Operational procedures provide a guide on the best way to conduct the operations. Therefore, policy can sometimes be an expression of principle, culture and process and not a direct account of what the Council believes must be the order of the day on each and every subject matter.
- 3.6 Policy sometimes can be misinterpreted as having firm legal status like a statute or local law but this is not the case. More accurately, it is a stated combination of the what/how/where and when that the Council would like to see in its business practice and whilst case law may apply to some of these elements, policy is only a past resolution of the Council. Whilst having the status of a Council resolution, the effect of such is that it can be changed by a new resolution or a rescinded motion.
- 3.7 Policy's true purpose is to provide an outline and guidance of the Council expectation and response so that consistency of decision making can be achieved.
- 3.8 If the interpretation of policy identifies that the matter cannot be accurately understood or addressed, or that the policy takes away from the cultural or principled positions of the Council – then at those times review is required to again clarify what the Council's intent would be in those circumstances.
- 3.9 The Policy Manual therefore will be review annually by the Council and tested against live examples and current trends to ensure that the policies are still consistent with Council's current stance and preference. Being the first year

of a new format, it would be appropriate not to cement policy numbering and format information until the review in 2020. It is expected that DLGC changes or new policy gaps will require regular addition to this Manual.

- 3.10 Adopted policies may have a Delegation component. Policies will be used to form part of the Delegation Register to the CEO and staff. Existing delegations will be amended to mirror the new policy manual as staff complete this work. Council will adopt the Delegations under a separate report at a later date.

An appropriate start date for all new policies would be the 1 July 2019.

- 3.11 The Councillors workshop on Policy held 2 May 2019 viewed and considered the policy listed below as a starting point to the new Policy Manual. Adoption of these policies will see a significant portion of the work completed. The next step in this process, is to prepare procedures and guidelines that support the policy framework. It is planned to complete the bulk of this work for consideration at the Council July meeting.

LIST OF POLICIES

- A1 CODE OF CONDUCT - MEMBERS AND STAFF - Minor set-out changes
A2 CUSTOMER SERVICE CHARTER - Complaints change to align to Complaints policy - 5 working days for a response
A3 ABORIGINAL EMPLOYMENT - No changes
A4 ANNUAL ELECTORS GENERAL MEETING - No changes
A5 COMMON SEAL – AFFIXING OF - No changes
A6 COMPLAINT HANDLING - Made it clear that policy did not apply to internal Shire staff grievances; all complaints formally acknowledged in 5 working days, same as Customer Service Charter; extended final response to 21 days not 10 working days; added Shire website as a means for people to lodge complaints; complaints involving staff to be dealt with by Director and CEO for Councillors (wasn't clear in previous version); expanded description to ensure that it is clear that complainant can report to CCC or PSC.
A7 DISABILITY ACCESS AND INCLUSION - No changes
A8 LEGAL ADVICE, REPRESENTATION & COST REIMBURSEMENT - No changes
A9 LIQUOR CONTROL - RESTRICTED AREA REG APPLICATIONS - No changes
A10 NATIVE TITLE - No changes
A11 PROCUREMENT - PURCHASE OF GOODS AND SERVICES - Changed Tender Limit to \$250k and included changes to tables, and items where that needed to be described; reworded non-compliance and checklist; expanded sole source supplier description.
A12 REGIONAL PRICE PREFERENCE POLICY - expanded description to include services - not just goods.
A13 PRIMARY DOCUMENTS - Changed review dates on IPR items; linked review to annual Policy Manual reviews.
A14 PUBLIC INTEREST DISCLOSURE - No changes

- A15 RECORDS MANAGEMENT- No changes
A16 REFRESHMENTS - No changes
A17 RISK MANAGEMENT - No changes
- F1 CORPORATE CREDIT CARDS – USE - Changed CEO issue of Corporate CC to DCS; removed all reference to Manager Finance and replaced with reference to DCS; expanded acquittal to 2 months on credits, errors, returns and lost invoices as discussed with Auditors - all rest remain 1 month;
F2 FEES & CHARGES - DISCOUNTS - No changes
F3 FINANCIAL INVESTMENTS - No changes
F4 RATES - PROCEDURE FOR UNPAID RATES- No changes
F5 WRITE OFF – RATES AND SUNDRY DEBTORS - No changes
- G1 COUNCIL MEMBERS – INDUCTION - No changes
G2 COUNCIL MEMBERS - INITIATED REQUESTS - No changes
G3 COUNCIL MEMBERS - TRAINING AND DEVELOPMENT - No changes
G4 COUNCIL MEMBERS - PROVISION OF SUPPORT FOR - No changes
G5 COUNCIL MEETINGS – VISITORS, DELEGATIONS AND PETITIONS - No changes
G6 COUNCIL MEETINGS – PUBLIC QUESTION TIME - expanded application to include Annual Elector meetings and other meetings where public has opportunity to ask questions;
G7 RECOGNITION AWARDS and HONORARY SHIRE FREEMAN STATUS - No changes
G8 REGIONAL CO-OPERATION AND SERVICES - No changes
G9 BUSHFIRE PROHIBITED/RESTRICTED BURNING PERIODS – PRESIDENTIAL DELGATION TO CHANGE - No changes
- HR1 OCCUPATIONAL SAFETY & HEALTH - No changes
HR2 EQUAL OPPORTUNITY and HARASSMENT - No changes
HR3 CHIEF EXECUTIVE OFFICER (CEO) – HUMAN RESOURCE MANAGEMENT - No changes
HR4 CHIEF EXECUTIVE OFFICER (CEO) - PERFORMANCE REVIEW - No changes
HR5 CHIEF EXECUTIVE OFFICER (CEO) – LEAVE APPLICATIONS and OTHER APPROVALS- No changes
HR6 ACTING CHIEF EXECUTIVE OFFICER - No changes
HR7 RELOCATION EXPENSES- No changes
HR8 SUPERANNUATION - No changes
HR9 TERMINATION PAYMENTS – SEVERANCE PAYMENTS - No changes
HR10 AUTHORISED OFFICER APPOINTMENT BY CEO - No changes
HR11 COMMON BENEFITS FOR PERMANENT EMPLOYEES - No changes
HR12 SMOKE FREE – SHIRE WORKPLACES AND BUILDINGS - No changes
RS1 BUILDING PERMIT APPLICATIONS - TO BE CERTIFIED - No changes
RS2 CAT OWNERSHIP LIMIT – CAT CONTROL - No changes
RS3 DOG CONTROL - ATTACKS - No changes
RS4 DOG OWNERSHIP LIMIT – DOG CONTROL - No changes

4.0 Statutory Environment

4.1 Local Government Act 1995

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

5.0 Strategic Implications

Objective:

4. Civic: Working together to strengthen leadership and effective governance.

Outcome:

Civic - 4.9 Capacity for effective governance is established, maintained and enhanced

Strategy:

Civic - 4.1.1 Provide strong, effective and functional governance and leadership in the Shire

Strategy:

Civic - 4.1.2 Consistent and impartial application of Council policies and provision of services

Strategy:

Civic - 4.1.3 Council decisions are consistent, reliable and transparent

Strategy:

Civic - 4.1.1 Provide strong, effective and functional governance and leadership in the Shire

6.0 Policy Implications

6.1 As per this report.

7.0 Financial Implications

7.1 Nil.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

8.4 Risk

There is no specific risk associated with the adoption of this report.

