



**Shire of Derby /
West Kimberley**

CONFIRMED MINUTES

Audit Committee Meeting

Tuesday, 20 October 2020

Date: Tuesday, 20 October 2020

Time: 12.00pm

**Location: Council Chambers
Derby**



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
AUDIT COMMITTEE MEETING
HELD AT THE DERBY COUNCIL CHAMBERS, DERBY
ON TUESDAY, 20 OCTOBER 2020 AT 12.00PM**

- PRESENT:** Cr Rowena Mouda (Presiding Member), Cr Geoff Haerewa (Shire President), Cr Chris Kloss (Deputy Presiding Member), Cr Keith Bedford (via telephone)
- IN ATTENDANCE:** Wayne Neate (Director Technical and Development Services), Amanda O'Halloran (Chief Executive Officer), Carlie McCulloch (Executive Services Coordinator)
- VISITORS:** Nil
- GALLERY:** Nil
- APOLOGIES:** Cr Paul White (Deputy Shire President), Cr Geoff Davis
- APPROVED LEAVE OF ABSENCE:** Nil
- ABSENT:** Nil

1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 12.20pm by Cr Rowena Mouda.

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

Cr Keith Bedford

3 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

4 DISCLOSURE OF INTERESTS

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

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

4.1 Declaration of Financial Interests**4.2 Declaration of Proximity Interests****4.3 Declaration of Impartiality Interests**

Cr Rowena Mouda - Item 6.1 Policy - Elected Member and Chief Executive Officer Attendance at Events and Functions

Cr Chris Kloss - Item 6.1 Policy - Elected Member and Chief Executive Officer Attendance at Events and Functions

Cr Keith Bedford - Item 6.1 Policy - Elected Member and Chief Executive Officer Attendance at Events and Functions

Amanda O'Halloran – Item 6.1 Policy - Elected Member and Chief Executive Officer Attendance at Events and Functions

Cr Geoff Haerewa – Item 6.3 Elections (Caretaker Period) Policy and Item 6.1 Policy - Elected Member and Chief Executive Officer Attendance at Events and Functions

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**COMMITTEE RESOLUTION AC53/20**

Moved: Cr Chris Kloss

Seconded: Cr Geoff Haerewa

That the Minutes of the Audit Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 17 September 2020 be CONFIRMED.

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0

6 REPORTS

6.1 POLICY - ELECTED MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS AND FUNCTIONS

File Number: 1

Author: Neil Hartley, Strategic Business Manager

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Legislative

SUMMARY

The Shire of Derby/West Kimberley is required under the Local Government Act 1995 (Act), to adopt a attendance at events and functions policy, and report on attendance at events of Elected Members and the Chief Executive Officer (CEO). A recommendation is made to adopt a new Policy, "*C1 - Elected Member and Chief Executive Officer Attendance at Events and Functions*" to meet that compliance requirement.

DISCLOSURE OF ANY INTEREST

Chief Executive Officer – Impartiality.

BACKGROUND

Section 5.90A of the Local Government Legislation Amendment Act 2019 was passed by Parliament and requires Western Australian local governments to develop a policy related to Elected Member and CEO attendance at events.

A policy has been developed to meet the requirements of the Act, and to provide guidance to Elected Members and the CEO, for the acceptance of tickets and invitations to various events. The policy is also designed to clarify who is responsible for the payment of tickets or the equivalent value of the invitation.

STATUTORY ENVIRONMENT

Local Government Act S2.7 (Role of council) outlines in (2) (b) that Council determines the local government's policies.

Local Government Act Section 5.90A(2) (Policy for attendance at events) stipulates that attendance at events policy must be adopted by the Council.

(1) In this section —

event includes the following —

- (a) a concert;
- (b) a conference;
- (c) a function;
- (d) a sporting event;
- (e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —

- (a) the provision of tickets to events; and
- (b) payments in respect of attendance; and

- (c) approval of attendance by the local government and criteria for approval; and
- (d) any prescribed matter.

** Absolute majority required.*

- (3) A local government may amend* the policy.

** Absolute majority required.*

- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government’s official website.

POLICY IMPLICATIONS

This new policy is proposed in order to meet the legislative requirements of S5.90A of the Local Government Act.

