



**Shire of Derby /
West Kimberley**

AGENDA

Audit Committee Meeting Wednesday, 13 December 2023

I hereby give notice that a Audit Committee Meeting will be held on:

Date: Wednesday, 13 December 2023

Time: 4:00pm

**Location: Council Chambers
Clarendon Street
Derby**

Amanda Dexter

Chief Executive Officer



Order Of Business

1	Declaration of Opening, Announcement of Visitors	3
2	Attendance via Telephone/Instantaneous Communications	3
3	Announcements by Presiding Person without Discussion	3
4	Disclosure of Interests	3
4.1	Declaration of Financial Interests	3
4.2	Declaration of Proximity Interests	3
4.3	Declaration of Impartiality Interests.....	3
5	Petitions, Deputations, Presentations and Submissions	3
6	Confirmation of Minutes of Previous Meetings	3
7	Reports	4
7.1	Annual Financial Report 2022-2023	4
7.2	Regulation 17 - Review of Risk Management, Legislative Compliance and Internal Controls.....	8
7.3	Outstanding Debt - November 2023	49
7.4	Compliance Reports - Council Minute Management.....	55
7.5	Compliance Reports - Councillor Meeting Attendance.....	81
8	New Business of an Urgent Nature	87
9	New and Emerging Items for Discussion	87
10	Date of Next Meeting	87
11	Closure of Meeting	87

1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

A Council Member may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effectively, and where necessary confidential, engagement in the meeting's deliberations and communications.

3 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**4 DISCLOSURE OF INTERESTS****4.1 Declaration of Financial Interests****4.2 Declaration of Proximity Interests****4.3 Declaration of Impartiality Interests****5 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RECOMMENDATION**

That the Minutes of the Audit Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 23 November 2023 be CONFIRMED.

7 REPORTS

7.1 ANNUAL FINANCIAL REPORT 2022-2023

File Number: 4105

Author: Tamara Clarkson, Deputy Chief Executive Officer

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Legislative

SUMMARY

To consider and accept the audited Annual Financial Report and the Office of the Auditor General's (OAG) Independent Audit Report of the Shire of Derby / West Kimberley for the financial year ended the 30 June 2023.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

Council is required to accept the Audited Financial Report which will be included as part of the Annual Report.

Each year, the Shire is required to produce its Annual Financial Report and send the report to the Shire's auditor by 30 September (Section 6.4 (3) of the *Local Government Act 1995*). The Office of Auditor General appointed RSM as the Shire's auditors. They have now completed the audit and have provided their Independent Auditor Report and Management Report.

Shire staff together with consultants, Moore Australia worked in collaboration to prepare the financial statements that were presented to the auditors.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* sets out the requirements for the preparation of the annual financial report as follows:

Section 6.4 (1) and (2) requires the Shire to prepare an annual financial report for the preceding financial year which is to be presented in the manner and form prescribed.

Section 6.4 (3) requires the Shire to submit to its auditor the accounts balanced up to the last day of the preceding financial year and to submit the annual financial report by 30 September.

Section 5.53(2)(f) and 5.53(2)(h) requires the Shire to prepare an annual report that includes the financial report and auditor's report for the financial year.

Section 5.54 requires the Shire to accept the annual report for a financial year by no later than 31 December after that financial year; unless the auditor's report is not available in time, then it is to be accepted no later than two months after the auditor's report becomes available.

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996* requires a local government to submit a copy of the annual financial report to the Department within 30 days of Local Government receiving the auditor's opinion on the financial position and the results of the operations of the local government.

Regulation 10(1) of the *Local Government (Audit) Regulations 1996* requires the auditors to submit an audit report to the persons specified in section 7.9(1) of the LGA within 30 days of completing the audit.

Regulation 10(2) and 10(3) of the *Local Government (Audit) Regulations 1996* provides full details about what the auditor's report is required to report on. The report is to include any material matters that, in the opinion of the auditor, indicate significant adverse trends in the financial position or the financial management practices. It must also report on any matters indicating non-compliance with Part 6 of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, or applicable financial controls in any other written law.

Regulation 10(4) of the *Local Government (Audit) Regulations 1996* considers where appropriate, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) of the *Local Government Act 1995* with the auditor's report.

All statutory requirements related to the Annual Financial Report 2022/2023 have been met.

POLICY IMPLICATIONS

The Annual Financial Statements are prepared in accordance with the Australian Accounting Standards and comply with the Shire's Significant Accounting Policy which provides requirements on how transactions are performed or treated in an accounting context.

FINANCIAL IMPLICATIONS

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2023 and the assets and liabilities as at that date, together with other relevant financial information.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Failure to prepare and adopt the Annual Financial Report would result in non-compliance with its statutory responsibilities under the <i>Local Government Act 1995</i>	Rare	Moderate	Low	Accept Officer recommendation

CONSULTATION

Office of the Auditor General

RSM, contracted by OAG to conduct audit

Moore WA, the Shire's financial services provider

COMMENT

The independent audit report issued by OAG is an unqualified report.

RSM has completed their audit of Council's financial affairs for the financial year ended 30 June 2023. There are five primary financial statements which have been prepared to finalise the report for 2022/23:

Statement of Comprehensive Income;

Statement of Financial Position;

Statement of Changes in Equity;

Statement of Cash Flows; and

Rate Setting Statement.

Statement of Comprehensive Income

The Statement of Comprehensive Income of the Financial Statement shows the extent to which operating expenditure has exceed Operating Revenue during the financial year, resulting in an operating surplus / deficit of \$(xxx).

Statement of Financial Position

The Statement of Financial Position income of the Financial Statement total equity of \$xxx.

Statement of Changes in Equity

The Statement of Comprehensive Income of the Financial Statement shows the extent to which operating expenditure has exceed Operating Revenue during the financial year, resulting in an operating surplus of \$xxx.

Statement of Cash Flows

The Statement of Cash Flows of the Financial Statement indicates an increase / decrease in cash flow of \$xxx over the financial year leaving a total balance of Cash and Cash equivalents being \$xxx.

Rate Setting Statement

The Rate Setting Statement of the Financial Statement show a total surplus / deficit to be carried through to the 2023/24 year of \$xxx.

The Audit and Risk Committee is to examine the report of the auditor and determine if any matters raised by the report require action to be taken and ensure appropriate action is taken in the future.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS**Nil****RECOMMENDATION****That the Audit and Risk Committee:**

- 1. Notes the draft audited Annual Financial Report 2022-2023; and**
- 2. Notes the Independent Audit Report and Auditor's Closing Report.**

Attachments to be added once available:

- 1. Annual Financial Report 2022/2023**
- 2. Independent Auditor's Report - 30 June 2023**
- 3. Financial Audit Management Letter Attachment A - 30 June 2023**
- 4. Information Systems Management Letter Attachment B - 30 June 2023**
- 5. Auditor's Closing Report - 30 June 2023**

7.2 REGULATION 17 - REVIEW OF RISK MANAGEMENT, LEGISLATIVE COMPLIANCE AND INTERNAL CONTROLS

File Number: 4110

Author: Janyce Smith, Governance Administration Officer

Responsible Officer: Tamara Clarkson, Deputy Chief Executive Officer

Authority/Discretion: Legislative

SUMMARY

As required by number 17 of the Local Government (Audit) Regulations 1996 (the Regulations), a review was undertaken of Council's systems and controls. This report presents the review as required by number 16(C) and explains management's response to the review.

DISCLOSURE OF ANY INTEREST

Nil by author.

BACKGROUND

The Shire has statutory obligations to review systems and procedures relating to legislative compliance, risk management and internal controls every three years.

The last Regulation 17 Review (review) was presented to the 21 December 2019 Ordinary Council Meeting in accordance with legislative requirements.

The current review was conducted and completed in December 2022 by Civic Legal (auditor). During September 2022, interviews were undertaken with relevant officers in relation to several subjects covered within the review.

The Department of Local Government, Sport and Cultural Industries (DLGSC) *Local Government Operational Guidelines Number 09* was used as the basis for the CEO's Regulation 17 review.

STATUTORY ENVIRONMENT

Local Government Act 1995 S 7.13 Regulations as to audits - outlines the functions of the CEO and the audit committee in relation to audits carried out.

Local Government (Audit) Regulations 1996 R 16 Functions of audit committee – outlines the functions of the audit committee to include monitoring and advising the CEO when a Regulation 17 audit review is being conducted, reporting the results of the review to Council, and to oversee the implementation of any action accepted by Council.

Local Government (Audit) Regulations 1996 R 17 CEO to review certain systems and procedures – provides that the CEO is to review the appropriateness and effectiveness of the local governments systems and procedures in relation to risk management, internal control and legislative compliance.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

To ensure good operational standards are achieved and maintained, there may be a requirement for additional resourcing, and this should be reviewed as part of the Shire's budget process.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership. 1.2.2 Provide strong governance.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: The review isn't undertaken leaving the Shire and the Council non-compliant and in a vulnerable operating position.	Possible	Moderate	Medium	The Audit Committee to receive a calendar of review and compliance targets to drive the process and ensure the Councils statutory compliance.

CONSULTATION

Consultation was undertaken with the auditors, Civic Legal, and relevant officers who collated the information.

COMMENT

The objective of the review is to provide a report, based on the auditor's understanding of the Shire's associated risks, to assist the CEO in reporting to the audit committee on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

The auditor considered the *Local Government Operational Guidelines Number 09* in determining which systems and procedures to review.

The review methodology included:

- Interviewing relevant employees; and
- Referencing core documents underlying the systems and procedures being reviewed.

The review, as identified in the attached report was comprehensive and provided suggestions for areas of improvement, with 17 in Risk Management; 22 in Internal Controls and 9 in Legislative Compliance.

In reviewing the recommendations, management agreed with virtually all of the areas requiring improvement and has commenced implementation of two major processes in response: process mapping (ProMapp) and the compliance calendar.

The control weaknesses identified by the auditors are in the process of being captured into the compliance calendar. The compliance calendar can effectively manage a large scope of systems and procedures, including ensuring legislative or internal deadlines are complied with. Outstanding compliance calendar tasks are monitored, and progress is tracked to completion.

The ProMapp system is currently progressing with several processes having been developed, it will assist with the improvement of maintaining corporate knowledge and consistent internal control.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. SDWK Reg 17 Systems and Procedure Review December 2022

RECOMMENDATION

That the Audit & Risk Committee recommends that Council by Simple Majority receives the CEO's Regulation 17 System and Procedures Review.



CIVIC LEGAL

Systems and Procedures Review

Shire of Derby/West Kimberley

December 2022

Shire of Derby/West Kimberley
 Systems and Procedures Review
 December 2022



Contents

- 1. Introduction 1
- 2. Engagement Overview 1
 - 2.1 Legislative Requirements 1
 - 2.2 Timeframe 1
 - 2.3 Scope of Engagement 1
- 3. Review Methodology 2
- 4. Review Categories 2
 - 4.1 Risk Management 2
 - 4.2 Internal Control 2
 - 4.3 Legislative Compliance 3
- 5. Results 4
 - 5.1 Risk Management 4
 - 5.1.1 Summary 4
 - 5.1.2 Table of results 4
 - 5.2 Internal Control 14
 - 5.2.1 Summary 14
 - 5.2.2 Table of results 14
 - 5.3 Legislative Compliance 26
 - 5.3.1 Summary 26
 - 5.3.2 Table of results 26
- Appendix 1: Resources (employees interviewed) 33
- Appendix 2: Resources (documents sighted) 33
- Disclaimer 35

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022

1. Introduction

Regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)*, creates a statutory obligation for local government CEOs to review the effectiveness and appropriateness of the local government's systems and procedures at least once every three financial years.

The Shire of Derby/West Kimberley (**the Shire**) has engaged Civic Legal to undertake a review of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance. The purpose of this report is to assist the CEO in his assessment of the appropriateness and effectiveness of the relevant systems and procedures in accordance with regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)*.

This report addresses the three categories of risk management, internal control and legislative compliance.

2. Engagement Overview

2.1 Legislative Requirements

Regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)* states the following:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

2.2 Timeframe

Civic Legal understands that the Shire completed its last regulation 17 review in November 2019. That review addressed all three categories (risk management, internal control and legislative compliance).

2.3 Scope of Engagement

The Shire has engaged Civic Legal to provide the following services in relation to the requirements of regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)*:

- > complete a review of a selection of the Shire's systems and procedures relating to risk management, internal control and legislative compliance;
- > seek to identify potential issues relating to the systems and procedures being reviewed;
- > provide suggestions for improvement; and
- > prepare a report summarising the matters identified during the review.

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022

3. Review Methodology

Civic Legal has considered the *Local Government Operational Guidelines Number 09* in determining which systems and procedures to review.

The review methodology included:

- > interviewing relevant employees of the Shire; and
- > referencing core documents underlying the systems and procedures being reviewed.

Interviews were conducted via Microsoft Teams video calls, and reference documents were emailed to Civic Legal.

The interviews were conducted on 19 September 2022 and 27 September 2022.

4. Review Categories

4.1 Risk Management

A risk management framework assists local governments to identify, evaluate and mitigate risks. Risk in the local government sector can relate to a variety of topics including, but not limited to:

- > finance;
- > asset management;
- > work health and safety; and
- > environmental and health management.

4.2 Internal Control

Internal control comprises systems and procedures which optimise the efficiency of a local government and mitigate risk. Effective internal control requires a variety of strategies which include, but are not limited to:

- > up-to-date procedures and policies;
- > effective asset and human resource management;
- > compliance with relevant procedures, policies and standards; and
- > systems designed to promote accountability.

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022

4.3 Legislative Compliance

Systems and procedures promoting legislative compliance support the principles of good governance and sound decision-making. These systems and procedures are driven by a culture of compliance, due diligence and high ethical standards. Legislative compliance includes compliance with the following:

- > legislation;
- > regulations;
- > Australian and industry standards; and
- > internal policies.

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



5. Results

5.1 Risk Management

5.1.1 Summary

The Shire's risk protocols include a number of supporting documents such as a *Risk Management Framework*, a *Risk Management Policy* and a *Risk Dashboard*. The *Risk Management Framework* provides guidance for recording and reporting risks including the use of a risk matrix and acceptance criteria. The *Risk Dashboard Report* is comprehensive, but needs to be reviewed, updated and its actions resourced. The Shire's overall framework could be further improved by endorsing the Shire's *Business Continuity Plan*.

Due to limited resourcing, the Shire engages external consultants. Seeking external expertise is an appropriate response where internal resourcing may be lacking. In particular, the Shire's IT needs are managed by Managed IT. This includes risk monitoring and maintenance of IT systems, software and hardware. LGIS recently completed a *3 Steps to Safety* review of the Shire's work health and safety systems and procedures. The Shire's officers have been consulting with other local governments regarding items identified in the resulting action plan.

Ethical and behavioural standards for councillors and employees are outlined in the relevant Codes of Conduct. The CEO promotes these standards and the importance of procedures dealing with fraud and misconduct in staff meetings and senior management meetings.

The implementation of process mapping and the continuous expansion of the compliance calendar task list are positive steps towards a more structured approach to risk management. However, there may be a need for additional resourcing. To ensure good operational standards are achieved and maintained, resource levels should be reviewed annually as part of the Shire's budget process.

5.1.2 Table of results

The table below sets out:

- > the systems and procedures reviewed;
- > a description of those systems and procedures based on the information provided by the Shire's employees; and
- > our team's suggested actions for the Shire to consider.