Each Policy item bring to Council a degree of risk, though the overall impact of Policy is as an attempt to minimise risks to the organisation.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/095

MOVED: Cr Trish McKay

SECONDED: Cr Virginia O'Neil

That:

- 1. The Shire of Halls Creek adopt the Shire Policy Manual 17th September 2020 policies appended and presented September 2020;**
- 2. Note that all previous policy versions be rescinded effective close of business 17th September 2020 and the new policies will take effect on the 18th September 2020.**
- 3. The Chief Executive Officer to transition the new Shire of Halls Creek Policy Manual by the effective date and undertake suitable advertising of the new information. Notice of the new policy Manual to be posted on Shire Website.**
- 4. Final minor changes to the adopted policies permitted to include formatting, page and policy numbering and the record of previous policy adoption references be included in the final printed production.**

CARRIED 6/0

Please Note - These Minutes have been confirmed by Council as a true record of proceedings

9.1.2 Delegations to the Chief Executive Officer

ITEM NUMBER:	9.1.2
REPORTING OFFICER:	Noel Mason, Chief Executive Officer
SENIOR OFFICER	NA
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

1.1 To reaffirm the delegations to the Chief Executive Officer.

2.0 Background

2.1 The Council last reviewed the Shire Delegations to the CEO at the Ordinary Meeting on 25 July 2019.

2.2 The Shire of Halls Creek Policy Manual (adopted July 2019) which is the basis for a lot of the delegations is also presented for review at this OMC. The Policy Manual has been reviewed following 12 months of use from the initial adoption in 2019 and the Administrative Procedures and Procedures Manual (APOG) was set for review in two years being June 2021.

2.3 A copy of the Delegations to the CEO is appended along with the break-up of sub-delegations to officers for reference. (Attachment A)

3.0 Comments

3.1 The Moore Stephens Report following the CCC Investigations raised some comments in respect to the information contained in the delegations, therefore the same format adopted in 2019 is continued. The Delegations Register has not changed significantly since last adoption, it has just been updated with staff position changes and more detail relating to the Head of Power is supplied.

3.2 WALGA has endorsed the form of presentation for the delegation record template.

4.0 Statutory Environment

4.1 *Local Government Act 1995*

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

4.2 **Local Government Act 1995**

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).

* *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.

5.43. Limits on delegations to CEO ²⁹

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 or a 75% majority of the local government;
- (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.

5.0 Strategic Implications

5.1 Objective:

4. Civic: Working together to strengthen leadership and effective governance.

5.2 Outcome:

Civic - 4.9 Capacity for effective governance is established, maintained and enhanced

5.3 Strategy:

Civic - 4.1.1 Provide strong, effective and functional governance and leadership in the Shire

6.0 Policy Implications

6.1 There are no policy implications to the Shire in respect to the recommendation of this report.

7.0 Financial Implications

7.1 There are no financial implications to the Shire in respect to the recommendation of this report.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

8.4 Risk

The adoption of the recommendation of this report will result in a low risk to the Shire as the delegations to the CEO will be appropriately authorised.

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OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/096

MOVED: Cr Virginia O'Neil

SECONDED: Cr Rosemary Stretch

That:

- 1. Pursuant to *Section 5.42 of the Local Government Act 1995*, Council adopts the delegations of authority to the Chief Executive Officer and accepts the exercise of the powers and the discharge of the duties as detailed in the Delegations Register (as appended 9.1.1A).**
- 2. The delegation of authority to the Chief Executive Officer in point 1 above is subject to the conditions imposed by *Section 5.43 of the Local Government Act 1995* and the conditions contained in part 2 of the Delegations Register.**
- 3. The Chief Executive Officer issue sub delegation notifications to staff in accordance with the requirements of the *Local Government Act 1995*.**

CARRIED 6/0

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Cr Darrylin Gordon and Cr Rosemary Stretch declared an interest to item 9.2.1 and left the meeting room at 4.46pm.

9.2. HEALTH AND REGULATORY SERVICES

9.2.1 Proposed cancellation of Reserve 18124 and Amalgamation with Lamboo Pastoral Lease

ITEM NUMBER:	9.2.1
REPORTING OFFICER:	Musa Mono, Director Health & Regulatory Services
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

Council to consider a request for comment from the Department of Planning, Lands and Heritage on a proposal to cancel Reserve 18124 and that the Land, Lot 350 on DP75846, be incorporated into the Lamboo Pastoral Lease, PL N049432.

2.0 Background

- 2.1 The Shire has received a letter from the Department of Planning, Lands and Heritage dated 26 August 2020 requesting for the Shire's comments on a proposal to cancel reserve 18124 to allow the Jars native title claim group to make an exclusive possession native title claim over that area, after it is incorporated into the Lamboo pastoral lease.
- 2.2 The proposal was submitted to the Department by the Kimberley Land Council (KLC), representing the Jars applicant.
- 2.3 The Department advises that unless the Shire forwards reasons for confidentiality, the comments that are received from the Shire may be sent to the proponent for consideration and advised to contact the Shire for further clarification if required.

3.0 Comments

- 3.1 Reserve 18124 is located wholly within the boundaries of the Lamboo pastoral lease, which is held by the Ngunjiwirri Aboriginal Corporation and is within the boundaries of the Jaru native title claim. Enquiries revealed that the reserve was created to allow for the establishment of an Aboriginal community, but this has not happened.

- 3.2 According to Schedule 1-Determination Area, of the Jaru native title determination, the parcel of land Reserve 18124 is excluded from the determination area. (Attachment A & B)
- 3.3 The cancellation of Reserve 18124 and the Amalgamation of the resulting land parcel into Lamboo pastoral lease are two separate processes which will not necessarily take place simultaneously. Council can provide comments for the two processes separately.
- 3.4 On face value, there is no case for objection to the cancellation of Reserve 18124 and the resultant land parcel being incorporated into the Lamboo pastoral lease. As stated in the letter from the Department, the action will result in an application for the land parcel to be included in the Jaru Native Title Determination.

4.0 Statutory Environment

- 4.1 The Land Administration Act 1997 gives the Minister powers to grant a pastoral lease under sections 101 and 102.

5.0 Strategic Implications

Objective:

2. Economic: Our town and remote communities are prosperous and viable.

Outcome:

Economic - 2.8 To encourage pastoral and mining opportunities where appropriate

Strategy:

Economic - 2.11.6 Encourage the full participation of Aboriginal enterprises in our economy

6.0 Policy Implications

Nil.

7.0 Financial Implications

Nil.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no immediate significant identifiable social impacts arising from adoption of the officer's recommendation.

8.4 Risk

There are no significant identifiable risk impacts arising from adoption of the officer's recommendation.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/097

MOVED: Cr Trish McKay

SECONDED: Cr Rosemary Stretch

That:

- 1. Council has no objection of the cancellation of Reserve 18124 (Lot 350 on DP75846).**
- 2. Council supports the proposed amalgamation/incorporation of the resultant parcel of land with the Lamboo pastoral lease PL49432.**

CARRIED 4/0

Cr Darrylin Gordon and Cr Rosemary Stretch returned to the meeting room at 4.55pm.

Please Note - These minutes have yet to be confirmed by Council as a true record of proceedings

9.2.2 Violet Valley s.91 License-access easement across Mabel Downs Station

ITEM NUMBER:	9.2.2
REPORTING OFFICER:	Musa Mono, Director Health & Regulatory Services
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

- 1.1 A request for comment has been received from the Department of Planning, Lands and Heritage (Lands) on a proposal to renew the Section 91 licence to provide legal access over Lot 1523 on DP66811 to the camping grounds adjacent to the Violet Valley Community. (Attachment A)

2.0 Background

- 2.1 The Violet Valley Community holds a licence and operates a Nature Stay Camping Ground adjacent to their Community. Access to this camping ground for visitors and tourists, from the Great Northern Highway is via an unsealed road that passes through Mabel Downs Station.
- 2.2 In 2018, the Baulu-Wah Aboriginal Corporation successfully applied for a s.91 licence which was valid for 2 years. Lands stated at that time that "Due to the possible existence of native title rights and interests over the area of the proposed easement, a native title future act process would be required prior to the granting of an easement. The future act process could take upwards of 12 months."
- 2.3 The Malarngowem Native Title Determination was handed down in 2019. The native title holders have not yet established a native title body corporate. According to Lands, the Kimberley Land Council is acting for and on their behalf.
- 2.4 This application has the conditional agreement of Yeeda Pastoral Company Pty Ltd, the lessees of the Mabel Downs Station.