FINANCIAL IMPLICATIONS

There were administrative costs in development of the policy and the preparation of this report, and there will be ongoing administrative costs in monitoring and managing the requirements of the policy.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Goal: 4. Good governance.	Outcome: 4.1 Effective governance and leadership.	Strategy: 4.1.4 Ensure governance policies and procedures are in accordance with legislative requirements.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: That the Shire Elected Members/CEO do not comply with the development and adoption of the required policy.	Rare	Minor	Low	Adopt policy as required by the Local Government Act.
Legal & Compliance: That the Elected Members/CEO do not comply with adopted policy.	Possible	Minor	Medium	Elected Members/CEO to periodically remind each other of the existence of the adopted policy.

Legal & Compliance: Organisation forgets to include the Policy on the Shire's Web Page.	Possible	Minor	Medium	Resolution Action Report to include requirement to undertake this responsibility.
Reputation: Shire Elected Members/CEO forget to meet the requirements of the policy.	Rare	Minor	Low	Elected Members/CEO to periodically remind each other of the existence of the adopted policy.

CONSULTATION

This Policy is specified by the Act and relates to requirements of the Elected Members' and CEOs' tenure, advertising the Draft Policy for public comment is not considered to be required. The Policy once adopted must be displayed on the Shire's website.

COMMENT

The draft policy is considered to meet the requirements of the Local Government Act, as well as providing suitable guidance to Elected Members and the CEO for appropriate disclosure and management of acceptance of invitations to events and functions.

It is to be noted that tickets and invitations that fall under this policy are those provided to the Shire, not directly to individual Elected Members. A ticket or invitation provided directly to an Elected Member (as a member of the Council) or to the CEO, by a donor, sits outside of this policy and must therefore be considered as a potential gift to that person and declared as such if it meets the legislated gift requirements.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

I

COMMITTEE RESOLUTION AC54/20

Moved: Cr Chris Kloss

Seconded: Cr Geoff Haerewa

That Council:

1. **by Absolute Majority, adopt the attached policy "*C1 - Elected Member and Chief Executive Officer Attendance at Events and Functions*"; and**
2. **notes that the Policy will be added to the Shire's Web Page.**

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0 BY ABSOLUTE MAJORITY

C1 - ELECTED MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS AND FUNCTIONS

OBJECTIVE

The purpose of this Policy is to meet the requirements of Section 5.90A of the Local Government Act, by establishing guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where Elected Members and the Chief Executive Officer (CEO) are invited free of charge, whether as part of their official duties as Shire representatives or not.

POLICY

This Policy provides direction to Elected Members and the CEO only when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge. It does not provide guidance on the acceptance of any other tangible gift or travel contribution.

Any other tangible gift/contribution to travel is required to be disclosed in accordance with current Local Government Act requirements.

Attendance at Events and Functions (tickets and hospitality) from the following entities are specifically excluded from the application of this Policy:

- WALGA (but not LGIS);
- Local Government Industry or affiliated organisations such as Kimberley Zone of WALGA, or Local Government Professionals Australia;
- Australian Local Government Association;
- A department of the public service;
- A government department of another State, a Territory or the Commonwealth; and,
- A local government or regional local government.

Should the attendance at Events and Functions (tickets and hospitality) from any of the above entities fall within the confines of Sections 5.87A and 5.87B (Gifts) of the Local Government Act 1995, they are still treated as a "Gift" and required to be recorded in the "Gift Register".

Attendance at an event in accordance with this policy relieves the gift holder from the requirements to disclose an interest if the donor has a matter before Council. Receipt of the gift is still however, required under the Gift Register provisions.

Attendance by Elected Members, CEO and other staff members at events includes the following:

- a concert;
- a conference;
- a function;

- a sporting event;
- agricultural shows;
- school award nights;
- cultural events; and,
- an occasion of a kind prescribed for the purposes of this definition.

The policy also sets out the guidelines relating to the provision of the following:

- the provision of tickets to an event;
- payment in respect of attendance;
- approval of attendance by the Shire and criteria approval; and
- any prescribed matter.

Provision of Tickets to Events - All invitations or offers of tickets for an Elected Member or CEO to attend an event should be in writing addressed to the CEO, and must be approved by Council pursuant to this Policy before being used.

The tickets should be provided to the Shire of Derby/West Kimberley, not individual Elected Members or the CEO.

A ticket or invitation provided by a donor to an individual in their capacity as an Elected Member or CEO is to be treated as a gift to that person, unless the tickets or invitation is referred to the Shire to be considered in accordance with this Policy.