Shire of Derby/West Kimberley
 Systems and Procedures Review
 December 2022



Risk Management		
System or procedure	Description	Suggested actions
Risk management framework	<p>The Shire maintains a <i>Risk Management Framework</i> (March 2020). We understand from officers that this was developed in consultation with LGIS and is due to be reviewed in 2023. The framework includes the <i>Risk and Opportunity Management Policy</i> (June 2021).</p> <p>The Shire's <i>Risk Dashboard Report</i> (February 2020) covers various topics for each business unit of the Shire. It includes control areas, ratings, and actions proposed by the Shire to address risk weaknesses.</p>	<p>Ensure the <i>Risk Management Framework</i> makes adequate reference to the operation of the <i>Risk Dashboard</i>.</p> <p>Include a table of review details, including review deadlines in the <i>Risk Management Framework</i>.</p> <p>Review and update the <i>Risk Dashboard Report</i>. Present it to the audit committee as an update and request that the audit committee consider resourcing needs.</p>
Risk management reporting	<p>The <i>Risk Management Framework</i> contains guidance on risk reporting including a risk matrix and acceptance criteria. Key controls and actions are listed in the <i>Risk Dashboard Report</i> under each category. Each action is assigned to a responsible officer.</p> <p>There is no formal system for reporting and escalating internal risks (e.g. issues with financial procedures). Staff are expected to bring such risks to the attention of their supervisor.</p> <p>Apart from the <i>Risk Dashboard Report</i>, the Shire does not maintain a risk register.</p>	<p>Add the topic of 'risk management' to senior management group meeting agenda templates.</p> <p>Ensure employees are regularly encouraged to report internal/business/strategic risks. For example, employees could be regularly reminded during team meetings.</p> <p>Ensure all risks identified are recorded, including follow-up actions. This may be in the form of a risk register.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Risk Management		
System or procedure	Description	Suggested actions
Business Continuity Plan	<p>The Shire has a draft <i>Business Continuity Management Procedures Manual</i> (March 2020) and <i>Business Continuity Response Plan</i> (March 2020). Both are yet to be endorsed. The drafts were prepared with assistance from LGIS consultants. The plan considers loss of IT or communications and refers to an <i>IT Disaster Recovery Plan</i>.</p> <p>The Shire has recently initiated a structure of regular Shire/Managed IT services management meetings. The first meeting had not yet been held at the time of this Review.</p>	<p>Review and adopt the draft <i>Business Continuity Plan</i> and <i>Business Continuity Management Procedures Manual</i>.</p> <p>Ensure the Shire's IT contractors are consulted regarding business continuity of IT systems.</p> <p>Ensure the <i>IT Disaster Recovery Plan</i> referred to in the <i>Business Continuity Response Plan</i> is regularly reviewed. Ensure Managed IT are involved in the review process.</p> <p>Schedule regular management meetings between the Shire and Managed IT. Create a status report of tasks for Managed IT to undertake and monitor actions relating to those tasks at the management meetings.</p>
Addressing incorrect accounting estimates	<p>The Shire undertakes quarterly budget reviews, where the budget is rebalanced.</p> <p>Where a significant variation occurs between budget reviews, a budget review item may be presented directly to council, rather than waiting for the next quarterly budget review.</p> <p>Where an item is found to be more than the purchase order, checks will be undertaken into other areas of underspending to allow for the additional expense.</p> <p>The Synergy accounting system will warn officers if the item they are drafting a purchase order for something that is beyond the budgetary allocation for that cost area.</p>	

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Risk Management		
System or procedure	Description	Suggested actions
Dealing with claims and litigation	The Shire does not have a formal internal process for dealing with claims and litigation. However, we understand from officers that it is well understood that engagement of legal advisors requires approval of the CEO.	Draft a CEO directive to provide guidelines for how to manage a claim in a manner that minimises risk. This should include consulting with the Shire’s insurers and guidance on how to appropriately communicate to the claimant (if at all).
Preventing and uncovering misconduct, fraud and theft	<p>The <i>Fraud, Misconduct Control and Resilience Policy</i> (February 2022) refers to relevant Australian standards and outlines basic reporting requirements. The policy also refers to public interest disclosure requirements. The Shire’s management of public interest disclosures are guided by the Shire’s <i>Public Interest Disclosure Guidelines</i> (August 2022).</p> <p>The Shire’s <i>Code of Conduct for Employees</i> (March 2022) states the integrity and ethical standards expected from employees of the Shire. All new employees are required to sign to confirm that they have received the <i>Code of Conduct for Employees</i>.</p> <p>The <i>Code of Conduct for Council Members, Committee Members and Candidates</i> states the standards expected of the conduct and behaviour of councillors, committee members and candidates. This is supported by the <i>Code of Conduct Behaviour Complaints Management Policy</i> (June 2022). We understand from officers that the CEO generally promotes the importance of procedures dealing with misconduct, fraud and theft at senior manager meetings and staff meetings.</p>	Include adoption/review details as well as a review deadline in the <i>Code of Conduct for Council Members, Committee Members and Candidates</i> .

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Risk Management		
System or procedure	Description	Suggested actions
Environmental risk management	<p>The Shire does not maintain a Shire-wide environmental risk management plan.</p> <p>The Shire does maintain a <i>Derby Port Environmental Policy</i> which sets out high-level goals regarding the environmental management of the port and surrounding waters. Specific mitigation strategies are not identified.</p> <p>The Derby Waste Disposal Site is nearing the end of its capacity.</p>	<p>Develop environmental management plans for high-risk areas of the Shire. All plans must comply with relevant legislation vesting/management orders, and head leases. High-risk areas may include waste management sites, the Derby Port, and the Derby and Fitzroy Crossing depots and their respective airports.</p> <p>If not done so already, ensure all contaminated sites are being managed in accordance with their waste site licence requirements and other relevant statutory requirements. Plan for the future of the Shire's (and its community's) waste disposal requirements.</p> <p>Consider developing a Shire-wide Environmental Risk Management plan to address the Shire's environmental targets. This may include factors such as responsible disposal of chemicals, waste reduction targets, water consumption and electrical consumption.</p> <p>Ensure the <i>Derby Port Environmental Policy</i> is dated and includes review details.</p>



Risk Management		
System or procedure	Description	Suggested actions
Work Health and Safety (WHS) procedures	<p>We understand from officers that the Shire recently created a Work Health and Safety Committee which will meet every two months. Any incidents and risks identified are to be discussed during these meetings. Executive employees will attend these meetings.</p> <p>LGIS recently completed a <i>3 Steps to Safety</i> review of the Shire’s WHS systems and procedures. The Shire has been provided with an <i>OSH Action Plan</i> (April 2022) following this review.</p> <p>We understand from officers that the Shire is currently receiving some assistance from WHS representatives from the City of Perth. A new employee has begun in the new role of Senior Work Health and Safety Officer. This new employee will continue to action items listed in the <i>OSH Action Plan</i> provided by LGIS, although we understand further training will be required for this officer.</p>	<p>Ensure a clear procedure is established for employees to report incidents and concerns to the Work Health and Safety Committee or Senior Work Health and Safety Officer.</p> <p>Monitor progress made in relation to tasks listed in the <i>OSH Action Plan</i> and ensure all actions are dealt with in a timely manner. A regular update via a status report to the Executive Team Meeting is one way of maintaining momentum on this.</p> <p>Where necessary, ensure adequate resources are provided to support officers undertaking these tasks.</p>
Managing insurable risks and ensuring the adequacy of insurance	<p>LGIS assesses the Shire’s insurable risk by inspecting the Shire’s asset register and completing site inspections. LGIS compose an insurance list that is sent to the Shire for approval.</p> <p>Everything that may amount to an insurance claim is reported to the Manager Administration who will open a claim file. The Asset Maintenance Officer, Directors and Managers are aware of this process. All new employees are told to report incidents regarding damages or work health and safety to their managers.</p> <p>The Manager Administration follows an operational procedure for insurance claims.</p> <p>It was noted that a new process mapping project (ProMapp initiative) is underway to establish and record the Shire’s operational procedures.</p>	<p>Periodically remind staff to report insurance claimable incidents to their managers during staff meetings/team meetings.</p> <p>Ensure operational procedures, including the <i>Operational Procedure - Insurance</i>, are dated.</p> <p>Consider including insurance claims in the ProMapp initiative.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Risk Management		
System or procedure	Description	Suggested actions
Monitoring insurance claims	<p>A claims status list is stored in the X-Drive as an excel spreadsheet. This includes file numbers, basic descriptions of each claim and their status. The spreadsheet is managed by the Manager Administration.</p> <p>The Manager Administration will notify the finance team if a claim is approved.</p>	Ensure the procedure for monitoring insurance claims is captured in a written document. It could be captured when developing the ProMapp initiative.
Addressing control weaknesses identified by the external auditor	<p>We understand from officers that a task is set in the Compliance Calendar which outlines the process for addressing auditor comments following the annual audit. All auditor comments are allocated to responsible officers to make commentary and update the calendar task. Once all are addressed, the task is closed and regenerated for the next audit.</p> <p>We note that the officers were unable to provide a copy of this compliance calendar task.</p>	<p>Ensure that control weaknesses identified by the auditors are captured in the Compliance Calendar.</p> <p>Conduct a review of actions from last year's auditors to check that the above process is working.</p>
Controls for unusual types of transactions or high-risk transactions	<p>We understand from officers that business cases have historically been presented to council in relation to proposed projects requiring significant investment. This practice has not been used in recent times.</p> <p>We understand from officers that large projects are generally discussed in corporate planning sessions and are addressed to the <i>Corporate Business Plan</i>.</p> <p>One example of an unusual/high-risk transaction (although ongoing) is expenditure on storm damage. We understand from the officers that this work is funded by a federal funding scheme and is overseen by a Project Manager.</p>	Consider developing a CEO's directive regarding the practice of drafting business cases and risk assessments for unusual, expensive or high-risk activities or projects. This will assist the Shire to assess risk, ensure costings are accurate and consider whether a project manager is needed.
Procurement Framework	<p>The Shire's procurement system is supported by the <i>Procurement of Goods and Services Policy</i> (February 2022), the <i>Procurement Purchasing Limits CEO Directive</i> (May 2022) and the <i>Record and Evaluation of Quotes Form</i>. Purchasing limits are defined in the <i>Procurement Purchasing Limits CEO Directive</i>.</p> <p>A purchase order system is included in the <i>Finance Department's Procedure Manual</i>.</p> <p>The Shire regularly uses the WALGA and the local Derby VendorPanel system to seek suppliers to ensure a suitable level probity and transparency.</p>	Review and update the <i>Finance Department's Procedure Manual</i> to reflect the new digital Purchase Orders system (ref: pages 60/161).

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Risk Management		
System or procedure	Description	Suggested actions
Communicating changes to the Shire's control environment employees	Senior employees including managers and directors are updated on an ad hoc basis in relation to changes to the Shire's control environment. This may include updates regarding upcoming elections or changes to statutory obligations.	Include 'changes to control environment' in the agenda template for management team, executive team meetings and directors' meetings. Changes to policies, procedures, legislative obligations or industry standards can be raised under this system.
Induction procedures	<p>The People and Culture Team are guided by the <i>Recruitment Process and Timeline CEO Management Directive</i> (August 2021). A calendar invitation is sent to the new employee's supervisor attaching induction information. The relevant manager and the People and Culture Team will receive a reminder the following week to ensure the process has been completed.</p> <p>The inductions and management of Trainees or Workplace Students are guided by the <i>Administration Trainee/Workplace Student Handbook & Checklist</i>.</p> <p>The supervisor of a new employee is provided with <i>Checklist New Employee Induction</i> to ensure the employee receives all necessary information in their induction. The checklist is to be completed by the Supervisor and signed by both the supervisor and the new employee. This document is saved in the relevant personnel folder.</p> <p>Online safety training and cultural awareness training must be completed by new employees prior to commencing work online safety training. Further training, including and IT Systems training, is conducted during the induction process.</p>	<p>Schedule a meeting with new employees approximately a month into their employment with the Shire to ensure the employee is comfortable with all systems and procedures.</p> <p>Ensure a review deadline is included in all management directives.</p> <p>Ensure the induction process emphasises cultural and ethical expectations of Shire employees, including encouraging employees to report issues or concerns. This may be addressed in the <i>Code of Conduct</i> but should be emphasised.</p>

Shire of Derby/West Kimberley
 Systems and Procedures Review
 December 2022



Risk Management		
System or procedure	Description	Suggested actions
IT management plan and data recovery procedure	<p>The Shire has engaged an external contractor to manage its IT requirements.</p> <p>The officers identified that the contractual documents between the Shire and its external contractor address service details including backup service agreements and products.</p> <p>We understand from the Shire’s IT contractor that the Shire’s data is stored at multiple backup points. Backups of the Shire’s data are replicated both onsite and offsite (Perth). Officer emails are also backed-up.</p> <p>Shire officers are able to send a service request to the external contractor to restore a document or other lost information. If restoring the information may result in loss of new information, the contractor will contact the Manager Administration for approval. This process appears to be well understood but is not captured in a written procedure.</p>	<p>Ensure the IT contract and the associated tender requirements are managed and upheld. This could be achieved through the regular joint meetings between the Shire and Managed IT.</p> <p>Maintain a status sheet to monitor whether the managed services tender requirements are being met.</p> <p>Ensure the Shire is satisfied that the external contractor has in place the necessary practices and procedures to satisfy terms and conditions of the contract and tender requirements. Especially in relation to protecting the Shire’s IT systems from cyber security risks.</p> <p>Capture the procedure for requesting and approving the restoration of a document in a written procedure.</p>



Risk Management		
System or procedure	Description	Suggested actions
Cyber security protocols	<p>The Shire’s external IT contractor monitors government security bulletins for any threats that might affect the Shire. We understand from the external IT contractor that a number of tools are used to perform internal and external network scans. They also regularly update the Shire’s IT programs.</p> <p>As required reporting is issued to the Shire if potential risks or issues are identified.</p>	<p>Ensure that the external IT contractor completes periodic risk assessments and reports, as opposed to <i>ad hoc</i> reports. We understand it is a contractual requirement to complete quarterly reports. These should be included as agenda items at the regular management meetings between the Shire and Managed IT.</p>
Emergency evacuation procedures	<p>The Shire has written procedures for various emergency situations including threats by fire, lighting, armed robbery and bombs.</p> <p>All buildings contain evacuation plans and maps to mustering points. However, we understand from officers that some of these documents are outdated.</p> <p>The Shire does not conduct regular evacuation drills for its occupiable buildings.</p> <p>Some Shire employees have recently undergone fire warden training.</p>	<p>Review and update evacuation procedures and maps to muster points for all occupiable buildings.</p> <p>Review and update written procedures for fire, lightning, armed robbery, bombs, etc.</p> <p>Include a review deadline on all written procedures, including evacuation procedures.</p> <p>Conduct periodic evacuation drills for all occupiable buildings. Include a reminder to do so in the <i>Compliance Calendar</i>.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



5.2 Internal Control

5.2.1 Summary

The Shire regularly reviews its council policies and maintains Management Directives and department specific procedural documents to support employees. It is important that all policies, management directives and procedural documents are dated and include a review deadline. The Shire should continue to create written procedures to support its day-to-day operations and ensure they are kept up to date. This will help to ensure tasks are completed consistently and to the correct standard. It will also assist when inducting new employees.

The Shire's IT contractor, Managed IT, provides considerable assistance to the day-to-day functioning of the Shire. However further external assistance or resourcing may be required in relation to the Shire's electronic records management. The Shire currently lacks significant control in relation to authorising changes to data files as it does not have an administrator for the record-keeping software.

Access to hard copy documents and other assets (such as the server room) is often kept secure by lock and key. The distribution of keys is monitored via a key register and employee files. However, the ease of access to property records in Coleman Centre poses a control risk.

The *Compliance Calendar* has the potential to effectively manage a large scope of systems and procedures, including ensuring legislative or internal deadlines are complied with. However, it is currently lacking in reliability as an organisational tool due to the considerable number of outstanding items. Senior officers should consider what operational changes are required to ensure governance tasks identified in the *Compliance Calendar* are prioritised. This may be a part of a greater cultural shift. Likewise, the implementation of the ProMapp system has the potential to improve internal control. The implementation of the ProMapp system should be progressed promptly, particularly for high-risk activities.

5.2.2 Table of results

The table below sets out:

- > the systems and procedures reviewed;
- > a description of those systems and procedures based on the information provided by the Shire's employees; and
- > our team's suggested actions for the Shire to consider.