3.0 Comments

- 3.1 Baulu-Wah Aboriginal Corporation originally applied for an access easement across Mabel Downs Station in 2017, then proceeded to obtain a 2 year s.91 licence in 2018. In both cases, Council was requested for comments. Council did not object to the easement access on condition that the occupants of Mabel Down station are consulted and do not object. A conditional agreement with Yeeda Pastoral station has already been obtained.
- 3.2 Unless reasons of confidentiality are advanced to Lands, comments received may be sent to the proponent for consideration and the proponent may be advised to contact the Shire for clarification.

4.0 Statutory Environment

4.1 Land Administration Act 1997

91. Licences and profits à prendre over Crown land, grant of

- (1) *The Minister may grant a licence or profit à prendre in respect of Crown land for any purpose.*
- (2) *The Minister may —*
 - (a) *fix or extend the duration of; or*
 - (b) *determine fees and conditions in respect of; or*
 - (c) *review; or*
 - (d) *with the consent of its holder, amend the provisions of, any licence or profit à prendre granted under subsection (1).*
- (3) *The Minister may on the breach of any condition to which a licence granted under subsection (1) is subject, terminate that licence.*
- (4) *The Minister may accept the surrender of a profit à prendre granted under subsection (1) from its holder in respect of the whole or any part of the area to which that profit à prendre applies.*
- (5) *Nothing in this Act prevents the simultaneous existence on the same area of Crown land of —*
 - (a) *a licence or profit à prendre granted under subsection (1); and*
 - (b) *a mining, petroleum or geothermal energy right,*

*if the Minister to whom the administration of the relevant Act referred to in the definition of **mining, petroleum or geothermal energy right** in section 3(1) is for the time being committed by the Governor, or a public service officer of the department that is principally assisting in the administration of the relevant Act, who is authorised in writing by that Minister to do so, approves of that area being used both for the purposes of that licence or profit à prendre and the purposes of the mining, petroleum or geothermal energy right.*

- (6) *If a licence granted under subsection (1) is transferable by the licensee, in accordance with the Personal Property Securities Act 2009 (Commonwealth) section 10 the definition of **licence** paragraph (d), the licence is declared not to be personal property for the purposes of that Act.*
- (7) *The operation of this section is affected by the Land Administration (South West Native Title Settlement) Act 2016 Part 4.*

5.0 Strategic Implications

5.1 Objective:

2. Economic: Our town and remote communities are prosperous and viable.

5.2 Outcome:

Economic - 2.10 To increase and promote the range of Aboriginal tourist ventures on Country in collaboration with Traditional Owners.

5.3 Strategy:

Economic - 2.9.6 Encourage existing and new local Aboriginal tourist ventures

5.3 Strategy:

Social - 1.9.1 Advocate for an increase in the quantity, quality, suitability and affordability of local housing options.

6.0 Policy Implications

Nil.

7.0 Financial Implications

Nil.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

9.4 Risk – is minimal and can be managed through routine procedures.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/098

MOVED: Cr Trish McKay

SECONDED: Cr Bonnie Edwards

That:

Council supports the proposal by the Department of Planning, Lands and Heritage to renew the Baulu-Wah Aboriginal Corporation s.91 Licence for a period of 5 years, providing an access easement across Mabel Downs station on condition that the access licence will not result in additional costs of road maintenance for the Shire of Halls Creek.

CARRIED 5/1

9.2.3 Proposed revocation of management orders to ALT and issue of new management orders to YYMS

ITEM NUMBER:	9.2.3
REPORTING OFFICER:	Musa Mono, Director Health & Regulatory Services
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

- 1.1 Council to consider a request for comment from the Department of Planning, Lands and Heritage for,
- The revocation of management order to ALT and issue of a new management order to YYMS for Reserve 30811, Lot 342 on DP181461, Halls Creek, and
 - The revocation of management order to ALT and issue of a new management order to YYMS for Reserve 39389, Lot 188 on DP171726, Halls Creek.

2.0 Background

- 2.1 Two letters has been received from the Department of Planning, Lands and Heritage which proposes to revoke the management orders of Reserves from ALT and issue a new management orders to YYMS of
- Reserve 30811, Lot 342 on DP181461, street address 8 Terone Street, on which the Yura Yungi Medical Centre is located, and
 - Reserve 39389, Lot 188 on DP171726, Street address 5 John Flynn Street, a residential lot.
- 2.2 This proposal over Reserve 30811 also proposes a change of landuse classification from "Reserve - use and benefit of Aboriginal inhabitants" to "Reserve -Medical and Health Care Services for Aboriginal People".

3.0 Comments

- 3.1 Reserve 30811 is zoned "Reserve – use and benefit of Aboriginal inhabitants", which is the common land use classification of land parcels under management order to ALT. The proposed land use classification "Reserve-Medical and Health Care services for Aboriginal People" is more appropriate to the actual activity on the subject land, which is a medical facility. (Attachment A & B)
- 3.2 There will be no change to the land use classification of Reserve 39389, which is zoned 'Residential R20'.
- 3.3 Both these pieces of land are already used by YYMS for medical and health services and the other as staff residence for the medical services workers. The change in the vesting of management orders from ALT to YYMS places the planning, building and use management of the lots under the YYMS Board

without the need for referral to the ALT. This enables efficient and timely planning approval and building processes.

4.0 Statutory Environment

4.1 Local Government Act 1995

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

4.2 Land Administration Act 1997

5.0 Strategic Implications

5.1 Objective:

4. Civic: Working together to strengthen leadership and effective governance.

5.2 Outcome:

Civic - 4.9 Capacity for effective governance is established, maintained and enhanced

5.3 Strategy:

Civic - 4.9.1 Advocate for support of Aboriginal corporations, agencies and organisations to assist in the development of their governance capacity

6.0 Policy Implications

Nil.

7.0 Financial Implications

Nil.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

9.4 Risk – Risk is minimal and can be managed through routine procedures.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/099

MOVED: Cr Trish McKay

SECONDED: Cr Darrylin Gordon

That:

Council instructs the CEO to inform the Department of Planning, Lands and Heritage that Council supports the revocation of the existing management orders to ALT and the issue of new management orders to YYMS for,

- 1. Reserve 30811, Lot 342 on DP181461 and street address 8 Terone Street, and**
- 2. Reserve 39389, Lot 188 on DP171726 and street address 5 John Flynn Street.**

CARRIED 6/0

Please Note - These minutes have yet to be confirmed by Council as a true record of proceedings

9.2.4 Minutes - Cemetery Advisory Committee Meeting Held on 17 August 2020

ITEM NUMBER:	9.2.4
REPORTING OFFICER:	Musa Mono, Director Health & Regulatory Services
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

- 1.1 A Cemetery Advisory Committee minutes of a meeting held on 17 August 2020 and Council therefore needs to note and receive the Minutes of the Committee and consider the Committee's recommendations for adoption.
- 1.2 The minutes of the Cemetery Advisory Committee meeting are now presented (Attachment A) to Council for adoption.

2.0 Background

Nil.

3.0 Comments

Nil.

4.0 Statutory Environment

4.1 *Local Government Act 1995*

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

5.0 Strategic Implications

5.1 Objective:

4. Civic: Working together to strengthen leadership and effective governance.

5.2 Outcome:

Civic - 4.9 Capacity for effective governance is established, maintained and enhanced

5.3 Strategy:

Civic - 4.9.1 Advocate for support of Aboriginal corporations, agencies and organisations to assist in the development of their governance capacity

6.0 Policy Implications

Nil.