Any invitation or offer of tickets not addressed to the CEO is not captured by this Policy and is required to be disclosed in accordance with the gift and interest provisions in the Act.

Approval of Attendance - In making a decision on attendance at an event, Council should consider:

1. who is providing the invitation or ticket to the event;
2. the location of the event in relation to the Shire of Derby/West Kimberley;
3. the role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
4. whether the event is sponsored by the local government;
5. the benefit of Shire of Derby/West Kimberley's representation at the event;
6. the number of invitations/tickets received;
7. the cost to attend the event, including the cost of the ticket/s (or estimated value of the event per invitation) and any other expenses such as travel and accommodation; and
8. that it is not to restrict the ability to participate in Council meetings or to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before Council from the provider of the invitation.

Decisions to attend events in accordance with this Policy may be made by simple majority or by the CEO in accordance with any authorisation provided in this Policy.

Pre-Approved Events - In order to meet the requirements of this policy, tickets and invitations to events must be received by the CEO.

The Shire approves the attendance at the following events by Elected Members and the CEO:

1. Events where President or CEO representation has been formally requested;
2. Events that are Council approved events in accordance with agreed sponsorship pertaining to their application (e.g. Kimberley Art Event);
3. Meetings with the Shire of Derby/West Kimberley's clubs or organisations;
4. Ceremonies and functions hosted by the Shire of Derby/West Kimberley;
5. Sporting tournaments or events run by the Shire of Derby/West Kimberley;
6. Cultural Events and Festivals hosted by the Shire of Derby/West Kimberley;
7. Events run by schools within the Shire of Derby/West Kimberley;
8. The opening or launch of an event or facility within the Shire of Derby/West Kimberley;
9. Events with employees;
10. Events run by a Local, State or Federal Government; and
11. Not for Profit Association events.

Payments in Respect of Attendance - Where an invitation or ticket to an event is provided free of charge, the Shire of Derby/West Kimberley may contribute to appropriate expenses for attendances, such as travel and accommodation for events outside of the Shire if Council determines attendance to be of public value.

For any events where a member of the public is required to pay, Council should determine whether it is in the best interests of the Shire for an Elected Member or the CEO or another officer to attend on behalf of Council.

If Council determines that an Elected Member or the CEO should attend a paid event, the Shire is required to pay the cost of attendance and reasonable expenses, such as travel and accommodation.

Where partners of an authorised representative attend an event, any tickets for that person, if paid for by the Shire, are to be reimbursed by the representative unless expressly authorised by Council.

ADOPTION OF THIS POLICY

Relevant	Section 5.90A of the Local Government Act requires a local
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Legislation	government to prepare and adopt an Attendance at Events Policy. Sections 5.87A and 5.87B of the Local Government Act requires Elected Members and Employees to disclose gifts that are received in their capacity as an Elected Member (or Employee). Local Government (Rules of Conduct) Regulations 2007.
Related Local Law	Nil Applicable
Related Policies	AF24 – Attendance at Conferences, Seminars and Training
Last Reviewed	Originating Policy - 29 October 2020
Next Review Date	2022
Adopted	29 October 2020

6.2 POLICY - ELECTED MEMBER AND EMPLOYEE TRAINING AND PROFESSIONAL DEVELOPMENT

File Number: 1
Author: Neil Hartley, Strategic Business Manager
Responsible Officer: Amanda O'Halloran, Chief Executive Officer
Authority/Discretion: Legislative

SUMMARY

The Shire of Derby/West Kimberley is required under the Local Government Act 1995 (Act), to adopt a training policy, and annually report on training attendance, of Elected Members. A recommendation is made to adopt a new Policy, "*C2 - Elected Member and Employee Training and Professional Development*" to meet that compliance requirement.

DISCLOSURE OF ANY INTEREST

Chief Executive Officer – Impartiality.

BACKGROUND

Amendments to the Local Government Act 2019 introduced a mandatory training requirement for Elected Members, to ensure they were provided with the necessary skills and resources to understand and carry out their role as local government Councillors.

Local Governments are also legislatively required to develop a policy related to "Elected Member Professional Development" and to publish that policy as well as an annual report on training undertaken by Elected Members, on the Shire's Website.

It is legislatively required that each Elected Member must complete the training in accordance with the Regulations (noting that Councillors who were already elected prior to the requirement coming into operation (vis. 9 Aug 2019) are exempt for their present term of office). The Minister has also advised that in light of COVID-19, and where practical difficulties present themselves, the Department has "deferred" compliance activities for these training requirements. No specific date for the delay was provided by the Minister at the time, but the rationale of the delay is assumed to have in the main been overtaken by the relaxation of the travel requirements imposed across Western Australia of earlier 2020.