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Internal Control		
System or procedure	Description	Suggested actions
Delegation register review	<p>The <i>Delegated Authority Register</i> (July 2022) can be accessed by employees through the internal SharePoint or the Shire's website.</p> <p>A task has been programmed into the <i>Compliance Calendar</i> to ensure the <i>Delegation Register</i> is reviewed annually. The task details the steps required to undertake the annual review. It was last reviewed in July 2022.</p>	
Recording use of delegations	<p>New employees who have delegated authority will receive an induction package outlining how their delegations are to be used and recorded. It is the responsibility of the employee to ensure they are recording their use of delegation in the Attain system, in accordance with statutory requirements.</p>	<p>Ensure a suitable procedure is in place to monitor officer use and recording of the use of delegations. For example, this could be via periodic sample audits or considered as part of annual staff performance reviews.</p>
Policy manual review	<p>The Shire has council policies and CEO directives.</p> <p>A task has been programmed into the <i>Compliance Calendar</i> to ensure the Shire's council policies are reviewed annually.</p> <p>We understand from officers that a Microsoft Teams channel is allocated to each policy. Responsible officers are assigned alerts to make required amendments to the policy in the relevant channel.</p> <p>All amended or new council policies are presented to council. Changes in policies are highlighted to ensure the council can easily recognise all amendments.</p> <p>Adoption and review details are included at the bottom of all council policies. CEO directives are dated but do not include review details.</p>	<p>Ensure all policies include a deadline for the next review.</p> <p>Ensure all CEO directives provide review details, including a review deadline.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Internal Control		
System or procedure	Description	Suggested actions
Informing employees of policies	<p>All Shire policies are available in the internal SharePoint and on the Shire's website. Policies that are amended or adopted by council are circulated at management team meetings.</p> <p>Employees and their manager/supervisor are required to sign a Code of Conduct <i>Employee Acknowledgement</i> that they have received and read the CEO directives and sought explanation from their manager as necessary.</p>	<p>Ensure all relevant staff are directly notified of changes to policies or procedures via the relevant team meeting/staff meeting.</p> <p>Require all officers to sign that they have read and understood all council policies (as well as CEO Directives) relevant to their role during the induction process.</p>
Documenting risk identification and assessment activities	<p>Currently, the documentation of risk identification and assessment activities is not undertaken in a prescribed, formal manner.</p> <p>The <i>Risk Dashboard</i> has previously been used as the key risk identification and assessment tool. We understand from the officers that the <i>Risk Dashboard</i> was regularly updated and presented in Organisational Management Team meetings. However, this process has not been consistently undertaken in recent years. The Shire officers indicated that the Shire intends to reactivate this tool and reinforce a similar procedure.</p> <p>The Shire officers indicated that the Shire will be implementing the ProMapp system, which enables processes to be developed and accessed. This will ensure that the Shire's risk management procedures are embedded into formalised processes.</p>	<p>Prioritise the implementation of the ProMapp system, particularly for what the Shire considers to be high-risk activities.</p> <p>Ensure the documentation of risk identification and assessment activities is implemented into the ProMapp system in a timely manner.</p> <p>Ensure risk identification and assessments are regularly discussed at Organisational Management Team meetings and reported to the Audit Committee.</p>
Drafting reports to council	<p>The Shire has a template document for drafting reports to council and a <i>Report Writing Guide</i> (April 2020). The <i>Report Writing Guide</i> is not specific to council reports but can be used as a guide for drafting reports to council.</p>	<p>Review the <i>Report Writing Guide</i> and provide review details at the base of the document, including a review deadline.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Internal Control		
System or procedure	Description	Suggested actions
	There are no formalised supporting guidance documents to assist those officers who are new or unfamiliar with drafting reports to council. Officers are required to confer with other officers and consider previous reports to council.	
General research procedures	Officers who currently undertake research tasks as a part of their role at the Shire do so on the basis of their own prior understanding and experience in the local government industry. Where required, they will consult with their supervisor.	Create a guidance document to support officers new to the local government industry when conducting research tasks. This might include links to key sources of information such as websites of authoritative organisations (WALGA, Department, LGIS), links to relevant legislation, regulations and industry standards and contact details for neighbouring local governments.
Confirmation of employee qualifications	<p>All employees must comply with the relevant position description and essential criteria identified during the recruitment process. Required qualifications are also listed in the letter of offer. Copies of all required qualifications must be provided during the onboarding process.</p> <p>Position descriptions are reviewed prior to each position being advertised and amended according to the <i>Recruitment Requisition Form</i> completed by the relevant director. The CEO signs off on all position descriptions. The review of the position description is referenced in the <i>Recruitment Process and Timelines CEO Management Directive</i>.</p>	

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Internal Control		
System or procedure	Description	Suggested actions
Internal audits/reviews	<p>We are advised by officers that the Shire undertakes internal audits and checks in accordance with various <i>Compliance Calendar</i> tasks. Individual calendar tasks are assigned to a responsible officer with a set timeframe and details regarding the required process. The responsible officer will receive weekly email reminders. Once complete, the responsible officer is required to attach evidence of completion to the task.</p> <p>We understand from the officers that an internal People and Culture audit has recently been completed.</p> <p>We understand that there are currently over 70 outstanding items on the compliance calendar.</p>	<p>Ensure that <i>Compliance Calendar</i> tasks have adequate supporting information within them, to enable their actioning and completion.</p> <p>Actively monitor the completion of calendar tasks to ensure they are completed and closed out in a timely fashion.</p> <p>Refer to the outstanding <i>Compliance Calendar</i> status report during the annual budget process to identify gaps in resourcing.</p>
Liaising with auditors	<p>The Shire is usually in contact with its auditors twice a year; for the interim audit and annual final audit. Correspondence regarding those audits is ongoing as required in regard to those audits. Communications with the auditors are generally limited to that of financial management concerns.</p> <p>Currently, the Shire is in contact with its auditors approximately once a fortnight while the current audit is near being signed off.</p>	<p>Consider engaging on an 'as required basis' with auditors for feedback and guidance in relation to matters both inside and outside the scope of required audits.</p>
Liaising with legal advisors	<p>The Shire regularly engages with various legal advisors, all of whom are in the WALGA Preferred Supplier Directory. Some of those advisors have been supporting the Shire for a number of years. We understand from officers that the advisor is often selected based on the type of matter being dealt with.</p> <p>Executive staff or the CEO will determine when legal advice is required. We understand from officers that the CEO encourages advice to be sought if there is doubt.</p>	<p>Create a register of advice received, including a brief matter description and reference numbers to the relevant documents. This will enable employees to use (but not necessarily apply) as a reference material advice received in the past. A guideline must accompany the register to ensure that employees seek an updated</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Internal Control		
System or procedure	Description	Suggested actions
		<p>version of advice, to cater for changes in law and application to circumstances different from those prevailing at the time of the original advice.</p> <p>Draft a CEO directive for seeking legal advice. This may include how to request legal advice, what needs to be considered before seeking legal advice, who can seek advice from lawyers, and contacts for lawyers who specialise in certain areas.</p>
Authorising documents, letters, emails and financial records	<p>The authorisation of documents is not addressed in a formal document.</p> <p>When a document needs to be authorised by a more senior officer, the officer undertaking the task collates the required information and sends it on to the relevant senior officer to authorise.</p> <p>Employees are expected to consult with their supervisor if they are unsure as to who can authorise a particular document.</p> <p>Where the CEO is required to sign a document, the initiating officer and relevant director is required to complete the <i>Documents for signing by the CEO – Officer Declaration</i>.</p>	<p>Develop a document that identifies the authority of the Shire’s officers in relation to the authorisation of documents and records on behalf of the Shire. These details may also be included in relevant officer job descriptions.</p>
Separation of roles and functions	<p>The procurement process requires multiple employees to review and/or sign off on the required documentation. For example, the invoice ought not to be signed off by the officer procuring the good or service.</p>	<p>Conduct periodic internal reviews to ensure that the various components of the purchasing process include a separation of roles and functions.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Internal Control		
System or procedure	Description	Suggested actions
Restricting access to physical assets and records	<p>Physical archived documents are restricted by key access. Only three officers have keys to access the strong room and safe which stores leases, contracts and other important items.</p> <p>Property records in Coleman Centre can be accessed by anyone in the building. The records are not permitted to leave the building. A member of the public may access property records by submitting an application and fee. The Records Officer or administrative officers will access records on their behalf.</p> <p>The IT server room is only accessible by key. Executive officers and the Manager Administration have a key to access this room. There is a sign-in sheet for all external visitors to the IT server room.</p> <p>Mobile phones, laptops and other assets are also kept in the IT server room. The Manager Administration can distribute these items at the request of the People and Culture business unit or a director. This procedure is not captured in a written document.</p> <p>Officers are issued with keys to the administration building during their induction. People and Culture records indicate which officers have been issued with certain keys.</p> <p>Alarm codes for the administration building are issued to employees during their induction. Alarm codes are also provided to access the Council Chamber. These codes are limited to allow access within set access times.</p> <p>Keys to access Shire buildings can be issued to officers and contractors. This must be recorded on the Key Register.</p> <p>The Shire maintains procedural documents to support the hiring of facilities and the dispersion of keys accordingly. These documents include procedures to be followed should keys not be returned.</p>	<p>Implement a written procedure for accessing records in Coleman Centre to ensure documents are suitably protected. This may include using lockable compactors or relocating the records to a room that can be locked.</p> <p>Draft a written procedure for the issuing of phones, laptops and other assets stored in the server room. Ensure that the <i>Server Room Access Log</i> is located in the vicinity of the server room.</p> <p>Implement a written procedure for the management of the <i>Key Register</i>. Noting that both of the above could be included in the ProMapp initiative.</p> <p>Ensure procedural documents are dated and include review periods, including the <i>Facility Hire Procedure</i>.</p> <p>Review the <i>Employee Exit Checklist</i> to ensure it captures the need to return access keys and other shire equipment like phones, computers, and vehicles, etc. on departure from the Shire.</p>



Internal Control		
System or procedure	Description	Suggested actions
Restricting access to electronic documents and records	<p>Security ratings can be applied to files in Synergy Records. For example, People and Culture files have high-security ratings. Confidential codes can also be applied.</p> <p>Personnel files on the x-Drive also have security ratings. Some drives are restricted to certain employees.</p> <p>Officers can make requests to the Shire's external IT contractor to apply security ratings to files, including files in Synergy file.</p> <p>When an employee ends their employment with the Shire, a ticket request is sent to the Shire's IT Contractor to cease that employee's access to the Shire's electronic systems and records. The requirement to update Synergy records is listed in the <i>Employee Exit Checklist</i>. The Shire also has a <i>User Exist Process</i> to guide officers regarding disabling electronic access of exiting employees.</p>	Capture the process for requesting restricted access to files in a written procedure.
Updating computer applications and information systems	<p>The Shire's external consultant conducts regular updates on the Shire's computer applications and information systems. They will also advise the Shire when an item is outdated and requires replacing.</p> <p>We understand from officers that an external IT audit to assess the Shire's processes and procedures was recently conducted by Moore Australia. This is an annual audit.</p>	Ensure required updates and/or replacements are included in the quarterly meetings required by the IT consultant's service contract.
Authorising changes to data files and systems	<p>The Shire currently lacks significant control in relation to authorising changes to data files as the Shire currently does not have an administrator for its IT software.</p> <p>The Shire significantly relies on its external IT contractor to assist with these matters.</p>	Introduce an authorisation procedure for occasions when changes to data files are proposed.
Maintaining and reviewing financial control accounts	<p>Reconciliation procedures are completed at the end of each month.</p> <p>Managers are responsible for completing a variance analysis each month for their relevant accounts. The threshold for this review is a variance greater than 10% or \$30,000.</p>	Finalise and roll out the new accounting induction module.

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Internal Control		
System or procedure	Description	Suggested actions
	<p>Weekly invoicing procedures provide a quick review for both the finance and accounts team to ensure purchase orders have been allocated to the correct accounts.</p> <p>We understand from officers that an induction module regarding accounting/financial matters is currently being developed.</p>	
Comparing financial results against budgeted amounts	<p>As previously stated, reconciliation procedures are completed at the end of each month.</p> <p>We understand from officers that every costing line in the financials has a responsible employee allocated to it. Managers are responsible for completing a variance analysis each month for their relevant accounts. The threshold for this review is 10% variance or \$30,000.</p> <p>Reports are made to the Audit Committee on a monthly basis. Major variances are highlighted in these reports, including management comments.</p> <p>The financial dashboard provides graphical representation of the Shire's accounts.</p>	
Ensuring (arithmetical) accuracy of records	<p>End-of-day checks and regular reviews are completed for particular records, including the <i>Key Register</i>.</p> <p>We understand from officers that a responsible officer is allocated to each line item in the budget. This officer is in charge of the relevant accounts and ensures finances are taken or deposited into the correct account.</p> <p>These procedures are not captured in written documents. Instead, employees receive on-the-job training as the processes occur.</p>	<p>Take active steps to promote a culture of accuracy. For example, accuracy of data, accuracy of information provided, and accuracy of records. One potential initiative to promote this would be for the CEO to establish accuracy, or the discharge of responsibility for accuracy, as being a performance indicator and highlight this at team meetings.</p>



Internal Control		
System or procedure	Description	Suggested actions
		Review costing process to ensure accuracy prior to reports being presented to the Audit Committee. Ensure staff who are involved in purchasing and costing are trained to have a full understanding of the systems/procedures involved.
Reviewing and reporting on the approval of financial payments	<p>The finance department maintains a <i>Procedures Manual</i>.</p> <p>When an invoice is received, the data is entered into the system by a member of the finance team. This is reviewed by a secondary officer and posted in preparation for the payment run. The payment details are checked to ensure they match the corresponding invoice. The Finance Manager performs checks through Synergy which is captured in an audit trail, before loading to the bank and informing directors (who then authorise the payment).</p>	<p>Ensure the <i>Finance Department Procedure Manual</i> is dated and includes a review deadline.</p> <p>Establish a procedure to regularly review and update the <i>Finance Manual</i>.</p> <p>Consider including the processes that are in the <i>Finance Manual</i> in the ProMapp initiative. These should capture the specific steps and checks of each process (e.g. the separation of roles with the payment of accounts).</p>
Comparing physical cash and inventory counts with accounting records.	<p>Cash is accepted at some public facilities including the pool and the library. Daily reconciliation procedures are undertaken. All cash is brought to the Shire administration offices for processing. We understand from officers that written documents detail the procedures which must be undertaken prior to depositing the cash with the bank including procedures for entering cash into the Shire's systems.</p> <p>For example, the pool staff follow a <i>Balancing the Till Procedure</i>. The team leader is required to sign to verify that the cash collected corresponds with the receipts. The</p>	<p>Ensure that the process for controlling cash transactions is in writing (i.e. included in the <i>Finance Team Manual</i>) and complied with.</p> <p>Introduce a <i>Compliance Calendar</i> task to review this procedure on an annual basis.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Internal Control		
System or procedure	Description	Suggested actions
	<p>cash is then brought to the administration office where the reconciliation process is completed. The cash is then deposited into the bank.</p> <p>The refuse disposal area does not receive any cash. All payments are entered through a Cooee system, with invoices sent out monthly.</p>	<p>Include review details in the <i>Balancing the Till Procedure</i>.</p>
Use of credit cards	<p>A credit card is allocated to both the CEO and the Director Technical and Development Services.</p> <p><i>A Request to use Corporate Credit Card Form</i> must be completed and signed off by the relevant line manager before the cards are used. The procedure to use a corporate credit card is captured in the <i>Finance Department Procedure Manual</i>.</p> <p>The use of credit cards is reconciled with bank statements, invoices and completed <i>Request to use Corporate Credit Card Forms</i>.</p>	<p>Establish a system for the storage and distribution of credit card details.</p> <p>Include adoption and review details for procedures within the <i>Finance Department Procedure Manual</i>.</p>
Records management procedures	<p>The Shire's <i>Recordkeeping Procedure</i> is given to new employees during their induction. This addresses information such as what needs to be recorded, what file numbers to allocate, the authorisation of officers, how long records must be kept and the disposal of records.</p> <p>The officers recognise that a significant number of records are currently not being filled correctly. For example, many files are not being saved into Synergy and are instead accessed via the X-Drive. This issue is also hindered when external email information is received by individual offers rather than the customer service inbox.</p>	<p>Conduct a comprehensive review of the Shire's record systems to identify and address issues such as consistency of filing.</p> <p>Implement a centralised and consistent filling system supported by staff training and written procedures. This will require a managed transition from the use of the x-Drive and personal drives to Synergy Records or a dedicated digital records management system.</p> <p>Consider if additional support/resourcing is needed to assist with records management.</p>



Internal Control		
System or procedure	Description	Suggested actions
		Ensure records of individual officers are effectively managed. For example, by addressing these requirements in job descriptions and discussing records management during performance reviews.
Asset management plan	<p>The Shire has drafted Asset Management Plans for buildings, roads, the plant, land and other assets. The Shire also has an <i>Asset Management Policy</i> (June 2021). The <i>Asset Management Plan</i> is a part of the <i>Integrated Planning Process</i> and identifies when replacements, refurbishments and maintenance are required.</p> <p>Reference is made to the draft Asset Management Plans when formulating the annual budget. Expenditure outside of the draft Asset Management Plans requires justification. A gap may at times exist between what is required in the draft Asset Management Plan and the expenditure provided in the budget.</p> <p>We understand from officers that the Shire maintains a working document of assets and an Assets Register. The Assets Register does not include any items valued under \$5,000, in accordance with relevant accounting standards.</p> <p>Physical inspections of large assets are undertaken for insurance purposes.</p> <p>We understand from officers that smaller items such as phones and laptops may not be captured on the <i>Assets Register</i> or the <i>Asset Management Plans</i>. Similarly, crew gear are mostly unaccounted items. These items are managed using a <i>Small Plant Register</i> and are replaced at end of their useful life.</p> <p>We understand from the officers that the Shire's IT service provider keeps track of the Shire's IT equipment needs and will contact the Shire when items require updates or replacing.</p>	<p>Prioritise endorsing the draft Asset Management Plans.</p> <p>Ensure relevant budgeting reports to council identify the long-term consequences of not meeting the requirements of the <i>Asset Management Plan</i>. Asset management training may also be appropriate if this is a concern of the Shire.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



5.3 Legislative Compliance

5.3.1 Summary

The nature of local government requires it to understand and comply with a multitude of legislative requirements, standards and policies. It is often a challenge therefore for local governments, generally, to keep abreast of all these. Furthermore, there have been significant changes to some key legislation governing WA local governments in recent years. This is due to the amendments to the *Local Government Act 1995* (WA) made by the *Local Government Legislation Amendment Act 2019* (WA).