7.0 Financial Implications

Nil.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

9.4 Risk

There are no significant identifiable risk impacts arising from adoption of the officer's recommendation.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/100

MOVED: Cr Virginia O'Neil

SECONDED: Cr Trish Gordon

That:

The minutes of the Cemetery Advisory Committee held on Monday 17 August 2020 (as appended 9.2.4A) be received and its recommendations endorsed.

CARRIED 6/0

9.3 INFRASTRUCTURE ASSETS

9.3.1. Extension of Lease, Viva Energy Australia Pty Ltd - Lot 444 Great Northern Highway, Halls Creek

ITEM NUMBER:	9.3.1
REPORTING OFFICER:	Phil Burgess, Director Infrastructure Assets
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

For Council to approve and affix the Common Seal to the Extension of Lease Agreement for Viva Energy Australia Pty Ltd, formerly known as The Shell Company of Australia Limited, located on Lot 444 Great Northern Highway.

2.0 Background

2.1 The original executed Lease Agreement between Shire of Halls Creek and The Shell Company of Australia Limited, which was for an initial lease term of 10 years, commencing on the 10 January 2009, with an expiry date of 9 January 2019. Viva Energy Australia Pty Ltd has in accordance with the executed lease, exercised their option of renewal on the 2 November 2018.

3.0 Comments

3.1 Since the executed lease was signed, the Shell Company of Australia Limited has changed its name to Viva Energy Australia Pty Ltd. This option for renewal will not require consent from the Minister, as this is provided for in Section 18 of the original, executed lease.

3.2 Notice of Exercise of Option: 02 November 2018
First Further Term Commencement Date: 10 January 2019
First Further Term Expiry Date: 09 January 2024
Rent exclusive of GST: \$22,238.99 per annum

4.0 Statutory Environment

4.1 Local Government Act 1995

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

5.0 Strategic Implications

5.1 Objective:

2. Economic: Our town and remote communities are prosperous and viable.

5.2 Outcome:

Civic - 4.1 A local government that is respected and accountable

5.3 Strategy:

Civic - 4.1.2 Consistent and impartial application of Council policies and provision of services

6.0 Policy Implications

Nil.

7.0 Financial Implications

7.1 Based on current rentals the Shire would expect to receive an income of \$5,725.00 + GST per annum.

7.2 Of significance is that the access to Coles Service Court provided by this lease is required to ensure the safe entry/exit of the Service Station.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

8.4 Risk

There are no significant identifiable risk impacts arising from adoption of the officer's recommendation.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/101

MOVED: Cr Trish McKay

SECONDED: Cr Darrylin Gordon

That:

- 1. Council approve and affix the Common Seal to the Extension of Lease Agreement for Viva Energy Australia Pty Ltd located on Lot 444 Great Northern Highway.**

CARRIED 6/0

Please Note - These minutes have yet to be confirmed by Council as a true record of proceedings.

Cr Virginia O'Neil left the meeting at 5.18pm.

Cr Virginia O'Neil returned the meeting at 5.22pm.

9.3.2. Aerodrome Operation and Management Services - RFT 2020-04

ITEM NUMBER:	9.3.2
REPORTING OFFICER:	Phil Burgess, Director Infrastructure Assets
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

1.1 Consideration of a tender response to Tender RFT 2020-04 Aerodrome Operation and Management Services. (Attachment A)

2.0 Background

2.1 The Shire of Halls Creek undertook an open public tender process to engage an experienced and suitable contractor to provide aerodrome operation and management services to the Halls Creek townsite aerodrome. The proposed contract is for a 12 month period commencing 1 October 2020 with an option for a further 12 month extension at the discretion of the Shire.

2.2 In broad terms, the scope of works will comprise:

- a) All reporting, safety and compliance / regulatory activities including:
 - i. Maintain the status of the Halls Creek Aerodrome as a Certified Aerodrome, and be the Certificate holder.
 - ii. Carry out all tasks associated with conduct of the Halls Creek Aerodrome in accordance with the Civil Aviation Safety Regulation, Manual of Standards Part 139 and the Halls Creek Aerodrome Manual.
 - iii. Ensure that at all times the Halls Creek Aerodrome operates in accordance with Halls Creek Aerodrome Manual.
 - iv. Ensure that a fully qualified and experienced Aerodrome Reporting Officer trained in accordance with Advisory Circular AC 139-13(0) is available to attend the Aerodrome at all times.
 - v. Undertake all the requirements and operations required in the Halls Creek Aerodrome Manual including but not limited to Daily Serviceability Inspections and the Safety Management System.

- vi. Responsible for the drafting, maintenance and updating of the Halls Creek Aerodrome Manual, providing updated copies of the Halls Creek Aerodrome Manual in electronic format to the Shire for registration in the Shire's document management system, and lodging amendments with the Civil Aviation Safety Authority.
 - vii. Provide copies of all Notices to Airmen (NOTAMs) to the Shire for registration in the Shire's document management system.
 - viii. Perform all reporting, inspection, emergency response and hazard management functions identified in the Halls Creek Aerodrome Manual.
 - ix. Initiate, contribute to and participate in annual emergency exercises.
 - x. Attend Aerodrome Emergency Committee Meetings as required.
 - xi. Attend Shire meetings as required.
 - xii. Undertake Annual Technical Inspections and be available to undertake audits by the Civil Aviation Safety Authority and Department of Transport and Regional Services
 - xiii. Undertake Annual Electrical Technical Inspections.
 - xiv. Responsible for the drafting, maintenance and updating of the Halls Creek Aerodrome Security Plan.
 - xv. Facilitate the Annual Electrical Inspection on behalf of the Shire.
 - xvi. Manage and maintain the Aerodromes Aviation Security Identification Cards (ASIC) system. The Contractor shall be responsible for ASIC issuance.
 - xvii. Maintain and manage the Aerodromes Safety Management System.
 - xviii. Keep record of aircraft landings in the required form and report this information to the Shire monthly, immediately after the close of each month.
 - xix. Keep a record of all callouts in the required form and report this information to the Shire on a monthly basis, immediately after the close of each month.
 - xx. Collection, invoicing and debt collection procedures for call-out fees.
- b) All activities associated with the Transport Security Plan
 - c) All activities associated with the Halls Creek Aerodrome Drug and Alcohol Plan
 - d) All activities associated with airside maintenance including:
 - i. Maintaining all airside vegetation so as to ensure compliance and the integrity of the operations of the Aerodrome.
 - ii. Rolling of aerodrome apron and runways as per specifications.
 - iii. Maintenance of airside line markings and markers
 - iv. Minor maintenance on Aerodrome lighting. Minor maintenance will include cleaning, clearing vegetation, alignments, globe and lens replacement.
 - v. Dragging and rolling the unsealed runway surfaces as per specifications
 - e) All activities associated with grounds and general maintenance including:

- i. Carparks
 - ii. Lawns, garden areas and trees
 - iii. Fencing
 - iv. Buildings
 - v. Pest control
 - vi. Weed control
 - vii. Minor plant maintenance
 - viii. Refuse removal
- f) Activities associated with refuelling and maintenance of fuel facilities in accordance with the Halls Creek Aerodrome Fuel Depot Supply Contract

2.3 The tender was issued and advertised on 25 July 2020 and closed on 18 August 2020.

3.0 Comments

3.1 One only tender submission was received from Aerodrome Management Services Pty Ltd.

3.2 An evaluation of the three received tenders has been undertaken by the evaluation panel comprising:

- Phil Burgess – Director Infrastructure Assets SOHC
- Musa Mono – Director Health and Regulatory Services SOHC
- Joshua Kirk – Principal Greenfield Technical Services

3.3 A summary of the Evaluation Report is attached in Appendix 11.1A.

3.4 The evaluation criteria comprised:

Criteria	Weighting
Compliance and disclosure criteria	Non weighted
Price	Non weighted
Qualitative Criteria – Key Personnel Skills and Experience	25 %
Qualitative Criteria – Organisational Experience and Capacity to Complete the Contract Works	25 %
Qualitative Criteria – Proposed Methodology	25 %
Qualitative Criteria – Indigenous Business Agenda and Advancement	25 %

The evaluation panel concluded that the sole submitted tender from Aerodrome Management Services does offer value for money to the Shire.