Newly Elected Members of Shire of Derby/West Kimberley have almost completed their compulsory training.

STATUTORY ENVIRONMENT

S5.126 of the Local Government Act (Training for Council Members) requires that each council member must complete training in accordance with regulations.

S5.127 of the Local Government Act (Report on Training) requires that each financial year, a report must be prepared for the training completed by council members in that financial year.

The CEO must publish the report on the website by 31 July each year.

S5.128 of the Local Government Act (Policy for continuing professional development) requires that every WA local government must prepare and adopt (* *Absolute majority required*) a

policy in relation to the continuing professional development of council members. The Policy must comply with any prescribed requirements relating to the form or content of a policy under this section. The CEO must publish an up-to-date version of the policy on the Shire's official website.

The Council must at least review the policy after each ordinary election.

CL.35 of the Local Government (Administration) Regulations (Training for council members) requires that council members complete and pass (within 12 months of being elected) the *Council Member Essentials* course (and which consists of the following modules) -

- (i) Understanding Local Government;
- (ii) Serving on Council;
- (iii) Meeting Procedures;
- (iv) Conflicts of Interest; and
- (v) Understanding Financial Reports and Budgets

CL.36 of the Local Government (Administration) Regulations (Exemption Requirement) outlines that a person who is a council member on the day on which training requirement came into operation (vis. 9 Aug 2019) is exempt from the compulsory training requirement until the end of their term of office.

POLICY IMPLICATIONS

This Policy replaces existing policy *AF24 – Attendance at Conferences, Seminars and Training*.

Policy *C1 - Elected Member and Chief Executive Officer Attendance at Events and Functions* has some relevance (for example, payment of partner expenses).

FINANCIAL IMPLICATIONS

Future annual budgets must continue to accommodate at least sufficient funds for any newly elected Councillors to undertake the legislatively required course. An allocation in the order of \$10,000/Elected Member should be provided as costs will vary considerably dependent on the style and location of the course chosen (and if additional travel, accommodation and sustenance costs for course attendance away from the district are required).

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Goal: 4. Good governance.	Outcome: 4.1 Effective governance and leadership.	Strategy: 4.1.4 Ensure governance policies and procedures are in accordance with legislative requirements.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: That the Shire Elected Members/CEO do not comply with the	Rare	Minor	Low	Adopt policy as required by the Local Government Act.

development and adoption of the required policy.				
Legal & Compliance: That the Elected Members/CEO do not comply with adopted policy and undertake the legislatively required training.	Possible	Minor	Medium	Elected Members/CEO to periodically remind each other of the existence of the adopted policy and the requirement to complete and pass the training within 12 months of being elected.
Legal & Compliance: Organisation forgets to include the Policy and the Annual Training Report on the Shire’s Web Page.	Possible	Minor	Medium	Resolution Action Report; and Corporate Compliance Calendar; to both include the requirement to undertake this responsibility.
Reputation: Shire Elected Members/CEO forget to meet the requirements of the policy.	Rare	Minor	Low	Elected Members/CEO to periodically remind each other of the existence of the adopted policy.

CONSULTATION

As this Policy is specified by the Act and relates to requirements of the Elected Members’ and CEOs’ tenure, advertising the Draft Policy for public comment is not considered to be required. The Policy once adopted (and the Annual Councillors’ Training Reports) must be displayed on the Shire’s website.

COMMENT

The draft policy describes the Shire’s approach to enabling Elected Members to meet their statutory obligations in relation to Elected Member training, and gives effect to the requirement to adopt a policy that reflects a culture of continuing professional development.

It is considered that the draft Policy meets the necessary legislative requirements, as well as provides sufficient guidance on elected member and employee training and professional development that is not of a statutory nature.