The Senior Governance Co-ordinator regularly reviews the WA legislation website for changes to relevant legislation. The Shire manages its compliance with legislation through the use of the Shire's *Compliance Calendar*, maintained by the Senior Governance Co-ordinator. The *Compliance Calendar* also includes internal requirements and deadlines. It is important to ensure that legislative provisions required to be observed by officers are captured in the *Compliance Calendar* or some other organisational tool.

Where it has not done so already, the Shire should ensure that legislative requirements or considerations are written into procedural documents and guidelines, where relevant. These procedural documents and those key documents already in existence should be regularly reviewed to ensure they remain up to date. This helps to reduce reliance on individual employees to recognise legislative compliance concerns.

5.3.2 Table of results

The table below sets out:

- > the systems and procedures reviewed;
- > a description of those systems and procedures based on the information provided by the Shire's employees; and
- > our team's suggested actions for the Shire to consider.



Legislative Compliance		
System or procedure	Description	Suggested actions
Ensuring compliance with legislation, regulations, industry standards and internal policies	<p>The Senior Governance Coordinator maintains a <i>Compliance Calendar</i>. Automated tasks are disseminated to relevant officers to ensure specified timeframes (set by legislation or internally) are complied with. We understand from officers that an automated task is sent to the Senior Governance Coordinator quarterly to review the <i>Compliance Calendar</i> and add to the tasks it captures.</p> <p>Monthly reports of outstanding actions are generated and reviewed by the Senior Governance Coordinator. There is currently a significant list of outstanding actions. The Executive Team is provided with these reports to assess barriers and address priorities for completing outstanding tasks.</p> <p>The Senior Governance Co-ordinator reviews the WA legislation website for changes to relevant legislation on a weekly basis. This is supported by a weekly <i>Compliance Calendar</i> task.</p> <p>The Senior Governance Coordinator undertakes regular monitoring of websites for relevant authorities including the Department, WALGA and LG Pro to ensure industry updates are accounted for.</p>	<p>Review and execute tasks on the <i>Compliance Calendar</i> action list. Consider what operational, resourcing, or prioritisation changes are required to ensure outstanding actions are kept to a minimum. Report the results of this review to the Audit Committee.</p> <p>Implement a system of consultation with relevant managers in relation to outstanding actions following the monthly reports.</p>
Reviewing the annual Compliance Audit Return (CAR) and reporting the results to council	<p>A CAR task is included in the <i>Compliance Calendar</i>. Responsible business units and officers are identified for the topics addressed in the CAR. Subtasks are allocated accordingly.</p> <p>The Governance Team is responsible for collating responses from the various officers and ensuring it is endorsed by the audit committee.</p>	<p>Ensure the <i>Compliance Calendar</i> tasks are explained clearly so officers know how to collect, assess and report on each question. For example, by specifying the number of samples required to reach a conclusion.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Legislative Compliance		
System or procedure	Description	Suggested actions
Monitoring legislative change and implementing relevant amendments to the local government's systems and policies	<p>The Senior Governance Co-ordinator reviews the WA legislation website for changes to relevant legislation on a weekly basis. Other officers whose roles involve compliance with certain legislation are responsible for monitoring changes to the relevant legislation.</p> <p>Officers can request that a new task be added to the <i>Compliance Calendar</i> by filling in a <i>Compliance Calendar Entry Request Form</i>. The Senior Governance Coordinator can then input the task into the calendar.</p>	<p>Promote the <i>Compliance Calendar</i> to relevant staff who have tasks that can be embedded in the <i>Compliance Calendar</i>, particularly those involving legislative deadlines. This may include notifications at management team meetings and providing training where needed.</p> <p>Continue to allocate one officer (e.g. the Senior Governance Coordinator) to manage the <i>Compliance Calendar</i>, to ensure consistency. For example, that important tasks are not accidentally erased.</p> <p>Ensure all employees with legislative responsibilities have a process for ensuring regular monitoring of legislative change within the area of their discipline. This may be done using the <i>Compliance Calendar</i>.</p>
Receiving, recording and addressing complaints	<p>The <i>Code of Conduct for Council Members, Committee Members and Candidates</i> addresses how complaints regarding councillors are to be reported and dealt with. This is supported by the <i>Code of Conduct Behaviour Complaints Management Policy</i> (June 2022). The <i>Code of Conduct - Complaint About Alleged Breach form</i> is available on the Shire's website.</p>	<p>Review the <i>Customer Service Charter</i> to ensure it is not out of date. Include a review deadline for the <i>Customer Service Charter</i> in the <i>Compliance Calendar</i>.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Legislative Compliance		
System or procedure	Description	Suggested actions
	<p>Information regarding making a complaint relating to an officer or a service is broadly addressed in the <i>Customer Service Charter</i> (2018). We understand from officers that complaint forms are available at the front counter of the administration building. Completed forms are scanned into the Shire's records system and allocated to the relevant manager by the Records Officer. If no action is taken, this will become an outstanding action within the records system. This process is not captured in a written document.</p> <p>Internal complaints regarding other employees are dealt with by the People and Culture business unit.</p> <p>Public interest disclosure guidelines outline the process of reporting an issue to the CCC or Ombudsman WA.</p>	<p>Ensure a copy of the complaint form is available on the Shire's website.</p> <p>Ensure the procedure for dealing with complaints regarding employees is captured in a written document. This should address for example, how the actioning of such complaints will be monitored to ensure they have been addressed.</p> <p>If the Shire had not reviewed the draft Model Code of Conduct (as seen in the <i>Local Government (Model Code of Conduct) Regulations 2021 (WA)</i>) before adopting it, conduct a review of it to ensure it suits the Shire's requirements.</p>
Identifying and managing adverse trends	<p>Staff meetings are held each month. The CEO uses this as an opportunity to set the tone of the organisation.</p> <p>Organisation Management meetings are held approximately once a month or on an ad hoc basis. During these meetings, attendees have discussed how to encourage the adoption of the Shire's values within individual teams.</p> <p>We understand from officers that the directors have recently discussed the various systems and procedures at the Shire and how to ensure they are regularly used and complied with.</p>	<p>Regularly raise the topic of adverse trends at Organisation Management meetings and at Executive Team meetings. Such adverse trends may include, for example, concerns about the organisation's culture, non-compliance with policies or procedures, and financial variances. Consider adding this topic to meeting agenda templates. Issues identified can then be</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Legislative Compliance		
System or procedure	Description	Suggested actions
	<p>People and Culture oversee the issues and concerns of employees. The Shire has historically assisted employees who required significant cultural and mental health support. The Shire has offered free counselling for all staff through LGIS.</p> <p>Budget reports are present to the council every three months. This process assists to identify and address adverse financial trends.</p>	<p>addressed at staff meetings or meetings with the relevant team.</p>
Minimising ethical breaches	<p>General ethical training is not provided to Shire employees. However, we understand from the officers that behavioural requirements are regularly discussed at management meetings and staff meetings. These meetings provide an opportunity for staff to raise any concerns they may have.</p> <p>Ethical expectations are reflected in and supported by the <i>Code of Conduct</i> for employees.</p>	<p>Continue to develop a culture of transparency and strong ethics by regularly encouraging employees to raise concerns with their supervisors (or People and Culture). This message should be emphasised in the induction program.</p>
Ensuring the Audit Committee understand and comply with all relevant requirements	<p>The Audit Committee is reappointed every two years, including the Chairperson.</p> <p>A workshop is undertaken by all members of the Audit Committee following every appointment. This workshop provides initial training regarding the role of the Audit Committee. We understand from officers that new committee members are provided with an <i>Orientation Manual</i> which includes the <i>Compliance and Strategic Review Committee Terms of Reference</i> (March 2015) (now referred to as the 'Audit Committee'), the <i>Integrated Planning and Reporting Framework and Guidelines</i> (October 2010); and the Shire's <i>Standing Orders Local Law</i> (2001). They are also provided with a copy of the <i>Local Government Act 1995</i> (WA) and relevant regulations.</p> <p>The Audit Committee usually meet on the third Thursday of each month (the week before the general council meeting). The Audit Committee receives the annual Compliance Audit and Financial Audit.</p>	<p>Review the name of the Audit Committee and consider if the term 'Risk' should also be included in the name of the committee.</p> <p>Review the <i>Compliance and Strategic Review Committee Terms of Reference</i>, including updating the title of the document to reflect the committee's current name. Ensure the document is reviewed prior to each appointment to the committee. This is to ensure it captures the current needs of the organisation and all legislative and</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Legislative Compliance		
System or procedure	Description	Suggested actions
	<p>We understand from the Shire officers that a new system is being introduced in which the Audit Committee will also receive quarterly <i>Compliance Calendar</i> updates.</p> <p>The Audit Committee has not been involved in the adoption or review of the <i>Code of Conduct for Council Members, Committee Members and Candidates</i>.</p>	<p>regulatory requirements of the committee.</p> <p>Consider appointing an independent member to the Audit Committee under its <i>Terms of Reference</i>.</p> <p>Present the Councillors' <i>Code of Conduct</i> to the Audit Committee, including any proposals for review and improvement, for consideration prior to it being presented to council.</p>
Monitoring compliance with legislation and regulations in regard to tendering and procurement	<p>Tendering and purchasing requirements are captured in <i>the Procurement of Goods and Services Policy</i> (February 2022) and the <i>Regional Price Preference Policy</i> (February 2022).</p> <p>The <i>Record and Evaluation of Quotes Form</i> requires a dual sign off. When they are signed off, the relevant officer is expected to ensure the policy has been complied with. If there is a valid reason for not complying with the policy, sign-off is required by the CEO or a director.</p> <p>The Purchasing limits of authorised officers are specified in the <i>Procurement of Goods and Services Policy</i> (February 2022). All purchases must be signed off by an officer with the required authority.</p> <p>Staff are generally encouraged to get multiple quotes, even if it is not required by law.</p>	<p>Ensure the purchasing procedure is captured as part of the new ProMapp initiative.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Legislative Compliance		
System or procedure	Description	Suggested actions
Local laws	<p>A task is set in the <i>Compliance Calendar</i> to remind the relevant officers to conduct a review of all local laws in accordance with statutory requirements.</p> <p>The Shire's procedure for reviewing local laws will follow the guidelines issued by the Department of Local Government, Sport and Cultural Industries.</p> <p>The local law review (for all local laws) is currently overdue.</p>	<p>Prioritise the review of the local laws (currently overdue).</p> <p>CEO to review the reasons for the Shire's failure to undertake the reviews of local laws in a timely manner and address those issues in a report to the Audit Committee.</p>

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Appendix 1: Resources (employees interviewed)

Name	Position/Title
Jamie Bone	Senior Governance Co-ordinator
Amanda Dexter	Chief Executive Officer
Shane Edwards	Manager Community Services
Janet Hancock	Manager Administration
Liana Ingram	Records Management
Kelsey Laird	A/People and Culture Co-ordinator
Wayne Neate	Director Technical and Development Services
Lavenia Ratabua	Finance Manager
Chloe Searles	Manager Administration
Alan Thornton	A/Director Corporate Services
Craig Wall	Operations Manager (Contractor from Managed IT)
Dean Wyber	Manager Assets and Projects

Appendix 2: Resources (documents sighted)

Document Title	Date
Administration Building Evacuation Plan	Unknown
Administration Trainee/Workplace Student Handbook & Checklist	Unknown
Armed Robbery Procedure	Amended 2017
Asset Management Plan 2021-2040 – Buildings (draft)	Preparation date unknown
Asset Management Plan 2021-2040 – Land (draft)	Preparation date unknown
Asset Management Plan 2021-2040 – Other (draft)	Preparation date unknown
Asset Management Plan 2021-2040 – Plant (draft)	Preparation date unknown
Asset Management Plan 2021-2040 – Roads (draft)	Preparation date unknown
Asset Management Policy	Reviewed June 2021
Balancing the Till Procedure (swimming pool)	Unknown
Bomb Threat Procedure	Amended 2017
Business Continuity Management Procedures Manual (draft)	March 2020
Business Continuity Response Plan (draft)	March 2020
Checklist New Employee Induction	Unknown
Code of Conduct Behaviour Complaints Management Policy	Adopted June 2022
Code of Conduct Employee Acknowledgment (CEO Directives)	unknown
Code of Conduct (Employees) – CEO Directive	March 2022
Code of Conduct for Council Members, Committee Members and Candidates	Unknown
Compliance Calendar Entry Request Form	Unknown
Customer Service Charter	2018
Derby Civic Centre Building Evacuation Plan	Unknown
Derby Memorial Swimming Pool Building Evacuation Plan	Unknown
Derby Port Environmental Policy	Unknown
Development Services Building Evacuation Plan	Unknown
Documents for signing by the CEO – Officer Declaration	Unknown
Emergency Evacuation Names Checklist	Unknown

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Document Title	Date
Employee Exit checklist	Unknown
Evacuation Procedures	Unknown
Exit survey	Unknown
Facility Hire Procedure	Unknown
Finance Department Procedure Manual	Unknown
Fire Procedure	Amended June 2015
Integrated Planning and Reporting Framework and Guidelines	October 2010
LGIS 3 Steps to Safety (Step One – Assessment Report)	April 2022
LGIS 3 Steps to Safety (Step Two – OSH Action Plan)	April 2022
Lightning Procedure	Amended June 2017
Operational Procedure - Insurance	Unknown
Ordinary Council Meeting - October 2021 – Minutes	October 2021
Position Description – Senior Work Health and Safety Officer	September 2022
Public Interest Disclosure Guidelines 2022 - 2024	August 2022
Procurement of Goods and Services Policy	Reviewed February 2022
Procurement Purchasing Limits - CEO Directive	Reviewed May 2022
Record and Evaluation of Quotes Form	Unknown
Recordkeeping Procedures	Updated October 2018
Recruitment Process and Timeline - CEO Management Directive'	August 2021
Recruitment Process Spreadsheet	Unknown
Recruitment Requisition Form	Unknown
Report Writing Guide	April 2020
Request to Use Corporate Credit Card Form	Unknown
Risk and Opportunity Management Policy	Reviewed June 2021
Risk Dashboard report	February 2020
Risk Management Framework	March 2020
Sample Delegation Letter (CEO template)	May 2022
SDWK Derby Depot Small Asset & Plant Register	Unknown
Shire of Derby User Exit Process	September 2022
Standing Orders Local Law	2001
Terms of Reference - Compliance and Strategic Review Committee	Adopted March 2015
Visitor/Contractors sign in sheet	April 2022 – October 2022

Shire of Derby/West Kimberley
Systems and Procedures Review
December 2022



Disclaimer

This report has been prepared on the basis of information provided to Civic Legal by the employees of the Shire of Derby/West Kimberley. The information was provided in the course of a review conducted by Civic Legal. That review was in the nature of a due diligence exercise, calculated to produce the descriptions contained in this report. Where options are suggested for management action, they do not constitute legal advice, as the provision of legal advice is outside the scope of the review. It is also outside the scope of this review for Civic Legal to review the content of any individual policies, plans or other documents.



Suite 2, Ground Floor, 1 Havelock Street, West Perth WA 6005
PO Box 7432 Cloisters Square WA 6850
T. 08 9200 4900
www.civiclegal.com.au

7.3 OUTSTANDING DEBT - NOVEMBER 2023

File Number: 5174

Author: Aaron Gloor, Senior Finance Officer

Responsible Officer: Tamara Clarkson, Deputy Chief Executive Officer

Authority/Discretion: Information

SUMMARY

For the Committee to receive the outstanding rates and outstanding sundry debtors reports and provide strategic direction as required.

Reportable Financial Year: 2023/2024

Reportable Month: November 2023

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Committee will ensure compliance in the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the Shire's financial accounting systems to meet statutory requirements.

STATUTORY ENVIRONMENT

Local Government Act 1995

Subdivision 4 — Payment of rates and service charges

6.43. *Rates and service charges are a charge on land*

6.44. *Liability for rates or service charges*

6.50. *Rates or service charges due and payable*

6.53. *Land becoming or ceasing to be rateable land*

Subdivision 5 — Recovery of unpaid rates and service charges

6.55. *Recovery of rates and service charges*

6.56. *Rates or service charges recoverable in court*

6.16 *Imposition of fees and charges*

POLICY IMPLICATIONS

F4 – SUNDRY DEBTORS COLLECTION POLICY

F5 – OUTSTANDING RATES COLLECTION POLICY

F6 – FINANCIAL HARDSHIP POLICY

FINANCIAL IMPLICATIONS

Outstanding Rates and Service Charges totalling \$3,441,229.84 in cash flow impacts.