This tenderer has nominated a strong candidate for the Aerodrome Manager position and this person is currently the incumbent Aerodrome Manager at the Halls

Creek Aerodrome. The company has provided an extensive list of previous similar projects and they also have strong organisational support to provide backup resources if necessary.

The tenderer provided a comprehensive overview of their proposed methodology to complete the scope of works and they have identified numerous areas where they have added value during their previous contract.

The tenderer did score lower on the Indigenous Business Agenda and Advancement criterion due primarily to their current relatively low level of indigenous employment. However, they recognised this in their tender submission and have committed to exploring opportunities to provide an ARO traineeship to a local indigenous person should they be successful in this tender.

4.0 Statutory Environment

4.1 Local Government Act 1995

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

4.2 Local Government (Functions and General) Regulations 1996

Part 4 – Provision of goods and services, Division 2 Tenders for providing goods and services sets out when a tender is required to procure goods and services (generally when the value of the goods or service is \$150,000 or more which has been recently changed to \$250,000 or more) and the administrative requirements for conducting and evaluating tenders.

The relevant provisions of the Regulations have been followed.

5.0 Strategic Implications

5.1 Objective:

1. Social: Vibrant and connected communities. We support cultural and language diversity.

5.2 Outcome:

Social - 1.4 Our community has access to appropriate transport networks and services, including a regional and interstate transport system.

5.3 Strategy:

Social - 1.4.3 Provide contract management services to assist in upgrading and maintaining community infrastructure including airstrips where appropriate

5.4 Objective:

1. Social: Vibrant and connected communities. We support cultural and language diversity.

5.5 Outcome:

Social - 1.4 Our community has access to appropriate transport networks and services, including a regional and interstate transport system.

5.6 Strategy:

Social - 1.4.5 Ensure the economically effective management of the town airport operations, and maintenance and investigate feasibility of expanding the airport.

6.0 Policy Implications

6.1 A11 Procurement of Goods and Services applies to this procurement process. This policy was followed with the preparation of a procurement plan and the public tender process.

6.2 A12 Procurement – Regional Price Preference applies to this procurement process. However, since the tenderer does not meet the regional price preference requirements, no discount needs to be allowed for.

6.3 A18 Indigenous Business Agenda applies to this procurement process. This policy was followed with the inclusion of the necessary criteria in the tender selection criteria.

6.4 A7 Disability Access and Inclusion applies to this procurement process. This policy was provided to interested parties as part of the tender documentation.

6.5 HR1 Occupational Safety and Health applies to this procurement process. This policy was provided to interested parties as part of the tender documentation.

7.0 Financial Implications

7.1 The Shire's current contract with Aerodrome Management Services is based on their original tendered price of \$26,857.20 (ex-GST) per month. This rate was subject to annual CPI review.

7.2 The tenderer submitted a price of \$28,166.84 per month or a total of \$338,002.08 (ex-GST) for the 12-month duration of the contract. This is compared to the current price for the same services of \$26,857.20 per month or \$322,286.40 per 12-month period based on the original tenderer rates. It should be recognised that the existing contract has provision for adjustment due to CPI due to the length of the contract.

Therefore, the evaluation panel concluded that the price tendered by AMS for this tender does represent value for money for the Shire given that there is very little increase between the previous and existing contract and this tender.

7.3 The contract value covers all activities and scopes of work required to be completed by the contractor as defined in the tender document. The

contractor is also responsible for charging and collecting all landing fees and gets to retain these fees as revenue during the contract.

8.1 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

8.4 Risk

There are no significant identifiable risk impacts arising from adoption of the officer's recommendation.

Please Note - These minutes have yet to be confirmed by Council as a true record of proceedings

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/102

MOVED: Cr Trish McKay

SECONDED: Cr Rosemary Stretch

That:

- 1. Accept the most advantageous tender, being the tender submitted by Aerodrome Management Services Pty Ltd to form a contract for Tender RFT 2020-04, Aerodrome Operation and Management Services. The contract will be for:**
 - a. A period of 12 months.**
 - b. Commencing on 1 October 2020.**
 - c. Will contain the option for 1 x 12-month contract extension at the discretion of the Shire's CEO.**
 - d. Accept the tenderer price of \$28,166.84 per month or a total of \$338,002.08 (ex-GST) for the 12-month duration of the contract.**
- 2. Delegates, by Absolute Majority, in accordance with section 5.42 of the Local Government Act 1995, authority to the Chief Executive Officer to negotiate in regard to the contract for Tender RFT 2020-04 Aerodrome Operation and Management Services:**
 - a. Minor variations before entry into the contract, in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996; and**
 - b. Variations, after the contract has been entered into, limited to variations which do not change the scope of the contract and which do not increase the contract value beyond 10%, in accordance with Regulation 21A of the Local Government (Functions and General) Regulations 1996.**
- 3. Authorises the Chief Executive Officer, in accordance with section 9.49A (4) of the Local Government Act 1995, to execute the contract for Tender RFT 2020-04 Aerodrome Operation and Management Services.**

CARRIED 6/0

9.3.3. Concrete Pathway Construction Tender - RFT 2020-05

ITEM NUMBER:	9.3.3
REPORTING OFFICER:	Phil Burgess, Director Infrastructure Assets
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

- 1.1 Consideration of a tender response to Tender RFT 2020-05 Concrete Pathway Construction.

2.0 Background

- 2.1 The Shire of Halls Creek undertook an open public tender process to engage an experienced and suitable contractor to construct various concrete pathways around the Halls Creek town site.
- 2.2 The Shire of Halls Creek has been granted funding from the WA Bicycle Network for the construction of various segments of the pathway throughout the town site over the period of two years. The Shire has allocated approx. \$186,000 for the first year's works program and may also spend additional funds to cover the priorities of the first-year work program.

The works under the WA Bicycle Network program are:

- i. Flinders Street - Slk 0.00 to Slk 0.14 (northeast of Duncan Highway),
- ii. Bridge Street - Slk 1.170 to Slk 1.250 and Slk 1.270 to Slk 1.320 and 1.05 to 1.15 (northeast of Duncan Highway),
- iii. Bridge Street - Slk 0.590 to Slk 0.660 and Slk 0.670 to Slk 0.850, Roberta Avenue Slk 0.17 to Slk 0.19 (southwest of Stan Tremlett Drive to Jinggul Street).
- iv. Egan Street - Slk 0.015 to Slk 0.092 (northwest of Great Northern Highway).
- v. Duncan Road - Slk 0.55 to 0.97 (from existing pathway to Wellman Rd).

The works that the Shire plans on self-funding are:

- i. Duncan Road - Slk 0.55 to 0.97 (from existing pathway to Wellman Rd).

- 2.3 The tender was issued and advertised on 8 August 2020 and closed on 25 August 2020.

3.0 Comments

- 3.1 Only one tender submission was received from Guerinoni & Son.