For ease of drafting, the existing policy (AF24 – Attendance at Conferences, Seminars and Training) is replaced by this new version. Relevant areas of the policy AF24 were retained where they are still applicable.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

I

COMMITTEE RESOLUTION AC55/20**Moved:** Cr Geoff Haerewa**Seconded:** Cr Chris Kloss**That Council:**

1. **adopt by Absolute Majority, the attached policy “C2 - Council Policy - Elected Member Training and Professional Development”; and**
2. **notes that the Policy will be added to the Shire’s Website, along with in July of each calendar year, the Annual Councillors’ Training Report; and**
3. **requires that the Policy be represented to Council for review, within a reasonable period after each future ordinary bi-ennial election.**

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda**Against:** Nil**CARRIED 4/0**

C2 - ELECTED MEMBER AND EMPLOYEE TRAINING AND PROFESSIONAL DEVELOPMENT

OBJECTIVE

This Policy describes the Shire of Derby/West Kimberley's approach to enabling Elected Members to meet their Local Government Act obligations in relation to Elected Member training, and gives effect to the legislative requirement to adopt a continuing professional development Policy.

This Policy also provides guidance on training and professional development that is not of a statutory nature, by supporting the attendance by Elected Members and Employees at conferences, seminars and relevant training courses that contribute to their ongoing professional, skills, and knowledge development (and to detail the relevant expenses to be paid by the Shire associated with such attendance).

POLICY

Where the benefits to the Council, or the organisation, can be clearly identified, Council encourages and will fund the attendance of Elected Members and Employees at training events. Training can take several forms, including formal qualifications; and on and off-site short courses, events, seminars, and conferences.

Training is required to relate to the professional development of Shire of Derby/West Kimberley representatives. Training related to for example, local government leadership, town planning, strategic planning, financial management, corporate governance, risk management, conflict resolution, emergency management, and public sector management, are all considered to be relevant.

Where possible, training should be conducted through a Registered Training Organisation. Examples of organisations that provide training relating to the professional development of Elected Members and Employees, includes, but is not restricted to:

- Western Australian Local Government Association (WALGA);
- Australian Local Government Association (ALGA);
- Local Government Managers Australia (WA and national);
- Australian Institute of Management;
- Australian Institute of Company Directors; and
- Institute of Public Administration Australia.

Legislated Training for Elected Members

S5.126 of the Local Government Act (Training for Council Members) requires that each Elected Member must complete training in accordance with the Regulations. The Local Government (Administration) Regulations 1996 requires Elected Members to complete a 'Council Member Essentials' course consisting of five modules.

Training is required to be completed (and passed) by all Elected Members within 12 months of taking office and is valid for five years. Non-compliance with the requirements to complete training is an offence under the Act.

S5.127 of the Local Government Act (Report on Training) requires that each financial year, a report must be prepared for the training completed by Elected Members in that financial year. The CEO must publish this report on the Shire's website by the end of July of every year.

Following each ordinary election, Elected Members will be provided with information on training options from approved training providers. Elected Members will be able to select a training option to meet their learning style and availability.

Unless otherwise resolved by Council, training that an Elected Member is required to complete under section S5.126 of the Act will be paid for separately by the Shire and will not be subtracted from any budget allocation provided for additional (non-legislated) training for Elected Members.

Additional (Non-Legislated) Training and Professional Development for Elected Members

Subject to sufficient funds being available in the Shire's Budget for this purpose, Elected Members are encouraged to attend:

- Western Australian Local Government Association's (WALGA) Annual Local Government Week Convention;
- WALGA's Kimberley Zone Meetings;
- up to two separate conferences/seminars/training events of significant importance to the Shire each financial year;
- other relevant conferences or seminars in addition to the above, but only following a request being submitted by the Elected Member to the CEO, for presentation to Council for its consideration of approval; and
- ALGA's Annual National Assembly of Local Government (President and Deputy President only).

On return from any conference attended (excluding the Annual Local Government Week Conference and WA Local Government Association Kimberley Country Zone Meetings) Councillors shall provide a written report to Council on the benefits of attendance to them and the Council.

Councillor Authorisation to attend Conferences/Seminars/Training Events

To expedite consideration of attendance, training requests are to be submitted in the first instance, to the CEO. The CEO is authorised to approve, if considered to meet this Policy, Councillor applications to attend conferences/seminars/training events.

Where an Elected Member is seeking to attend more than two training events in a financial year, or an event outside of Australia, the request is required to be the subject of a separate report to Council for its consideration.

Where an Elected Member's request for training is declined by the CEO under this Policy, the member can require that the matter be referred to Council for determination.

Where the CEO considers special circumstances apply in relation to an Elected Member's training application, the CEO may refer the application to Council for consideration.

Elected Member Travel Arrangements and Acceptable Costs of Attendance

The cost of travel and accommodation, including meals and any other business related costs (e.g. telephone calls) for the Elected Member delegates shall be met by the Shire.