Outstanding Sundry debtors totalling \$2,713,058.51 in cash flow impacts.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	4.3 Sustainability	1.2.2 Provide strong governance

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Non recovery of debts will impact the type and level of services provided to the town.	Almost Certain	Severe	Extreme	Be proactive with collection process and recovering outstanding debt

CONSULTATION

The finance department has followed both Council policies relating to collection of rates and service charges (this includes a customer contact process) and have consulted with CS Legal with regard to use of services to recover outstanding debts.

COMMENT

Attached to this report is an aged breakdown of outstanding rates and service charges by rating category as well a depiction of rates debt by month. The report also contains a breakdown of outstanding sundry debtor charges by age as well as the movement of this debt over a rolling five-month period

There were no write-offs approved and processed in November 2023.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Rates Debt Summary Report
2. Report to Audit Committee - Rates Outstanding
3. Total Debtors Comparison Graph
4. Report to Council Accounts Receivable

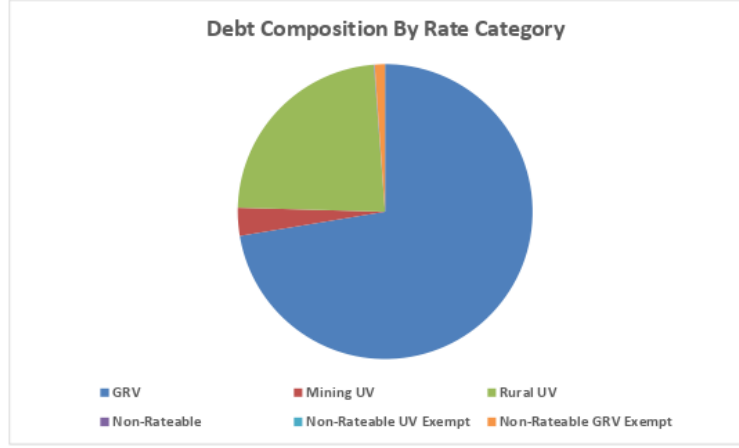
RECOMMENDATION

That the Audit & Risk Committee recommends that Council receive the information contained in the report detailing outstanding rates and sundry debtors as at 30 November 2023.



Total Rates & Service Charges Outstanding as at 25th August 2023 \$12,798,731.85
 Total Rates & Service Charges Outstanding as at 30th November 2023 \$3,441,229.84
 Total Collected YTD From Outstanding Rates & Service charges \$9,357,502.01

	Net Debt					Change (Oct-Nov)
	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	
GRV	\$ 904,926.73	\$ 9,055,546.71	\$ 4,037,207.63	\$ 3,013,504.49	\$ 2,490,558.45	-\$ 522,946.04
Mining UV	\$ 1,367.99	\$ 444,421.98	\$ 209,302.17	\$ 131,030.87	\$ 105,272.06	-\$ 25,758.81
Rural UV	\$ 76,812.26	\$ 2,872,182.03	\$ 1,602,984.00	\$ 1,066,447.10	\$ 804,262.59	-\$ 262,184.51
Non-Rateable	-\$ 764.89	\$ 2,764.57	\$ 1,513.67	\$ 2,201.78	\$ 2,326.41	\$ 124.63
Non-Rateable UV Exempt	\$ -	\$ 25,426.00	\$ 1,812.06	\$ 262.00	\$ 382.00	-\$ 120.00
Non-Rateable GRV Exempt	\$ 26,257.13	\$ 332,930.90	\$ 99,697.45	\$ 66,176.80	\$ 39,192.33	-\$ 26,984.47
	\$ 1,008,599.22	#####	\$ 5,948,892.86	\$ 4,279,099.04	\$ 3,441,229.84	-\$ 837,869.20



% of Levied outstanding
26.89%

Total Overdue From Instalment Payers
Unavailable until 23/24 Second instalment date has passed

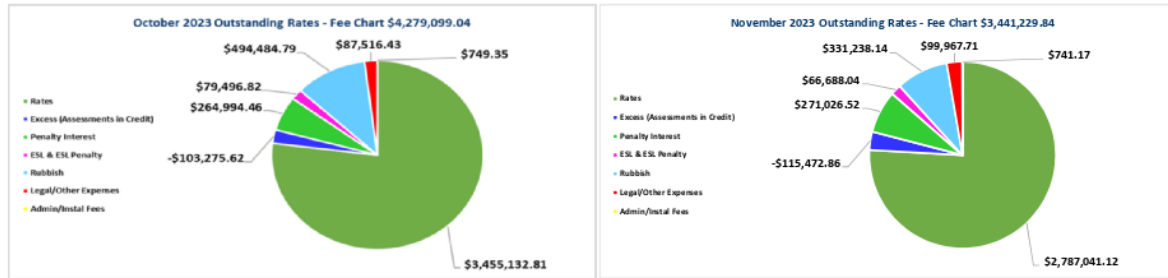
Comments
Higher decrease in rates debt compared to November last year by 300K which is a strong result.

	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	Total Credits	Total
COMMERCIAL - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,714.38	\$ 46,302.44	\$ 465,219.72	-\$ 31,011.46	\$ 487,225.08
INDUSTRIAL - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,838.53	\$ 80,166.44	-\$ 8,666.20	\$ 79,338.77
MINING - UV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 629.77	\$ 964.12	\$ 105,211.10	-\$ 1,532.93	\$ 105,272.06
NON-RATEABLE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 111.70	\$ 1,745.76	\$ 2,636.89	\$ 395.26	-\$ 2,563.20	\$ 2,326.41
NON-RATEABLE/EXEMPT - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,375.79	\$ 5,275.35	\$ 5,606.06	\$ 8,703.98	\$ 11,520.06	\$ 14,281.37	-\$ 8,570.28	\$ 39,192.33
NON-RATEABLE/EXEMPT - UV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 98.00	-\$ 480.00	-\$ 382.00
OTHER LOCATIONS - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 83.02	\$ -	\$ 83.02
RESIDENTIAL - GRV	\$ 1,103.41	\$ 2,648.50	\$ 5,252.56	\$ 12,249.04	\$ 13,003.73	\$ 14,303.26	\$ 16,027.66	\$ 50,843.06	\$ 35,526.82	\$ 44,513.63	\$ 64,207.56	\$ 76,317.94	\$ 86,191.87	\$ 118,011.97	\$ 218,979.23	\$ 1,179,656.85	-\$ 38,313.74	\$ 1,900,523.35
RURAL - UV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34.03	\$ 7,763.01	\$ 11,455.08	\$ 77,579.11	\$ 731,640.71	-\$ 24,209.35	\$ 804,262.59
URBAN FARMLAND - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,444.84	\$ 1,503.32	\$ 3,417.55	\$ 6,026.72	\$ 11,121.50	-\$ 125.70	\$ 23,388.23
Total	\$ 1,103.41	\$ 2,648.50	\$ 5,252.56	\$ 12,249.04	\$ 13,003.73	\$ 14,303.26	\$ 16,027.66	\$ 50,843.06	\$ 35,526.82	\$ 44,513.63	\$ 66,583.35	\$ 83,072.16	\$ 101,175.96	\$ 150,678.49	\$ 371,847.10	\$ 2,587,873.97	-\$ 115,472.86	\$ 3,441,229.84



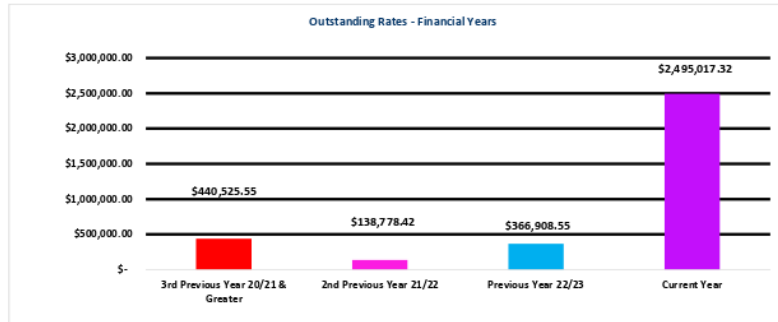
Report to Audit Committee
November 2023

Total Rates Outstanding as at EOM November 2023 \$ 3,441,229.84



Rates and Service Charges Levied 2023/2024

Outstanding at Billing 25th August 2023	
Rates	10,201,444.52
Waste	2,498,641.07
ESL	277,401.34
Excess	- 178,755.08
Total to Collect	\$ 12,798,731.85

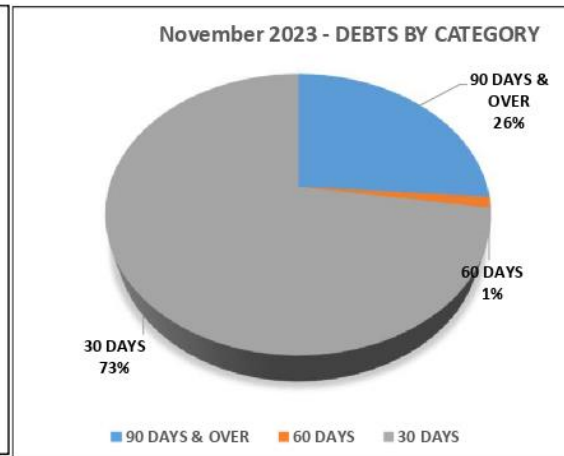
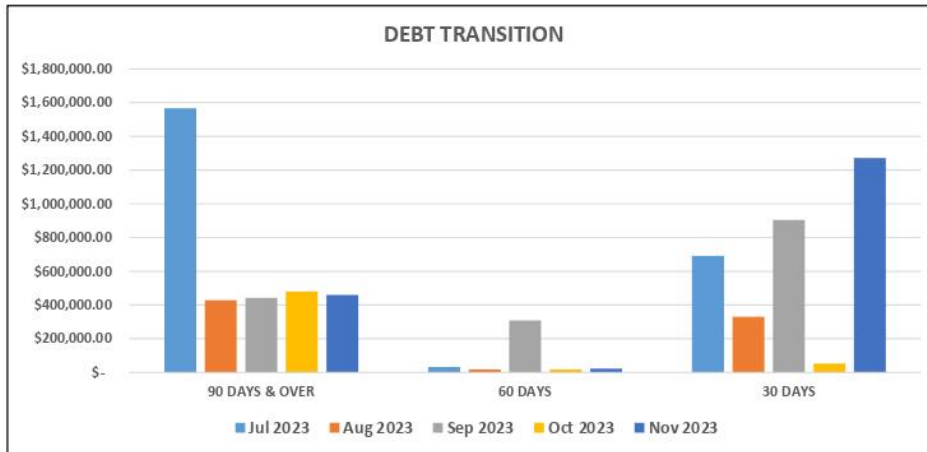


Debt Comparison for Same Month Last Year			
EOM NOV 2022	\$3,259,371.47	EOM NOV 2023	\$ 3,441,229.84
Difference	\$ 181,858.37		



TOTAL DEBTORS OUTSTANDING COMPARISON GRAPHS (A) - 2023/2024

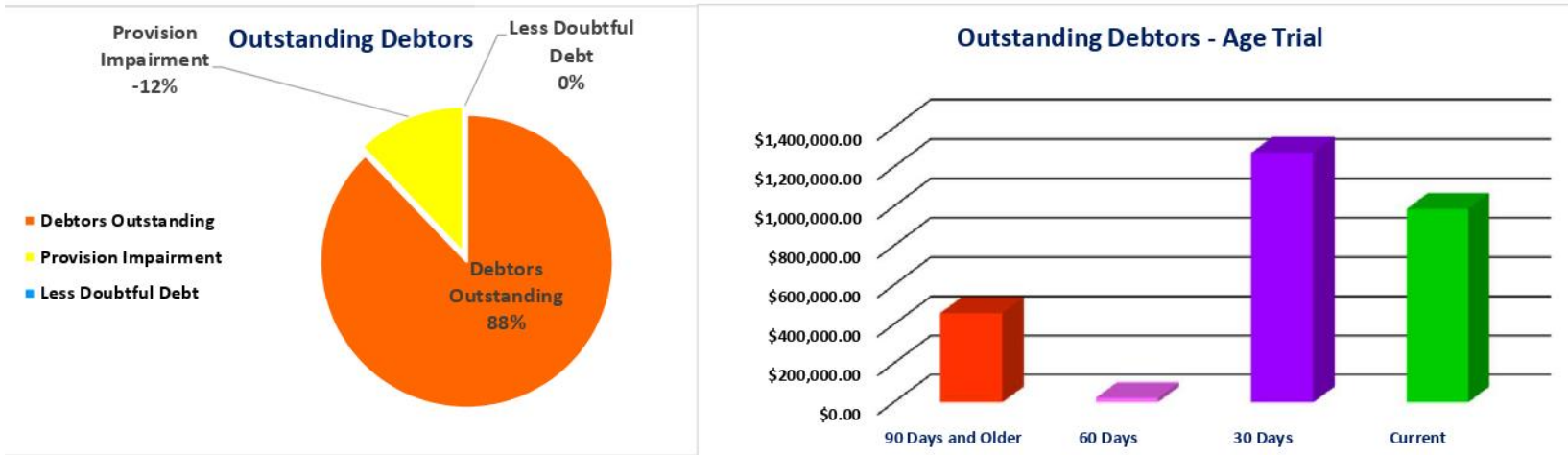
	Jul 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Changes (Oct-Nov)
90 DAYS & OVER	\$ 1,566,266.17	\$ 426,525.36	\$ 441,081.05	\$ 480,850.52	\$ 458,404.82	-\$ 22,445.70
60 DAYS	\$ 32,696.39	\$ 17,974.70	\$ 307,493.44	\$ 17,354.06	\$ 22,675.53	\$ 5,321.47
30 DAYS	\$ 691,101.86	\$ 329,312.68	\$ 904,604.74	\$ 52,544.19	\$ 1,272,874.13	\$ 1,220,329.94
OUTSTANDING DEBT	\$ 2,290,064.42	\$ 773,812.74	\$ 1,653,179.23	\$ 550,748.77	\$ 1,753,954.48	\$ 1,203,205.71





Report to Council Accounts Receivable
November 2023

30/11/2023 \$ 2,713,058.51



The Finance Department is continuing Debt collection to recover outstanding amounts owed by Sundry Debtors in accordance with F4 - **Sundry Debtors Collection Policy**. The Finance Dept has made contact by telephone, email and letter to outstanding debtors requesting payments.

The Finance Department and the Acting Director Corporate are working together to ensure that the debt owing will be recovered and to reduce amounts owed to the Shire.

7.4 COMPLIANCE REPORTS - COUNCIL MINUTE MANAGEMENT**File Number:** 4262 - Status Reports**Author:** Sarah Smith, Executive Services Coordinator**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Information**SUMMARY**

The Council Minute Management Report provides Council with an update on all actions required to be undertaken by the Administration once a resolution has been adopted by Council at the Ordinary Council and Audit Committee Meetings.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

Officers are required to provide an accurate update on items to inform the Council on the progress, or any delays or the completion of each recommendation adopted by Council at the Ordinary Council and Audit Committee Meetings.

The report assists the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

STATUTORY ENVIRONMENT***Local Government Act 1995***

Section 5.41(a) of the Act requires CEOs to advise councils in relation to the functions of a local government under both the *Local Government Act 1995*, and other legislation.

The CEO's function under section 5.41(b) is to ensure the availability of unbiased, professional and relevant advice and information to elected members for their decision-making purposes.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership 1.2.2 Provide strong governance

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit Committee for awareness and direction where required.

CONSULTATION

Internal consultation has been undertaken with relevant areas to collate information.

COMMENT

Most items are up to date within reasonable parameters.

Staff leave, recent resignations and flood recovery impacts have had some impact on progress, and however the delays at this point are not concerning.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

- 1. Actions - December 2023**

RECOMMENDATION

That the Audit & Risk Committee receives the information contained in the report detailing Council Minute Management.