3.2 An evaluation of the three received tenders has been undertaken by the evaluation panel comprising:

- Phil Burgess – Director Infrastructure Assets SOHC
- Musa Mono – Director Health and Regulatory Services SOHC
- Joshua Kirk – Principal Greenfield Technical Services

3.3 A summary of the Evaluation Report is attached in Attachment A.

3.4 The evaluation criteria comprised:

Criteria	Weighting
Compliance and disclosure criteria	Non weighted
Price	60%
Qualitative Criteria – Demonstrated Understanding	25 %
Qualitative Criteria – Indigenous Business Agenda and Advancement	25 %

The evaluation panel concluded that the sole submitted tender from Guerinoni & Son does not offer value for money to the Shire.

Whilst this tender did score highly in the qualitative criteria, the price was significantly higher than expected and the total scope of works at this price exceeds the Shire's budget. If the Shire accepts the higher price, the scope of work would need to be significantly reduced or the Shire would need to increase the project budget from alternative funding sources.

Additionally, the Shire has procured similar concrete works from a local supplier in the past six months at significantly more competitive rates. Whilst the evaluation panel is unaware of why this local contractor did not tender for the works, given this knowledge, the evaluation panel were unable to verify that the tendered price was a value-for-money outcome for the Shire.

4.0 Statutory Environment

4.1 Local Government Act 1995

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

4.2 **Local Government (Functions and General) Regulations 1996**

Part 4 – Provision of goods and services, Division 2 Tenders for providing goods and services sets out when a tender is required to procure goods and services (generally when the value of the goods or service is \$150,000 or more which has been recently changed to \$250,000 or more) and the administrative requirements for conducting and evaluating tenders.

The relevant provisions of the Regulations have been followed.

5.0 **Strategic Implications**

5.1 Objective:

1. Social: Vibrant and connected communities. We support cultural and language diversity.

5.2 Outcome:

Social - 1.8 Our community has access to a wide range of passive and active recreation, cultural and sporting facilities, events, clubs and opportunities, in particular football.

5.3 Strategy:

Social - 1.4.4 Maintain and renew roads and ancillary infrastructure in accordance with the Shire Asset Management Plan including identified access roads into communities

6.0 **Policy Implications**

6.1 A11 Procurement of Goods and Services applies to this procurement process. This policy was followed with the preparation of a procurement plan and the public tender process.

6.2 A12 Procurement – Regional Price Preference applies to this procurement process. Since the tenderer was the sole tenderer, there is no need to apply this policy.

6.3 A18 Indigenous Business Agenda applies to this procurement process. This policy was followed with the inclusion of the necessary criteria in the tender selection criteria.

6.4 A7 Disability Access and Inclusion applies to this procurement process. This policy was provided to interested parties as part of the tender documentation.

6.5 HR1 Occupational Safety and Health applies to this procurement process. This policy was provided to interested parties as part of the tender documentation.

7.0 **Financial Implications**

7.1 The Shire's budget for this tender was approximately \$293,585. This budget includes a grant of \$93,585 from the WA Bicycle Network Program and the remainder of the funding is from the Shire's own funding.

- 7.2 Based on the tendered rate, the Shire would have to reduce the scope of work by approximately 250m of pathway. Additionally, there would be no opportunity to construct any of the proposed pathway along Duncan Rd towards the Shire Depot / Nicholson communities.
- 7.3 Given the Shire has recently procured concreting services from a local supplier at a considerably lower price than the tendered rate, the evaluation panel does not believe this submission is value-for-money for the Shire.
- 7.4 The recommendation has no financial implications other than the small additional cost to re-tender the scope of work.

8.0 Sustainability Implications

- 8.1 Environmental
There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.
- 8.2 Economic
There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.
- 8.3 Social
There are no significant identifiable social impacts arising from adoption of the officer's recommendation.
- 8.4 Risk
There are no significant identifiable risk impacts arising from adoption of the officer's recommendation.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/103

MOVED: Cr Virginia O'Neil

SECONDED: Cr Rosemary Stretch

That:

- 1. Rejects all tenders on the basis that none of the submitted tenders represents value-for-money to the Shire.**
- 2. Authorises a public tender for the procurement of concrete pathway construction services be called immediately.**

CARRIED 6/0

9.4 CORPORATE SERVICES

9.4.1. CEO Authorisation and Reporting to Council

ITEM NUMBER:	9.4.1
REPORTING OFFICER:	Daniel Milkins, Senior Finance Officer
SENIOR OFFICER	Lloyd Barton, Director of Corporate Services
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

1.1 In accordance with Council Policy STF 36 Chief Executive Officer Authorisations and Reporting to Council, this report is now submitted for Council's consideration.

2.0 Background

2.1 Council Policy STF 36 Chief Executive Officer Authorisations and Reporting to Council, requires the preparation of a standing agenda report, outlining the CEO's timesheets, leave, credit card transactions and applications for reimbursement for the period from the previous reporting period until the date of this report.

2.2 Council Policy STF 36 Chief Executive Officer Authorisations and Reporting to Council was adopted on 20 September 2018.

3.0 Comments

3.1 CEO's Timesheet

All Staff are now required to complete timesheets. Appendix A is a copy of the CEO's timesheets for the pay fortnights ending 29/07/2020 to 25/08/2020 (Appendix 9.4.1A).

3.2 CEO's Leave

Have received an Employee Leave Application form from the CEO for leave commencing Monday 21st September to Monday 5th October 2020 being for personal leave (Appendix 9.4.1B).

Sufficient leave entitlement has been accrued by the CEO under the leave provisions of the Contract to allow this request.

The requested period does not impact on Council meetings or major events.

This report also covers the pay periods starting 29/07/2020 and ending 25/08/2020 for the CEO. There has been 3 days leave (5 total) taken for this period (leave form presented in last meeting).

From Date	To Date	Number of Days	Type of Leave
29/07/2020	31/07/2020	3	Annual

3.3 CEO's Credit Card

This report covers August 2020 credit card statements. The CEO was issued with his credit card on 01 February 2019. There was \$1,735.09 of expenditure on the corporate credit card for the period 29/07/2020 to 27/08/2020 (Appendix 9.4.1C).

Statement Dates	Amount
Total Spend	\$1,735.09

3.4 Reimbursement Applications

This report covers the period 01/08/2020 to 31/08/2020. There was \$0.00 of reimbursements claimed for this period.

4.0 **Statutory Environment**

4.1 **Local Government Act 1995**

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

5.0 **Strategic Implications**

5.1 Objective:

4. Civic: Working together to strengthen leadership and effective governance.

5.2 Outcome:

Civic - 4.1 A local government that is respected and accountable

5.3 Strategy:

Civic - 4.1.3 Council decisions are consistent, reliable and transparent

6.0 **Policy Implications**

6.1 This report is to comply with Council Policy STF 36 Chief Executive Officer Authorisations and Reporting to Council.

7.0 **Financial Implications**

7.1 All expenditure is within budget.

8.0 **Sustainability Implications**

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

8.4 Risk

There are no significant identifiable risks arising from adoption of the officer's recommendation.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/104

MOVED: Cr Virginia O'Neil

SECONDED: Cr Rosemary Stretch

That:

- 1. Council receives the information presented to this meeting of the time worked by the CEO from 29/07/2020 and ending 25/08/2020, and acknowledges that the time worked is in accordance with the CEO's Contract of Employment.**
- 2. Council receives the information presented to this meeting of 3 days annual leave taken by the CEO.**
- 3. Council receives the information presented to this meeting of the credit card transactions made by the CEO using his corporate credit card from 29/07/2020 to 27/08/2020 and acknowledges that the payments have been incurred in accordance with the Shire's procurement policy and Credit Card Agreement.**
- 4. Council receives the information presented to this meeting of NIL reimbursements made by the CEO.**

CARRIED 6/0

Please Note - These minutes have yet to be approved by Council as the record of proceedings

9.4.2 Accounts Paid by Authority (Summary) – August 2020

ITEM NUMBER:	9.4.2
REPORTING OFFICER	Daniel Milkins, Senior Finance Officer
SENIOR OFFICER	Lloyd Barton, Director of Corporate Services
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

1.1 Accounts paid by authority for August 2020 to be noted by Council.

2.0 Background

Nil.