To best control expenditure, expenses are to be prepaid through the Shire's Purchase Order system or approved Corporate Purchasing/Credit Card, where practical.

The only Elected Member partner costs that will be met by the Shire will be for the relevant event's official function (e.g. Local Government Week Dinner).

Where travel by road is appropriate, Elected Members should utilise one of the Shire's fleet vehicles. Should a vehicle not be available, the use of a private vehicle to attend meetings or conferences in Broome and Fitzroy Crossing (and other areas when authorised by the CEO/Council) is permissible. Expense claims for the kilometres travelled are to be submitted to the CEO and payment will be made on rates per kilometre in accordance with Australian Taxation Office provisions. A contribution to fuel costs where an Elected Member travels with a third party will be considered on submission of a reimbursement claim with supporting receipts (noting that where travel is with a third party, a per kilometre claim for travel is not permitted).

A meal allowance in accordance with the Australian Taxation Office can be claimed (in lieu of actual meal costs expense claim). When meals are included and have been paid for as part of the attendance registration fee or accommodation costs, then claims for meals at alternative venues are not permitted.

A \$50.00 per night allowance can be claimed if in lieu of taking up the option of Shire funded accommodation, an Elected Member instead arranges to stay with family or friends.

Employees

Employee attendance at conferences/seminars/courses is considered to be an important component of their ongoing education and training, and the securing of operational benefits to the Shire and its community.

During the budget preparation process, the CEO shall propose an allocation of funds sought for conferences/seminars/courses for the ensuing financial year. Council's strategic consideration will be given to the budget request in the normal manner.

The Chief Executive Officer is thereafter responsible for managing the budgeted allocation in a responsible manner, and having in place an organisational training plan and an approvals process for staff wishing to undertake training and attending conferences, etc (including where an employee negotiates attendance at a conference, seminar or training courses as part of their salary package, that such arrangements may differ from this Policy).

If the CEO wishes to attend an event that is uniquely different from the budgeted proposal for the CEO's position, a prior application must be submitted to Council for its determination.

ADOPTION OF THIS POLICY

Relevant Legislation	<p>S5.126 of the Local Government Act (Training for Council Members) requires that each council member must complete training in accordance with regulations.</p> <p>S5.127 of the Local Government Act (Report on training) requires that each financial year, a report must be prepared for the training completed by council members in that financial year. The CEO must publish the report on the website by 31 July each year.</p> <p>S5.128 of the Local Government Act (Policy for continuing professional development) requires that every WA local government must prepare and adopt (* <i>Absolute majority required</i>) a policy in relation to the continuing professional development of council members. The Policy must comply with any prescribed requirements relating to the form or content of a policy under this section. The CEO must publish an up-to-date version of the policy on the Shire's official website.</p> <p>The Council must at least review the policy after each ordinary election.</p> <p>CI.35 of the Local Government (Administration) Regulations (Training for council members) requires that a council member completes and passes (within 12 months of being elected) the <i>Council Member Essentials</i> course (and which consists of the following modules) -</p> <ul style="list-style-type: none"> (i) Understanding Local Government; (ii) Serving on Council; (iii) Meeting Procedures; (iv) Conflicts of Interest; and (v) Understanding Financial Reports and Budgets.
Related Local Law	Nil Applicable
Related Policies	<p>C1 - Elected Member And Chief Executive Officer Attendance At Events And Functions.</p> <p>This Policy replaces AF24 – Attendance at Conferences, Seminars and Training.</p>
Last Reviewed	Originating Policy - 29 October 2020
Next Review Date	As soon as reasonably practical after the next (vis. 2022) bi-ennial local government elections.
Adopted	29 October 2020

6.3 ELECTIONS (CARETAKER PERIOD) POLICY

File Number: 4160

Author: Neil Hartley, Strategic Business Manager

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Administrative

SUMMARY

This report provides Council with a framework, through a draft Policy, to establish clear guidelines in relation to the activities of Council itself, Elected Members, Employees, and 'Candidates', during Federal, State, and Local Government election periods. The adoption of a Policy (as attached) will promote appropriate governance standards.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

The Shire of Derby/West Kimberley has not previously had an *Elections – Caretaker Policy*, but they are common across Western Australian local governments and WALGA provides a useful "model" as a starting point.