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
-----------------------------	-------------------------------------	--

Meeting	Officer/Director	Section	Subject
Council 25/03/2021	Neate, Wayne Clarkson, Tamara	Development Services	Policy H2 - Traders and Stall Holders Permits (revised)
<p>RESOLUTION 24/21</p> <p>Moved: Cr Rowena Mouda</p> <p>Seconded: Cr Paul White</p> <p>That Council:</p> <ol style="list-style-type: none"> Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt Policy H2 – Traders and Stall Holders Permits (revised) as presented in Attachment 1 of this report for a period of three months whilst it seeks community consultation on the matter. Request the Chief Executive Officer to undertake a consultation process as addressed in the Shire Report and refer the matter back to Council for consideration. <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 8/0</p> <p>17 May 2021 3:49pm Paull, Robert Further report to Council on outcome of advertising</p> <p>10 Sep 2021 4:14pm Paull, Robert Report to be prepared for the 28 October 2021 Council meeting.</p> <p>10 Aug 2022 11:04am Smith, Sarah - Reallocation Action reassigned to Neate, Wayne by: Smith, Sarah for the reason: Rob Paull has left the organisation</p> <p>12 Aug 2022 10:49am Neate, Wayne - Target Date Revision Revised Target Date changed by: Neate, Wayne From: 8 Apr 2021 To: 01 Sep 2022, Reason: With resignation of MDS the DTDS will need to investigate what has occurred</p>			

Meeting	Officer/Director	Section	Subject
Council 26/08/2021	Dexter, Amanda Dexter, Amanda	Executive Services	Aboriginal Empowerment Strategy
<p>RESOLUTION 84/21</p> <p>Moved: Cr Geoff Davis</p>			

Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
-------------------------------------	--

Action Sheets Report

Seconded: Cr Rowena Mouda

That Council:

1. **Endorses the Workshop Report – 22 July 2021 – Shire of Derby/West Kimberley Aboriginal Empowerment Strategy;**
2. **Authorise the CEO to commence a Request for Quote process, to seek out an external consultancy with expertise to support Councillors and the Executive with strategic direction setting and policy development to the Aboriginal Empowerment Strategy; and**
3. **Endorse the scoping and development of a senior Aboriginal identified position within the SDWK to operationalise empowerment strategies including economic development and communications.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 8/0

10 Sep 2021 4:12pm Smith, Sarah - Reallocation

Action reassigned to O'Halloran, Amanda by: Smith, Sarah for the reason: Sarah Tobias is an external consultant

16 Mar 2022 11:30am Dexter, Amanda

Amanda will arrange advertising to progress the appointment of a Organisation/ Consultant to assist with the Development of a Strategy and/ or high level priorities in order to get this program up and running over the next few months.

16 Mar 2022 11:34am Dexter, Amanda - Target Date Revision

Revised Target Date changed by: Dexter, Amanda From: 9 Sep 2021 To: 31 May 2022, Reason: This item has not been resourced adequately and higher prioritisation has been allocated to ensure that it progresses over the next few months

09 Jun 2022 4:02pm Dexter, Amanda - Target Date Revision

Revised Target Date changed by: Dexter, Amanda From: 31 May 2022 To: 30 Jul 2022, Reason: This project has unfortunately not progressed due to resourcing issues, it has been reallocated in the 2022/23 Budget and the CEO's Exec Team will progress the project once the once the budget is approved.

12 Aug 2022 11:09am Dexter, Amanda - Target Date Revision

Revised Target Date changed by: Dexter, Amanda From: 30 Jul 2022 To: 30 Sep 2022, Reason: This Item is a high priority for the first quarter of the 2022/23 FY.

12 Aug 2022 11:10am Dexter, Amanda - Target Date Revision

Revised Target Date changed by: Dexter, Amanda From: 30 Sep 2022 To: 30 Sep 2022, Reason: This Item is a high priority of the 2022/23 FY. A detailed report will be provided to Council by the 30 September 2022

11 Oct 2023 3:26pm Smith, Sarah - Target Date Revision

Target date changed by Smith, Sarah from 30 September 2022 to 29 February 2024 - Aboriginal Empowerment Strategy this is ongoing – the CEO Exec Team will continue to progress this as time permits. We will look to regroup in the new year (11/10/2024)

Meeting	Officer/Director	Section	Subject
---------	------------------	---------	---------

Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
-----------------------------	-------------------------------------	--

Council 25/11/2021	Hartley, Neil Dexter, Amanda	Matters for which the Meeting May Be Closed (Confidential)	Derby Jetty - Insurance and Related Considerations
RESOLUTION 159/21			
Moved: Cr Paul White			
Seconded: Cr Geoff Davis			
That Council:			
<ol style="list-style-type: none"> 1. Accepts the position offered by Kimberley Ports Authority that the Derby Jetty can be insured for \$5.6m on the basis that in the event of a catastrophic event which destroyed the jetty, the jetty would not be reinstated or replaced utilising the existing design and specifications, and the intent would be to clear the site and reinstate a small recreational jetty (due to the change in demand and utilisation since the Jetty was first built); 2. Understands that any costs above the insured level would be the responsibility of the Shire to bear, and asks that the Chief Executive Officer arrange for engineering studies to be sought to confirm the most prudent level of insurance that should be set, such that removal of debris/clean-up can be undertaken, and construction/reinstatement of a small recreational jetty to replace the existing structure can be achieved, without there being any undue risk of excess costs resulting. 3. Confirms the need to maintain current levels of insurance levels (until 2023 when the MPA Fish Farms Lease is due to expire) unless legal advice is obtained that reasonably allows the changes to be brought in earlier; 4. Notes that the eventual lease renegotiations with Kimberley Mineral Sands will need to accommodate a mutually agreed position on jetty insurance; 5. Requires the Chief Executive Officer to pursue the implementation of a Deed to suitably modify the insurance clauses of the Head Lease (from “replacement”, to a “removal of debris/clean up only” clause); 6. Requires that any future Derby Port/Jetty Leases provide clarity on the Shire’s capacity going forward to undertake Jetty maintenance or replacement, and that the Shire’s position be suitably protected; 7. Requires that a Derby Port Masterplan workshop be scheduled with Councillors, to outline options available for the sustainable operation of the Derby Port; and 8. Requires that a review of Derby Jetty fees/charges be undertaken and a report be presented to Council on the options available to it. 			

Division:	Date From:
Committee:	Date To:
Officer:	
Action Sheets Report	Printed: 6 December 2023 4:51 PM

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

31 Mar 2022 2:37pm Hartley, Neil - Target Date Revision
 Revised Target Date changed by: Hartley, Neil From: 9 Dec 2021 To: 30 Jun 2023, Reason: Insurance changes can be accommodated by LGIS, but can generally only occur once each year, on policy renewal (end fo financial year). Insurance change is also subject to Kimberley Mineral Sands and MPA Fish Farms lease clauses and commitments. It is hoped that a change to Removal of Debris Only insurance can be arranged to occur from 1 July 2023.

05 Dec 2022 2:26pm Hartley, Neil - Target Date Revision
 Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2023, Reason: KMS has agreed to fund the Replacement Value Insurance Premiums for the time being. Can revert to Removal of Debris Insurance once KMS ceases paying the premium.

03 Apr 2023 8:40am Hartley, Neil - Target Date Revision
 Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2024, Reason: KMS has agreed to fund the Replacement Value Insurance Premiums for the time being, with no change to that position anticipated until its Broome Road Train (Gubinge Road) application has been decided. Shire can revert to Removal of Debris Insurance once KMS ceases paying the premium.

07 Aug 2023 10:57am Hartley, Neil - Target Date Revision
 Target date changed by Hartley, Neil from 30 June 2024 to 30 June 2024 - KMS is considering allowing the Shire to move from Replacement Value Insurance Removal of Debris Insurance. KMS will then ceases paying that higher premium, to be replaced with its portion of the ROD insurance premium only. Next change option cnsideration is likely to be 30 June 2024, upon the consideration fo renewal of the premoum.

Meeting	Officer/Director	Section	Subject
Council 9/12/2021	Hartley, Neil Dexter, Amanda	Executive Services	Fitzroy Crossing Airport - Proposal for State Government Funding Plan
Briefing Paper: Draft Agenda - Ordinary Council Meeting - 15 December 2023			
15 Dec 2021 9:53am Hartley, Neil - Target Date Revision			
Revised Target Date changed by: Hartley, Neil From: 23 Dec 2021 To: 31 Mar 2022, Reason: Letter forwarded to State Minister for Health. Awaiting meeting opportunity. Still need to finalise Funding Proposal with accurate asset management estimates (awaiting consultant engineering report).			
07 Feb 2022 7:28am Hartley, Neil - Target Date Revision			
Revised Target Date changed by: Hartley, Neil From: 31 Mar 2022 To: 30 Jun 2022, Reason: Minister for Health has passed on to Minister for Transport. Requires ongoing lobbying of state government.			
03 Jun 2022 10:35am Hartley, Neil - Target Date Revision			
Revised Target Date changed by: Hartley, Neil From: 30 Jun 2022 To: 30 Sep 2022, Reason: In ongoing discussions with Department of Transport. Asset Management Plans being prepared for DoT consideration to justify ongoing state support. \$1.5m(State - approved) + \$1.5m(Federal - awaiting confirmation) grants applied for to fund runway and apron area upgrade.			
07 Sep 2022 8:36am Hartley, Neil - Target Date Revision			
Revised Target Date changed by: Hartley, Neil From: 30 Sep 2022 To: 30 Apr 2024, Reason: \$1.5m (State) + \$1.5m (Federal) grants secured. Project Manager appointed. Works to now be scheduled and tendered for construction to occur in 2023. Discussions continue with State Department of Transport on the longer term management/funding of FX Airport.			
17 Nov 2022 4:32pm Hartley, Neil - Target Date Revision			

<p>Division: Committee: Officer:</p> <p>Action Sheets Report</p>	<p>Date From: Date To:</p> <p>Printed: 6 December 2023 4:51 PM</p>
--	---

Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2024, Reason: Project is progressing. For example, the Funding Agreements have been executed by the parties; the Project Manager has been appointed. One of the grant pre-conditions, a Geotechnical Assessment has been organised and will be commenced on 28 November 2022. An independent assessment/peer review is also a grant pre-condition and the RFQ for for that service has now closed but the successful contractor has not as yet been selected.

06 Feb 2023 8:35am Hartley, Neil - Target Date Revision
Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2024, Reason: Independent Reviewer appointed (grant pre-condition) (AMS Australia) and protocols settled for review to be undertaken; Geo Technical survey undertaken (grant pre-condition); Specifications and Tender Documents being prepared. Delays and logistical difficulties expected in light of Cyclone Ellie but no change to final completion date expected at this point in time.

07 Mar 2023 2:47pm Hartley, Neil - Target Date Revision
Revised Target Date changed by: Hartley, Neil From: 30 Apr 2024 To: 30 Apr 2025, Reason: Project now delayed by Cyclone Ellie and application for 12 months deferral submitted. Project will progress to Full Tender Specification stage, with the view to calling tenders at the earliest reasonable opportunity.

Meeting	Officer/Director	Section	Subject
Audit Committee 24/03/2022	Clarkson, Tamara Clarkson, Tamara	Matters for which the Meeting May Be Closed (Confi)	Kimberley Mineral Sands - Debt Write-Off
COMMITTEE RESOLUTION AC28/22			
Moved: Cr Peter McCumstie			
Seconded: Cr Keith Bedford			
That the Audit Committee recommends that Council, conditional on a new sub-lease being executed by the Shire and the Kimberley Mineral Sands group:			
<ol style="list-style-type: none"> 1. Writes off the insurance contribution claim made upon the Derby Port lessee’s, Thunderbird Operations Pty Ltd and Sheffield Resources Limited (of \$172,958.16); and 2. Notes that insurance contributions by the lessee will apply (as per the lease’s new position) from 1 January 2022 . 			
<u>In Favour:</u> Crs Keith Bedford, Peter McCumstie and Andrew Twaddle			
<u>Against:</u> Nil			
CARRIED 3/0 BY ABSOLUTE MAJORITY			
03 May 2022 2:11pm Hartley, Neil - Target Date Revision Revised Target Date changed by: Hartley, Neil From: 7 Apr 2022 To: 26 May 2022, Reason: Lease negotiations ongoing, with report hoped to be presented to the 26 May 2022 Council Meeting.			
03 Jun 2022 10:29am Hartley, Neil - Target Date Revision Revised Target Date changed by: Hartley, Neil From: 26 May 2022 To: 30 Jun 2022, Reason: Updated decision as per 26 May Council Meeting. Debt can be written off on execution of revised lease documentation.			
04 Jul 2022 9:31am Hartley, Neil - Target Date Revision			

Division: Committee: Officer:	Date From: Date To:
Action Sheets Report	Printed: 6 December 2023 4:51 PM

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2022 To: 30 Sep 2022, Reason: Subject to new 28 July Council Meeting decision and lease being executed.

07 Sep 2022 8:39am Hartley, Neil - Reallocation
 Action reassigned to Thornton, Alan by: Hartley, Neil for the reason: New lease agreement execution progressing. Debt to be written off through the normal accounting process once executed lease documents finalised.

13 Feb 2023 3:34pm Smith, Sarah - Reallocation
 Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: Alan Thornton no longer at SDWK

Meeting	Officer/Director	Section	Subject
Audit Committee 24/03/2022	Clarkson, Tamara Clarkson, Tamara	Reports	Long Term Financial Plan - 2022-23 to 2036-37
COMMITTEE RESOLUTION AC24/22			
Moved: Cr Peter McCumstie			
Seconded: Cr Keith Bedford			
That the Audit Committee recommend that Council:			
<ol style="list-style-type: none"> Endorse the Long Term Financial Plan 2022/23 – 2036/37 per attachment to this report for Council’s on going consideration. 			
<u>In Favour:</u> Crs Keith Bedford, Peter McCumstie and Andrew Twaddle			
<u>Against:</u> Nil			
CARRIED 3/0			
12 Aug 2022 11:17am Dexter, Amanda - Target Date Revision			
Revised Target Date changed by: Dexter, Amanda From: 7 Apr 2022 To: 30 Sep 2022, Reason: Formal Presentation of the Long Term Financial Plan will occur at the OCM September 29 2022			
13 Feb 2023 3:34pm Smith, Sarah - Reallocation			
Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: Alan Thornton no longer at SDWK			
13 Jun 2023 3:13pm Clarkson, Tamara - Target Date Revision			
Target date changed by Clarkson, Tamara from 30 September 2022 to 30 September 2023 - Engaged Moore Australia to update			

Meeting	Officer/Director	Section	Subject
Audit Committee 23/06/2022	Mildenhall, Christie Mildenhall, Christie	Reports	LGIS / Royal Life-saving WA Safety Assessment and Improvement Audit

Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
Action Sheets Report	

COMMITTEE RESOLUTION AC54/22

Moved: Cr Peter McCumstie
Seconded: Cr Geoff Haerewa

That the Audit Committee;

1. **Receives the information contained in the report detailing the Royal Life-Saving Safety Assessment and Improvement Plan.**
2. **Notes the proposed Action Plan as outlined in Attachment 2 to address the issues identified in the Royal Life-Saving WA Safety Assessment and Improvement Plan.**

In Favour: Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle

Against: Nil

CARRIED 5/0

18 Aug 2022 8:12am Mildenhall, Christie
 Feedback provided to Royal Lifesaving on some aspects of the report as per process. Final report has been provided with our total audit score increasing from 88.04% to 90.22% (90% is target mark).

18 Aug 2022 3:22pm Mildenhall, Christie
 15 of 32 identified actions now completed.

01 Nov 2022 10:42am Mildenhall, Christie
 26/32 items completed.

16 Mar 2023 11:28am Mildenhall, Christie
 Four actions remain outstanding, two of which are underway. , Since last update major risk identified relating to the chlorine gas system has been addressed and rectified. The other significant risk relating to the equipotential bonding has been addressed, with the certification required scheduled for next week.

03 May 2023 7:52pm Mildenhall, Christie
 3 actions remain outstanding. 1 underway, 2 not yet commenced.

08 Jun 2023 1:56pm Mildenhall, Christie
 3 actions remain outstanding. 2 underway, 1 not yet commenced.

12 Oct 2023 10:58am Mildenhall, Christie
 1 action remaining as outstanding. In progress. 1 item reopened due to additional advice received post completion. Also in progress.

Meeting	Officer/Director	Section	Subject
Council 29/06/2022	Hartley, Neil Dexter, Amanda	Executive Services	WA Grants Commission Submission - Change of Distribution Methodology

Division: Committee: Officer:	Date From: Date To:
Action Sheets Report	Printed: 6 December 2023 4:51 PM

RESOLUTION 75/22

Moved: Cr Paul White

Seconded: Cr Peter McCumstie

That Council:

1. Endorse the draft WA Grants Commission submission;
2. Supports the principal that the Shire and the Kimberley Region would benefit from other Kimberley local governments also having input and lodging complimentary submissions to the Grants Commission, and requires that the CEO refer the submission to the Kimberley Regional Group for its input and support; and
3. Authorises the CEO to modify the report following any feedback from the Kimberley Regional Group's members, and subsequent to that, forward the finalised submission to the Grants Commission for its consideration.