3.0 Comments

3.1 Creditor payments for the month of August 2020 comprised as follows:

Bank Account	Type	Numbers	Amount
Municipal	Cheque & EFT	as per schedule	\$1,554,069.53
Restricted	Cheque & EFT		\$32,636.90
Trust	Cheque & EFT		\$3,216.15
Municipal	Payroll		\$330,553.46
TOTAL			\$1,920,476.04

3.2 The following schedules provide a bit more information than the high-level summary provided in the last few months but not as detailed as the reports that were discouraged by audit. This should provide enough information for review of the payments. A detailed copy of the payments will be kept in the Finance Office.

4.0 Statutory Environment

4.1 Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that a list of all accounts paid be presented to Council.

4.2 This list must include all payments made since the list was last prepared and presented to Council.

4.3 The list of payments made by authority for 1 August 2020 to 31 August 2020 is hereby presented to Council.

5.0 Strategic Implications

5.1 Objective:

4. Civic: Working together to strengthen leadership and effective governance.

5.2 Outcome:

Civic - 4.1 A local government that is respected and accountable

5.3 Strategy:

Civic - 4.1.1 Provide strong, effective and functional governance and leadership in the Shire.

6.0 Policy Implications

6.1 All payments made in accordance with adopted Council policy and delegations.

7.0 Financial Implications

7.1 Out-flow of cash totalling \$1,920,476.04. All payments made have been within the provisions of the 2020-2021 Draft Budget.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

9.0 Risk

9.1 Risk level is low.

9.2 Risk Control Measures - There are no Risk Control Measures, the report is for information purposes only.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/105

MOVED: Cr Darrylin Gordon

SECONDED: Cr Rosemary Stretch

That:

The total accounts paid by authority totalling \$1,920,476.04 summarised on the following schedules entitled 'Schedule of Sundry Creditor Accounts Paid by Authority (Summary) 01/07/2020 to 31/07/2020', 'Schedule of Trust Creditor Accounts Paid by Authority (Summary) 01/07/2020 to 31/07/2020' and 'Net Salaries and Wages Paid July 2020' (as appended 9.2.4A) be received.

CARRIED 6/0

9.4.3 Statement of Financial Activity for period ending 31 July 2020

ITEM NUMBER:	9.4.3
REPORTING OFFICER	Daniel Milkins, Senior Finance Officer
SENIOR OFFICER	Lloyd Barton, Director of Corporate Services
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

- 1.1 Acceptance of Monthly Statement of Financial Activity for the period ending 31 July 2020.

2.0 Background

- 2.1 Regulation 34 of the Financial Management (Local Government) Regulations 1996 provides that a monthly statement of financial activity must be presented to Council.
- 2.2 The report must be presented at an Ordinary meeting of Council within 2 months after the end of the month to which the statement relates. Regulations prescribe the information that must be contained in the report.
- 2.3 The Statement of Financial Activity for the period ending 31 July 2020 is the first financial statement prepared by Moore. This is the accounting service that will be preparing all future Shire financial reporting. Mandy Wynne who has been assisting with the preparation of the monthly financial statements, EOY Annual Statements for 19/20 and the 20/21 Budget will now only play an overview role once the Audit 19/20 is completed.
- 2.4 I will arrange for Russell Barnes to speak with Council at the OMC September to provide some commentary in relation to the Monthly Statements.

3.0 Comments

- 3.1 Council policy FIN 09 Variance Levels for Financial Reporting require a commentary for any variance of 10% or greater, subject to a minimum of \$50,000. Variances are now contained within the monthly presentation on the last page.
- 3.2 The Management Reports comply with LG Financial Regulations for what is required to be presented to Council. In the past the Shire has presented the Schedule presentation – but with this information the summaries and the graphs make for ease of reading. In the first month July, Moore waited until Council had completed the 20/21 Budget so that the Statements would have some relevance. Obviously, in the first couple of months of the financial year, the original Budget can appear out of timing with many of the Shires planned incomes and expenditure.

- 3.3 It is proposed under new arrangements to make Budget adjustments as they are revealed, and not to just wait until the Budget Review process for key adjustments in February. Considerable work has been completed by Mandy Wynne in the presentation of financial data and corrections to Budget timings are still ongoing. As postings start to take hold in August (rates etc.) the Budget month by month information will start to settle.
- 3.4 The Financial Reports presented include the Statutory requirements, being the Statement of Financial Activity (Variance and Nature and Type) and Note 1 showing the Net Current Assets. The various supporting notes also follow with the Variance explanations on the final page.
- 3.5 The closing position as at 31 July 2020 is \$1,442,932. The Statement of Financial Activity and Net Current Asset statement reconcile.

4.0 Statutory Environment

- 4.1 Regulation 34 - Local Government (Financial Management) Regulations 1996

4.2 Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —
committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, considering any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

5.0 Strategic Implications

5.1 Objective:

4. Civic: Working together to strengthen leadership and effective governance.

5.2 Outcome:

Civic - 4.1 A local government that is respected and accountable

5.3 Strategy:

Civic - 4.1.1 Provide strong, effective and functional governance and leadership in the Shire

Civic - 4.1.2 Consistent and impartial application of Council policies and provision of services

Civic - 4.1.3 Council decisions are consistent, reliable and transparent.

6.0 Policy Implications

6.1 FIN 09 Variance Levels for Financial Reporting.

7.0 Financial Implications

7.1 Revenues and Expenditure graphs are presented on page 2. These include a number of graphs comparing budget to actual providing a visual representation of how the Shire is tracking to Budget.

7.2 The Executive Summary is provided on page 3 showing a dashboard presentation of financial summaries of income and expenditure (both cash and non-cash) for the year to date.

7.3 The Net Current Asset Position is detailed in item c of Note 1 on page ten.

7.4 The Management reports (non-statutory) are provided to the Executive detailing a complete set of accounts and variances, and these are used by Managers to track monthly performance.

8.0 Sustainability Implications

8.1 Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

8.2 Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

8.3 Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

9.0 Risk

9.1 Risk level is low and the risk is managed by routine procedures.

9.2 Risk control Measures.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/106

MOVED: Cr Trish McKay

SECONDED: Cr Rosemary Stretch

That Council:

Accept the Statement of Financial Activity for the period ended 31 July 2020 (as appended 9.4.4A – 9.4.4D).

CARRIED 6/0

Please Note - These minutes have yet to be confirmed by Council as a true record of Proceedings

Russel Barnes (Moore Stevens) entered the meeting room at 5.37pm to present item 9.4.4.

9.4.4 Statement of Financial Activity for period ending 31 August 2020

ITEM NUMBER:	9.4.4
REPORTING OFFICER	Daniel Milkins, Senior Finance Officer
SENIOR OFFICER	Lloyd Barton, Director of Corporate Services
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

1.1 Acceptance of Monthly Statement of Financial Activity for the period ending 31 August 2020.

2.0 Background

2.1 Regulation 34 of the Financial Management (Local Government) Regulations 1996 provides that a monthly statement of financial activity must be presented to Council.

2.2 The report must be presented at an Ordinary meeting of Council within 2 months after the end of the month to which the statement relates. Regulations prescribe the information that must be contained in the report.

2.3 The Statement of Financial Activity for the period ending 31 August 2020 is prepared by Moore.

3.0 Comments

3.1 Council policy FIN 09 Variance Levels for Financial Reporting require a commentary for any variance of 10% or greater, subject to a minimum of \$50,000. Variances are now contained within the monthly presentation on the last page.