In Favour: Crs Geoff Haerewa, Paul White, Andrew Twaddle, Keith Bedford and Peter McCumstie

Against: Nil

CARRIED 5/0

12 Aug 2022 11:20am Dexter, Amanda - Target Date Revision

Revised Target Date changed by: Dexter, Amanda From: 13 Jul 2022 To: 30 Sep 2022, Reason: The Submission has been circulated to the KRG CEO's and Councils for their review and any recommendation and ultimate endorsement, prior to sending through to the Commission.

07 Sep 2022 8:29am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Sep 2022 To: 30 Jun 2023, Reason: Submission forwarded to Grants Commission. Assessment by Commission is expected to be concluded prior to the notification of the 2023/24 grant allocations.

06 Feb 2023 8:28am Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2023, Reason: Awaiting communications with Grants Commission. Assessment by Commission is expected to be concluded prior to the notification of the 2023/24 grant allocations.

07 Mar 2023 2:45pm Hartley, Neil - Target Date Revision

Revised Target Date changed by: Hartley, Neil From: 30 Jun 2023 To: 30 Jun 2024, Reason: State Government has delayed appointment of Grants Commission members, so still awaiting fromal communications. Assessment by Commission is not now expected until after 2023/24 grant allocations have been announced. Minor possibility of some "financial acknowledgement" in 2023/24 grants.

07 Aug 2023 10:59am Hartley, Neil - Target Date Revision

Target date changed by Hartley, Neil from 30 June 2024 to 30 June 2024 - Grants Commission has now been appointed. Consideration of the Shire's application should commence in August/September 2023, but any change will not come into effect until 1 July 2024.

Division:	Date From:
Committee:	Date To:
Officer:	
Action Sheets Report	Printed: 6 December 2023 4:51 PM

Meeting	Officer/Director	Section	Subject
Council 25/08/2022	Neate, Wayne Clarkson, Tamara	Technical Services	REQUEST TO CLOSE HOLLAND STREET, DERBY AND TO AMALGAMATE WITH ADJOINING LAND
RESOLUTION 110/22			
Moved: Cr Andrew Twaddle			
Seconded: Cr Rowena Mouda			
That with respect to request to close Holland Street, Derby and to amalgamate with adjoining land, Council:			
<ol style="list-style-type: none"> 1. Pursuant to Section 58 of the Land Administration Act 1997, support the permanent closure of Holland Street, Derby as outlined in this Report and expresses its preference that the closed portion be offered to adjoining land owners to acquire those portions of the closed road that abut their land; 2. Give notice of the proposed road closure in accordance with <i>Land Administration Act 1978</i> allowing a minimum period of 35 days for people to lodge submissions from the date of the notice; 3. At the conclusion of the submission period, that the Chief Executive Officer be requested to provide a further report addressing whether to proceed or not to proceed with the proposed road closure in light of any submissions; and 4. Instruct the Chief Executive Officer to write to all of the owners requesting that they indemnify the Shire and the State of Western Australia of any and all third party costs that may be triggered by this process and only proceed with points 1, 2 and 3 when all letters are received from all property owners that adjoin the Holland Street road reserve. 			
<u>In Favour:</u> Crs Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Linda Evans and Peter McCumstie			
<u>Against:</u> Nil			
CARRIED 6/0			
03 Nov 2022 4:38pm Neate, Wayne - Target Date Revision			
Revised Target Date changed by: Neate, Wayne From: 8 Sep 2022 To: 30 Jan 2023, Reason: All letters agreeing to indemnify Shire have been recieved from all property Owners. Currently advertising proposal and will await outcome of advertising.			
02 Aug 2023 3:17pm Neate, Wayne - Target Date Revision			
Target date changed by Neate, Wayne from 30 January 2023 to 09 December 2023 - Application has been lodged with DPLH we now await thier confirmation and process's to occur to finalise the process			

Meeting	Officer/Director	Section	Subject
---------	------------------	---------	---------

Division:	Date From:
Committee:	Date To:
Officer:	
Action Sheets Report	Printed: 6 December 2023 4:51 PM

Audit Committee 23/03/2023	Clarkson, Tamara Clarkson, Tamara	Reports	Audit Committee - Modifications to Role, Membership, Title and Meeting Cycle.
COMMITTEE RESOLUTION AC28/23			
Moved: Cr Geoff Haerewa			
Seconded: Cr Peter McCumstie			
That Audit Committee recommends that Council by Absolute Majority:			
<ol style="list-style-type: none"> 1. endorse the Audit & Risk Committee’s Terms of Reference (as provided in the attachment); and 2. requires that the Terms of Reference be reviewed as part of the appointment process for the new Audit & Risk Committee (which will occur at a October or November 2023 Council Meeting, following the October 2023 Council Elections). 			
<u>In Favour:</u> Crs Geoff Haerewa, Peter McCumstie, Pat Riley and Andrew Twaddle			
<u>Against:</u> Nil			
CARRIED 4/0 BY ABSOLUTE MAJORITY			
08 May 2023 11:22am Smith, Sarah - Reallocation			
Action reassigned to Clarkson, Tamara by: Smith, Sarah for the reason: To be driven by Tamara, Jill and Amanda			
13 Jun 2023 3:14pm Clarkson, Tamara - Target Date Revision			
Target date changed by Clarkson, Tamara from 06 April 2023 to 26 October 2023 - To be reviewed in October following LG Elections			

Meeting	Officer/Director	Section	Subject
Council 27/04/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Port Masterplan
RESOLUTION 34/23			
Moved: Cr Paul White			
Seconded: Cr Peter McCumstie			
That Council:			
<ol style="list-style-type: none"> 1. Express its appreciation to Derby Port stakeholders for their contributions towards the Masterplan; 			

Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
-------------------------------------	--

Action Sheets Report

2. Endorse the attached draft Derby Port Masterplan (noting in incorporates the recommendation changes highlighted in the “Consultation” section above);
 3. Requires that the Chief Executive Officer (CEO) prepare for Council’s 2023/24 budget consideration, a timetable for the Masterplan recommendations, incorporating the required funding and resources allocations to meet those timelines (with the view to progressing as many of them as is reasonably possible to do so within the 2023/24 financial year);
 4. Requires that the CEO provide an annual progress/status report on the implementation of the Masterplan’s recommendations (at a Councillors’ Forum in March/April of each year); and
 5. Requires that the Masterplan be formally reviewed in 2025, and then again in 2030 and 2035 (noting that the current Head Lease expires in 2040).
- In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle and Peter McCumstie
- Against: Nil
- CARRIED 5/0**

03 Jul 2023 3:47pm Hartley, Neil - Target Date Revision
 Target date changed by Hartley, Neil from 11 May 2023 to 30 June 2024 - Masterplan funding sought in 2023/24 budget to progress numerous recommendations. Regular reports logged into Attain as reminders for action.

Meeting	Officer/Director	Section	Subject
Council 25/05/2023	Neate, Wayne Clarkson, Tamara	Technical Services	Awarding of Tender T6-2023 Flood Damage Reinstatement AGRN 1044
RESOLUTION 59/23			
Moved: Cr Paul White			
Seconded: Cr Geoff Davis			
That Council;			
<ol style="list-style-type: none"> 1. Award tender T6-2023 Flood Damage Re-instatement work for event AGRN 1044 to RE Group Australia, Buckley’s Earthworks and Paving and Young’s Earthmoving Pty Ltd; and 2. Authorise the Chief Executive Officer to negotiate with each contractor in point 1 in regards to the roads required under each contract to ensure that the best outcome for the Shire of Derby/West Kimberley and the work is performed in a timely manner. 			

<p>Division: Committee: Officer:</p> <p>Action Sheets Report</p>	<p>Date From: Date To:</p> <p>Printed: 6 December 2023 4:51 PM</p>
--	---

<p>In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford and Peter McCumstie</p> <p>Against: Nil</p>	<p>CARRIED 7/0</p>
<p>27 Jul 2023 9:24am Neate, Wayne - Target Date Revision Target date changed by Neate, Wayne from 08 June 2023 to 18 August 2023 - Contracts have been awarded and executed with Youngs and Buckley's. Mara Mara have not signed the contract as yet as they were working on other commitments and only recently the extension came through for the EW/IRW work contract should be signed in near future.</p> <p>05 Oct 2023 10:54am Neate, Wayne - Target Date Revision Target date changed by Neate, Wayne from 18 August 2023 to 31 October 2023 - Contracts have been Signed and executed with Youngs and Buckley's. Mara Mara still have yet to sign contract due to not providing a start date or confirmation of services</p>	

Meeting	Officer/Director	Section	Subject
Council 17/08/2023	Clarkson, Tamara Clarkson, Tamara	Corporate Services	Adoption of the 2023 - 2024 Annual Budget
<p>RESOLUTION 79/23</p> <p>Moved: Cr Geoff Haerewa Seconded: Cr Geoff Davis</p> <p>In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda and Peter McCumstie</p> <p>Against: Nil</p> <p style="text-align: right;">CARRIED 6/0 BY ABSOLUTE MAJORITY</p>			

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Airport - Lease to Federal Government (SouthPAN Project)
<p>RESOLUTION 93/23</p> <p>Moved: Cr Peter McCumstie Seconded: Cr Andrew Twaddle</p>			

Division: Committee: Officer:	Date From: Date To:
Action Sheets Report	Printed: 6 December 2023 4:51 PM

That Council:

1. Notes that this proposed lease arrangement is exempt from the standard Local Government Act S3.58 requirements, via Regulation 30 of the Local Government (Functions and General) Regulations;
2. Agrees to lease the portion of land referred to in this report to the Federal Government agency, Geoscience Australia, for a period of up to 20 years; and
3. Authorises the Chief Executive Officer to negotiate the appropriate lease form, conditions, and annual lease charge.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie

Against: Nil

CARRIED 6/0

06 Sep 2023 3:32pm Hartley, Neil - Target Date Revision
 Target date changed by Hartley, Neil from 14 September 2023 to 31 December 2023 - Advice of Council's position forwarded to Federal Government's Geoscience Australia. Awaiting its response so lease price can be negotiated. Will largely use Geoscience Australia lease document as a base, plus include operational protections for the Derby Airport. Timeline and lease priority establishment for Geoscience Australia is unknown.

02 Oct 2023 8:35am Hartley, Neil - Target Date Revision
 Target date changed by Hartley, Neil from 31 December 2023 to 31 December 2023 - Drafting of a lease agreement for the Shire's consideration is being progressed by SouthPAN.

04 Dec 2023 9:37am Hartley, Neil - Target Date Revision
 Target date changed by Hartley, Neil from 31 December 2023 to 31 March 2024 - Shire's comments on lease draft have been submitted to SouthPAN for feedback (generally only minor as lease looks to be an almost standard type commonwealth government lease document). Lease price is still to be negotiated and public advertising yet to commence (which can't start until lease details are closer to their final form).

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Neate, Wayne Clarkson, Tamara	Technical Services	Shire of Derby/West Kimberley - Roadwise Council
RESOLUTION 96/23			
Moved: Cr Paul White			
Seconded: Cr Geoff Davis			
That Council;			

Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
-------------------------------------	--

Action Sheets Report

1. Endorse the Shire of Derby/West Kimberley becoming a “Roadwise Council” and continue to adopt improvements to road safety across the Shire, noting there will be no further cost impost to Council from the new proposed program;
2. Authorise the Shire President and the Chief Executive Officer to sign the agreement to become a “Roadwise Council”; and
3. Nominate Wayne Neate, Director of Technical and Development Services and a Councillor to represent the Shire of Derby/West Kimberley.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie

Against: Nil

CARRIED 6/0

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Edwards, Sian Mildenhall, Christie	Community and Recreation Services	Derby Sharks Swimming Club - User Agreement 2023/2024
RESOLUTION 99/23			
Moved: Cr Paul White			
Seconded: Cr Andrew Twaddle			
That Council:			
<ol style="list-style-type: none"> 1. Refuses the Derby Amateur Swimming Club Inc’s request for four lanes on Tuesday and Thursday training nights; and 2. Endorses the draft 2023/2024 Derby Amateur Swimming Club User Agreement as outlined in Attachment 1, allocating three lanes to the club on Tuesday and Thursday training nights and other lane allocations as requested by the Club. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie			
<u>Against:</u> Nil			
CARRIED 6/0 BY ABSOLUTE MAJORITY			

<p>Division: Committee: Officer:</p> <p>Action Sheets Report</p>	<p>Date From: Date To:</p> <p>Printed: 6 December 2023 4:51 PM</p>
--	---

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Clarkson, Tamara Clarkson, Tamara	Corporate Services	POLICY - F1 Procurement of Goods and Services
<p>RESOLUTION 90/23</p> <p>Moved: Cr Geoff Davis Seconded: Cr Paul White</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt F1 Procurement of Goods and Services; 2. Approve Director Corporate Services to be issued a credit card with a limit of \$20,000; 3. Note the Shire’s Corporate Credit Card limit is \$80,000 total; and 4. Direct the CEO to prepare a report to Council on further options for district workforce development that can be considered as part of the Shire’s procurement policy. <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 6/0</p>			

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Airport - Disposal of X-Ray and Security Equipment
<p>RESOLUTION 91/23</p> <p>Moved: Cr Andrew Twaddle Seconded: Cr Paul White</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the professional assessment of the existing x-ray equipment stored at Derby Airport; 			

Division: Committee: Officer:	Date From: Date To:
Action Sheets Report	Printed: 6 December 2023 4:51 PM

2. Requires that existing airport x-ray/security equipment owned by the Shire be disposed of and the WA Department of Health advised of that decision; and

3. That new contemporary standard equipment be procured if a future need arises.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie

Against: Nil

CARRIED 6/0

06 Sep 2023 3:26pm Hartley, Neil - Target Date Revision
 Target date changed by Hartley, Neil from 14 September 2023 to 31 October 2023 - Liaising with Rapiscan to arrange disposal of equipment and reporting to WA Department of Health.

02 Oct 2023 8:34am Hartley, Neil - Target Date Revision
 Target date changed by Hartley, Neil from 31 October 2023 to 30 November 2023 - Seeking advice from WALGA on potential contractors as original supplier has not maintained an interest to assist.

05 Dec 2023 10:32am Hartley, Neil - Target Date Revision
 Target date changed by Hartley, Neil from 29 February 2024 to 29 February 2024 - Working with a company to undertake the decommissioning and delicensing work, and will work with local contractors to arrange the collection and transportation of the equipment.

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Port - Leasing of Jetty Areas 2 and 3 to Tassal Group
RESOLUTION 92/23			
Moved: Cr Paul White			
Seconded: Cr Geoff Davis			
That Council:			
1. Authorises the Chief Executive Officer to negotiate a lease with Tassal Group (or its business arm taking responsibility for Areas 2 and 3 of the Derby Port's Jetty Goods Shed), to be generally consistent with Council's resolution of 24 November 2022;			
2. Authorises the Chief Executive Officer to advertise the negotiated lease proposal, in accordance with Local Government Act S3.58; and			
3. Requires that the lease, plus any submissions resultant from the S3.58 community consultation process, be referred to Council for its ultimate decision.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie			

<p>Division: Committee: Officer:</p> <p>Action Sheets Report</p>	<p>Date From: Date To:</p> <p>Printed: 6 December 2023 4:51 PM</p>
--	---

Against: Nil

CARRIED 6/0

06 Sep 2023 3:29pm Hartley, Neil - Target Date Revision
Target date changed by Hartley, Neil from 14 September 2023 to 30 November 2023 - In communications with Tassal. Lease needs to be negotiated between Tassal, Shire and Kimberley Ports Authority. Draft lease established for discussions. May need to update valuations if timelines from commencing MPA lease valuation has expired.

01 Nov 2023 8:54am Hartley, Neil - Target Date Revision
Target date changed by Hartley, Neil from 30 November 2023 to 31 January 2024 - Communications continuing with Tassal Group. It is looking to a shorter term lease (possibly 2 years) and to renegotiate with KPA, some of the environmental conditions (noting that the lease is a standard Ports Authority provided lease that the Shire uses as a base document).