3.2 The Management Reports comply with LG Financial Regulations for what is required to be presented to Council. In the past the Shire has presented the Schedule presentation – but with this information the summaries and the graphs make for ease of reading.

3.3 Budget adjustments will be made monthly as they are revealed, and not all in the Budget Review process for key adjustments in February. August see the rates process completed and the value of the rates levied recorded.

3.4 The Financial Reports presented include the Statutory requirements, being the Statement of Financial Activity (Variance and Nature and Type) and Note

1 showing the Net Current Assets. The various supporting notes also follow with the Variance explanations on the final page.

3.5 The closing position as at 31 August 2020 is \$5,029,509. The Statement of Financial Activity and Net Current Asset statement reconcile.

4.0 Statutory Environment

4.1 Regulation 34 - Local Government (Financial Management) Regulations 1996

4.2 Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

(a) annual budget estimates, considering any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the month to which the statement relates; and

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

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

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and

(b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

5.0 Strategic Implications

- 5.1 Objective:
4. Civic: Working together to strengthen leadership and effective governance.
- 5.2 Outcome:
Civic - 4.1 A local government that is respected and accountable
- 5.3 Strategy:
Civic - 4.1.1 Provide strong, effective and functional governance and leadership in the Shire
Civic - 4.1.2 Consistent and impartial application of Council policies and provision of services
Civic - 4.1.3 Council decisions are consistent, reliable and transparent.

6.0 Policy Implications

- 6.1 FIN 09 Variance Levels for Financial Reporting.

7.0 Financial Implications

- 7.1 Revenues and Expenditure graphs are presented on page 2. These include a number of graphs comparing budget to actual providing a visual representation of how the Shire is tracking to Budget.
- 7.2 The Executive Summary is provided on page 3 showing a dashboard presentation of financial summaries of income and expenditure (both cash and non-cash) for the year to date.
- 7.3 The Net Current Asset Position is detailed in item c of Note 1 on page ten.
- 7.4 The Management reports (non-statutory) are provided to the Executive detailing a complete set of accounts and variances, and these are used by Managers to track monthly performance.

8.0 Sustainability Implications

- 8.1 Environmental
There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.
- 8.2 Economic
There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.
- 8.3 Social
There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

9.0 Risk

9.1 Risk level is low and the risk is managed by routine procedures.

9.2 Risk control Measures.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/106

MOVED: Cr Virginia O'Neil

SECONDED: Cr Trish McKay

That Council:

**Accept the Statement of Financial Activity for the period ended
31 August 2020 (as appended 9.4.4A – 9.4.4D).**

CARRIED 6/0

Russel Barnes (Moore Stevens) left the meeting at 5.53pm.

Please Note - These minutes have yet to be confirmed by Council as a true record of proceedings

Cr Virginia O'Neil declared an interest to item 9.4.5 and left the meeting room at 5.52pm.

9.4.5. Request for Donation – Sponsorship of Kimberley Girl Program 2020

ITEM NUMBER:	9.4.5
REPORTING OFFICER:	Lloyd Barton, Director Corporate Services
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

1.0 Matter for Consideration

- 1.1 A request from Goolarri Media Enterprises for the Shire to sponsor the 2020 Kimberley Girl program. A copy of the request and related information on the levels of sponsorship and the Kimberley Girl program is included in Attachment A.

2.0 Background

- 2.1 The applicant has advised that the aim of the Kimberley Girl Program is to instigate positive change in the personal and professional capacity of young Indigenous women. The stated key objectives of the program are to:

1. *"Provide young Indigenous women from the Kimberley region with valuable educational activities and opportunities which address their needs in areas of contemporary Indigenous culture, mental and physical health, positive lifestyles, work readiness and leadership values while minimising the effects of social, economic and geographical isolation.*
2. *Promote the understanding and respect for Indigenous culture from the wider community by representing Indigenous people in a positive and contemporary environment, aiding the process of reconciliation."*

- 2.2 Activities include up to two weeks of workshops with community events to show case the participants in a glamorous parade using the skills and knowledge learnt in the workshops. A final event will be held where the Kimberley Girl will be selected to act as program ambassador for the next 12 months. The program starts on the 14th September 2020 with the final event on the 9th October 2020.

- 2.3 While the program is supported by Lottery West additional support is being sought to ensure the successful delivery of the program. Sponsorship levels range from "Program Partnership" (over \$25,000) to "Friends of Kimberley Girl" (up to \$1,000).

3.0 Comments

- 3.1 The programs goals are consistent with a number of the Strategic Community Plan 2015 objectives, outcomes and strategies as set out below.
- 3.2 It is suggested that a \$2,000 "Bronze Sponsorship" (\$1,000 to \$2,999 category) donation is given to support the program. This is the same amount as the donation given in 2019.

4.0 Statutory Environment

4.1 Local Government Act 1995

Section 2.7(2) Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

5.0 Strategic Implications

5.1 Objective:

1. Social: Vibrant and connected communities. We support cultural and language diversity.

5.2 Outcomes:

Social - 1.1 The quality of education and training opportunities (including early Childhood) are improved

Social - 1.2 Our people are empowered with a stronger sense of social responsibility and our communities are encouraged to work together

Social - 1.5 To recognise the importance of Aboriginal land, language and culture to social, emotional and economic well-being

5.3 Strategy:

Social - 1.2.2 Work with community leaders to develop leadership and governance skills

6.0 Policy Implications

Nil.

7.0 Financial Implications

- 7.1 A discretionary grant budget of \$15,000 applies. No money has been spent to date.

8.0 Sustainability Implications

- 8.1 There are no adverse environmental, economic or social impacts arising from adopting the officer's recommendation.
- 8.2 There are no significant identifiable risk impacts arising from adoption of the officer's recommendation.

OFFICER'S RECOMMENDATIONS/COUNCIL RESOLUTION: 2020/107

MOVED: Cr Rosemary Stretch

SECONDED: Cr Trish McKay

That:

- 1. A donation of \$2,000 plus GST be given to Goolarri Media Enterprises as "Bronze Sponsorship" for the Kimberley Girl Program 2020.**

CARRIED 5/0

Cr Virginia O'Neil returned to the meeting at 5.54pm.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. NEW DECISIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

Please Note - These minutes have yet to be confirmed by Council as a true record of proceedings

12. MATTERS BEHIND CLOSED DOORS

OFFICER RECOMMENDATION/COUNCIL RESOLUTION: 2020/108

Moved: Cr Rosemary Stretch Seconded: Cr Trish McKay

Procedural Motion

That this meeting be closed to the members of the general public at 5.55pm and that Council move behind closed doors to consider;

12.1.1. Public Health Issues – Lot 192 on DP41444, Mardiwah Loop

CARRIED 6/0

12.1.1 Confidential Item

As noted- this report is a confidential item under the Local Government Act 1995, Section 5.23(2) (f), contains information relating to public safety.

ITEM NUMBER:	12.1.1
REPORTING OFFICER:	Musa Mono, Director Health & Regulatory Services
SENIOR OFFICER	Noel Mason, Chief Executive Officer
MEETING DATE:	17 September 2020
DISCLOSURE OF INTEREST:	Nil

COUNCIL RESOLUTION: 2020/109 – Council has elected to keep the decision in relation to this item 12.1.1 confidential at present and it will be released on a future date by a decision of the Council.

Minute contained in Confidential Minutes provided to Council separately.

13. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 6.18pm.

14. CERTIFICATION

I, Malcolm Edwards, hereby certify that the Minutes of the Ordinary Meeting of Council held on 17 September 2020 are confirmed as a true and accurate record, as per the Council resolution of the Ordinary Meeting of Council held on 15 October 2020.

SIGNED: _____

DATED: 15 October 2020

Please Note - These minutes have yet to be confirmed by Council as a true record of proceedings