Meeting	Officer/Director	Section	Subject
Council 28/09/2023	Chadwick, Mark Neate, Wayne	Executive Services	Liquor Control - Yakanarra Restrictions Area - Expiry 2024

RECOMMENDATION

That Council;

- 1. Supports the Department of Local Government, Sport and Cultural Industries request to extend the liquor restrictions for the Yakanarra community; and**
- 2. Authorises the CEO to respond to the Department of Local Government, Sport and Cultural Industries that it supports an extension to liquor restrictions for the Yakanarra community.**

Meeting	Officer/Director	Section	Subject
Council 12/10/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Airport - Lease to Kingdom Aviation (Lease Area #17)

RESOLUTION 111/23

Moved: Cr Peter McCumstie
Seconded: Cr Geoff Davis

That Council:

Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
-------------------------------------	--

Action Sheets Report

1. Notes that this proposed lease arrangement with Kingdom Aviation Inc. is exempt from the standard Local Government Act S3.58 requirements, via Regulation 30 of the Local Government (Functions and General) Regulations;
2. Agrees to lease Derby Airport Lease Area #17 to Kingdom Aviation Inc. on the following general conditions:
 - a. Existing lease is extinguished;
 - b. Lease to be for a 10+10 years period;
 - c. Lessee to pay all legal costs to establish the lease (and also similarly for the Deed of Extension for the 10-year option within the lease) but not any administration expenses for the lease’s establishment/extension;
 - d. initial lease fee to be set at **\$100**, plus CPI annually thereafter; and
 - e. Lessee aircraft to pay normal airport fees and charges, as set by Council annually; and
3. Authorises the Chief Executive Officer to negotiate the appropriate lease form (including any new larger lease area required), and all required lease conditions, so long as they are reasonably consistent with (2) above and the extended area does not impinge on the airport’s operational requirements or capabilities.

In Favour: Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Peter McCumstie

Against: Nil

CARRIED 6/0

01 Nov 2023 8:51am Hartley, Neil - Target Date Revision

Target date changed by Hartley, Neil from 26 October 2023 to 31 January 2024 - Lease process continuing satisfactorily but there are numerous issues to address. Discussions occurring between lessee, legal advisor, and builders/planners responsible for the hanger/office extension.

04 Dec 2023 9:44am Hartley, Neil - Target Date Revision

Target date changed by Hartley, Neil from 31 January 2024 to 31 March 2024 - There are several historic issues to address with this lease, with parts of the structure built to the boundary line, parts outside of the lease area itself, and in addition, there is a storage unit located "airside" and outside of the leased area. The solution will probably require the lease area to be varied to enable the building licence to be compliantly issues.

Meeting	Officer/Director	Section	Subject
Council 12/10/2023	Chadwick, Mark Neate, Wayne	Executive Services	Liquor Control - Yakanarra Restrictions Area - Expiry 2024

RESOLUTION 109/23

Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
-------------------------------------	--

Action Sheets Report

Moved: Cr Geoff Davis
Seconded: Cr Paul White

That Council;

1. Supports the Department of Local Government, Sport and Cultural Industries request to extend the liquor restrictions for the Yakanarra community; and
2. Authorises the CEO to respond to the Department of Local Government, Sport and Cultural Industries that it supports an extension to liquor restrictions for the Yakanarra community.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Peter McCumstie

Against: Nil

CARRIED 7/0

03 Nov 2023 3:04pm Chadwick, Mark
 Completed - email sent to requestor with resolution attached

Meeting	Officer/Director	Section	Subject
Council 26/10/2023	Edwards, Shane Neate, Wayne	Community and Recreation Services	Derby Landcare Group Cattle Grid and Installation Request for Donation
 RESOLUTION 131/23			
Moved: Cr Geoff Haerewa			
Seconded: Cr Paul Bickerton			
That Council:			
<ol style="list-style-type: none"> 1. Approves the donation of an ex-Main Roads WA cattle grid to the Derby Landcare Group for installation at the entrance to Munkajarra Wetlands subject to Derby Landcare Group taking on the ongoing maintenance and upkeep of the cattle grid; and 2. Approves the in-kind donation of Shire resources (staff and material) to the value of \$3,000.00 to assist with the installation of the cattle grid at the entrance to Munkajarra Wetlands. 			

Division:	Date From:
Committee:	Date To:
Officer:	
Action Sheets Report	Printed: 6 December 2023 4:51 PM

In Favour: President Peter McCumstie, Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 9/0 BY ABSOLUTE MAJORITY

Meeting	Officer/Director	Section	Subject
Council 26/10/2023	Delvin, Ron Neate, Wayne	Technical Services	Application to install two grids on Nerrima road By Nerrima Pastoral Company
RESOLUTION 129/23			
Moved: Cr Brian Ellison			
Seconded: Cr Geoff Haerewa			
That Council:			
<ol style="list-style-type: none"> 1. Approve the installation of two new grids on Nerrima Road; and 2. Instruct the Chief Executive Officer to write to Nerrima Pastoral Company noting the approval and note that all costs for the installation, ongoing maintenance and future replacement be the responsibility of Nerrima Pastoral Company. 			
In Favour: President Peter McCumstie, Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton			
Against: Nil			
CARRIED 9/0			

Meeting	Officer/Director	Section	Subject
Council 26/10/2023	Smith, Sarah Dexter, Amanda	Executive Services	Adopting Council Meeting Dates for the 2024 calendar year
THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_11107)			
CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT			

<p>Division: Committee: Officer:</p> <p>Action Sheets Report</p>	<p>Date From: Date To:</p> <p>Printed: 6 December 2023 4:51 PM</p>
--	---

DOCUMENT: \\SDWK-APP02\INFOCOUNCIL\DOCUMENTS\COUNCIL\MINUTES\CO_20231026_MIN_2275_AT.DOCX
Resolution not found

Meeting	Officer/Director	Section	Subject
Council 26/10/2023	Smith, Sarah Dexter, Amanda	Executive Services	Appointments of Council Committees and External Committees
RESOLUTION 126/23			
Moved: Cr Andrew Twaddle			
Seconded: Cr Brett Angwin			
That Council by Absolute Majority Council APPOINTS the following memberships/representatives:			
<u>In Favour:</u>	President Peter McCumstie, Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton		
<u>Against:</u>	Nil		
			CARRIED 9/0

Meeting	Officer/Director	Section	Subject
Council 30/11/2023	Chadwick, Mark Neate, Wayne	Matters for which the Meeting May Be Closed (Confidential)	Alleged Unauthorised Structures on no. 8 Lot 12 DP 67084 Wells Street Derby
RESOLUTION 141/23			
Moved: Cr Brett Angwin			
Seconded: Cr Andrew Twaddle			
That Council authorise the Shire's Chief Executive Officer to initiate prosecution action against Norbuilt Pty Ltd pursuant to Part 13 of the <i>Planning and Development Act 2005</i> for the construction and use of a number of unauthorised structures on Lot 12 (No.8) Wells Street, Derby for workforce			

Division: Committee: Officer:	Date From: Date To: Printed: 6 December 2023 4:51 PM
-------------------------------------	--

Action Sheets Report

accommodation and general storage purposes (due to the Norbuilt Pty Ltd’s failure to comply with a Directions Notice issued by the Shire on 6 September 2023 to cease the unauthorised use of the property until all necessary approvals have been sought and obtained).

That in doing so, the CEO ensure, where appropriate, the expenses incurred by the Shire are the subject of a claim.

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0

Meeting	Officer/Director	Section	Subject
Council 30/11/2023	Chadwick, Mark Neate, Wayne	Matters for which the Meeting May Be Closed (Confi	Demolition of Fire Damaged Asbestos Property at 26 Barnett Street
RESOLUTION 142/23			
Moved: Cr Geoff Davis			
Seconded: Cr Brett Angwin			
That Council			
<ol style="list-style-type: none"> 1. Authorises the enforcement, including the commencement of appropriate legal action, where necessary of the building order issued for the demolition of 26 Barnett Street Derby WA 6728 and; <ol style="list-style-type: none"> (a) In order to cover the cost of demolition and inclusion of Caveat on Title for Lot 745, No 26 Barnett Way Derby reflecting the Shire’s interest in the land, following the demolition of the property as per option 3 in this report. (b) Once demolition and inclusion of a Caveat on the Title for Lot 745, No 26 Barnett Way Derby has been undertaken, the Chief Executive Officer be requested to actively seek reimbursement of Shire’s costs from the estate. 			
<u>In Favour:</u> Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton			
<u>Against:</u> Nil			
CARRIED 8/0			

<p>Division: Committee: Officer:</p> <p>Action Sheets Report</p>	<p>Date From: Date To:</p> <p>Printed: 6 December 2023 4:51 PM</p>
--	---

--

Meeting	Officer/Director	Section	Subject
Council 30/11/2023	Millar, Paris Mildenhall, Christie	Community and Recreation Services	Request for Sponsorship - Derby Speedway Club National Representation
RESOLUTION 137/23			
Moved: Cr Geoff Davis			
Seconded: Cr Wayne Foley			
That Council;			
<ol style="list-style-type: none"> 1. Approves a partial sponsorship of \$5,000.00 (ex GST) to the Derby Speedway Club as a sponsorship towards Jake Hoath's attendance at the Speedway Sedans Australia National Street Stock Title subject to: <ol style="list-style-type: none"> (a) Submission of an acquittal at the conclusion of the event; (b) Suitable promotional recognition of the Shire's contribution; and 2. Request Officers investigate and establish guidelines to govern the donation of financial support for individual community members at representative events and provide a report to Council outlining the recommendations. 			
<u>In Favour:</u> Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton			
<u>Against:</u> Nil			
CARRIED 8/0 BY ABSOLUTE MAJORITY			

Meeting	Officer/Director	Section	Subject
Council 30/11/2023	Edwards, Sian Mildenhall, Christie	Community and Recreation Services	Fitness Passport Proposal for Access to Derby Memorial Swimming Pool
RESOLUTION 138/23			

Division: Committee: Officer:	Date From: Date To:
Action Sheets Report	Printed: 6 December 2023 4:51 PM

Moved: Cr Brett Angwin

Seconded: Cr Paul Bickerton

That Council by Absolute Majority:

1. Endorses for the Shire of Derby / West Kimberley to engage with Fitness Passport to support facilitation of the WA Country Health, health and wellbeing program.
2. Adopts a fee of \$4.95 for 'Pool Entry – External Employee Wellbeing Programs' to be incorporated in to the 2023/2024 Shire of Derby / West Kimberley Schedule of Fees and Charges.
3. Authorises the CEO to advertise by Local Public Notice the proposed Fees and Charges as required by the s.6.19 of the *Local Government Act 1995*.

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0 BY ABSOLUTE MAJORITY

7.5 COMPLIANCE REPORTS - COUNCILLOR MEETING ATTENDANCE

File Number: 4262 - Status Reports
Author: Sarah Smith, Executive Services Coordinator
Responsible Officer: Amanda Dexter, Chief Executive Officer
Authority/Discretion: Information

SUMMARY

For the Committee to monitor councillor attendance at Ordinary Meetings of Council and Special Council Meetings to oversee compliance with the Local Government Act.

In accordance with regulation 14D of the Local Government (Administration) Regulations 1996 Council may approve the holding of any Ordinary or Special Council Meeting by electronic means (vis. telephone, video conference or other means of instantaneous communication).

Council cannot authorise more than half of its Council meetings, to be held electronically, in any rolling 12 months period.

A Councillor may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Councillor Meeting Attendance Reports provides Council with accurate meeting attendance register and allows the Administration to monitor attendance by Councillors to ensure compliance with the Local Government Act 1995 and Local Government (Administration) – Amendment Regulations 2022.

STATUTORY ENVIRONMENT

Local Government Act 1995

2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.

- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
 - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs —
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iii) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iiii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the *Local Government Amendment Act 2009* section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

[Section 2.25 amended: No. 49 of 2004 s. 19(1); No. 17 of 2009 s. 5; No. 31 of 2018 s. 5.]

Local Government Act 1995 – Local Government (Administration) – Amendment Regulations 2022

Regulation 7 inserts additional provisions for meetings that are conducted entirely by electronic means under regulation 14D. Regulation 14D provides for a meeting of council or committee to be conducted by electronic means outside of a declared state of emergency. Regulation 14D(1) defines a relevant period in relation to the backward-looking test used to calculate how many electronic meetings a local government has conducted over the previous 12 months relative to the proposed meeting, and the 50% cap provided by regulation 14D(2A). Subsection 14D(2)(a)(ii) is amended to require the mayor, president or council to consider the requirements under subregulation 14D(2B) in deciding whether to conduct an electronic meeting. Regulation 14D(2B) requires the local government to consider the suitability of a person's location and their equipment with respect to effective communication and confidential matters during a meeting.

Regulation 14D(2A) applies the 50% cap to the number of electronic meetings that a local government (council) may authorise outside of an emergency situation under subregulation (2)(c) over a 12-month period. The backward-looking test used to determine how many meetings have

already been held by electronic means in the preceding 12 months applies in the same way it does for electronic attendance at in-person meetings.

Regulation 14D(2B) inserts the criteria that the authorising authority (the mayor, president or council) are required to consider before deciding to hold an electronic meeting. The authorising authority is required to consider each council or committee member's ability to maintain confidentiality during closed parts of the meeting and the suitability of each person's intended location and equipment to enable effective engagement in council deliberations. The authorising authority must have regard to these matters when deciding to hold and authorise electronic meetings. Electronic meetings held outside of emergency circumstances under subregulation 2(c) may only be approved by council.

Subregulations 14D(5)(a) and (b) insert subsections (6) to (8) that apply to closed parts of electronic meetings. Subsection (6) requires each member in attendance to make a declaration that they can maintain confidentiality during the closed part of the meeting. Subsection (7) requires that if a member makes a confidentiality declaration but is unable to maintain confidentiality subsequent to the declaration, they are required to leave prior to the closed part of the meeting. Subsection (8) requires a member's declaration to be recorded in the meeting minutes.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership 1.2.2 Provide strong governance

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit Committee for awareness and direction where required.

CONSULTATION

Internal consultation has been undertaken with relevant areas to collate information.

COMMENT

There is no compliance concerns noted for this reporting period.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Council Meeting Attendance Table - 23-24
2. Electronic Council Meeting Attendance Table - 23-24

RECOMMENDATION

That the Audit & Risk Committee receives the information contained in the reports detailing Councillor meeting attendance (including via electronic means).



MEETING ATTENDANCE

The following table provides information on attendance at the 2023/24 Financial Year Ordinary and Special Council Meetings:

Councillor	Cancelled	17	31	12	26	30	15	29	28	24	30	27
	Jul	Aug	Aug	Oct	Oct	Nov	Dec	Feb	Mar	Apr	May	June
	2023	2023	2023	2023	2023	2023	2023	2024	2024	2024	2024	2024
	OCM	Special	OCM	OCM	OCM	FX OCM	OCM	OCM	OCM	OCM	OCM	OCM
G Haerewa	-	✓ Phone	✓	✓	✓	LOA						
P McCumstie	-	✓	✓	✓	✓	✓						
A Twaddle	-	✓	✓	✓ Phone	✓	✓						
G Davis	-	✓	✓	✓ Phone	✓	✓						
B Angwin					✓	✓						
P Bickerton					✓	✓						
B Ellison					✓	✓						
W Foley					✓	✓						
K O'Meara					✓	✓ Phone						

Derby
 (08) 9191 0999 | 30 Loch Street
 sdwk@sdwk.wa.gov.au | PO Box 94, Derby WA 6728

Fitzroy Crossing
 (08) 9191 5355 | Flynn Drive
 sdwk@sdwk.wa.gov.au | PO Box 101, Fitzroy Crossing

ABN: 99 934 203 082 | www.sdwk.wa.gov.au

MONTH	26-Oct	30-Nov	15-Dec	29-Feb	28-Mar	24-Apr	30-May	27-Jun	25-Jul	29-Aug	26-Sep	31-Oct	28-Nov	12-Dec
TYPE/LOCATION	OCM - DBY	OCM - FX	OCM - DBY	OCM - DBY	OCM - FX	OCM - DBY	OCM - FX	OCM - DBY	OCM - REMOTE	OCM - DBY	OCM - FX	OCM - DBY	OCM - FX	OCM - DBY
NAME														
P McCumstie	P	P												
G Haerewa	P	LOA												
A Twaddle	P	P												
G Davis	P	P												
B Angwin	P	P												
P Bickerton	P	P												
B Ellison	P	P												
W Foley	P	P												
K O'Meara	P	O												
	P	: IN-PERSON												
	O	: ONLINE												
	A	: APOLOGY												
	LOA	: LEAVE OF ABSENCE												
														* Inclusion depends on date not conflicting with 12 months rolling period.

Physical Attendance	Online Attendance	Apology*	LOA*	Total Attendance	Physically In Attendance %*	NAME
2	0	0	0	2	100	P McCumstie
1	0	0	1	1	100	G Haerewa
2	0	0	0	2	100	A Twaddle
2	0	0	0	2	100	G Davis
2	0	0	0	2	100	B Angwin
2	0	0	0	2	100	P Bickerton
2	0	0	0	2	100	B Ellison
2	0	0	0	2	100	W Foley
1	1	0	0	2	50	K O'Meara
		*Not counted in attendance %		*Measured using "rolling 12 months period".		

8 NEW BUSINESS OF AN URGENT NATURE

9 NEW AND EMERGING ITEMS FOR DISCUSSION

10 DATE OF NEXT MEETING

The next meeting of Audit Committee will be held in the .

11 CLOSURE OF MEETING