Principally, the purpose of the policy is to ensure that the Council itself, Shire representatives, and councillor and employee 'Candidates', of Federal, State, and Local Government elections, have clarity around their activities during the 'Caretaker Period' prior to each government election.

The draft policy provided by the Western Australian Local Government Association, is specifically for local government elections, but has been modified to best suit the Shire of Derby/West Kimberley's needs.

The Policy promotes accountability and equity in the electoral process, particularly as it relates to local government elections, but also includes aligned shire representatives (Councillors and Employees) when they might nominate for election to other levels of government in Australia.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Part 4, Division 11 – Electoral offences

4.87. *Printing and publication of electoral material*

- (1) A person who prints, publishes or distributes electoral material or causes electoral material to be printed, published or distributed, commits an offence unless —
 - (a) in the case of all electoral material, the name and address (not being a post office box) of the person who authorised the electoral material appears at the end of the electoral material; and
 - (b) in the case of electoral material that is printed otherwise than in a newspaper, the name and business address of the printer appears at the end of the electoral material.

Penalty: \$2 000.

(2) Subsection (1) does not apply to electoral material on an item included in a prescribed class of items.

(3) In this section —

electoral material means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result of an election but does not include an advertisement in a newspaper announcing the holding of a meeting;

print includes photocopy or reproduce by any means.

[Section 4.87 amended: No. 49 of 2004 s. 41.]

Part 5, Division 7 — Access to information

5.93. *Improper use of information*

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

5.103. *Codes of conduct*

(1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

[(2) deleted]

(3) Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.

[Section 5.103 amended: No. 49 of 2004 s. 55; No. 1 of 2007 s. 10.]

Local Government (Rules of Conduct) Regulations 1996

Part 2, Division 2 - Rules of conduct: general

8. *Misuse of local government resources*

A person who is a council member must not either directly or indirectly use the resources of a local government —

(a) for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918; or

(b) for any other purpose,

unless authorised under the Act, or authorised by the council or the CEO, to use the resources for that purpose.

POLICY IMPLICATIONS

This is a new policy, although there is a link to the existing Code of Conduct.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of this policy, although its implementation during future caretaker periods might result in some projects being delayed.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
<p>Goal 4:</p> <p>Good governance and an effective organisation.</p> <p>Leadership that provides strategic direction for the community, supported by efficient and effective service delivery.</p>	<p>Outcome 4.1:</p> <p>Effective governance and leadership.</p>	<p>Strategy 4.1.1:</p> <p>Provide leadership in balancing the needs of the community, government, industry and the environment.</p>

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>Reputation:</p> <p>Decisions made by an outgoing Council and conduct/motives of elected members, staff and candidates could be called into question.</p>	Possible	Moderate	Medium	Adoption of this policy will provide a framework for Candidates to follow.

CONSULTATION

Western Australian Local Government Association.

COMMENT



The implementation of caretaker provisions is supported with a foundation of good governance principles, like the Shire's Code of Conduct. This Policy will therefore further complement the Shire's evolving governance framework. Adoption of the Policy will ensure the Shire has a consistent approach to most other Local Governments who have adopted a similar policy since first being recommended by the Department of Local Government in 2013. The draft WALGA Policy has though, been modified to also capture other government elections (vis. State and Federal).

Local Government Candidates will be briefed on the new Policy during the bi-ennial election candidate information sessions, generally held in August/September of every second year.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Policy - Elections (Caretaker Period)  

COMMITTEE RESOLUTION AC56/20

Moved: Cr Geoff Haerewa

Seconded: Cr Chris Kloss

That the Audit Committee recommend that Council adopt the attached Caretaker (Electoral Period) Policy with the following amendment:

4.8 Council Member Leave of Absence - applying from the issue of Writs

Elected Member Candidates at State or Federal Government elections (only) must take leave of absence from all aspects of their role as a Councillor from the time of the issue of Writs, until the electoral poll for the seat the Councillor has nominated for, is declared by the Returning Officer.

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0

Policy Objective

This Policy establishes protocols for the purpose of avoiding actual and perceived advantage or disadvantage to a candidate in a Government Election (**Federal, State, or Local**) through the use of public resources or decisions made by the Council or administration on behalf of the Shire of Derby/West Kimberley (Shire) during the 'Caretaker Period' prior to an election.

As the Policy captures all three levels of Australian Government election caretaker periods, not all components of this Policy will apply in respect to every election level. Application will be dependent on the circumstances that prevail for each particular election level.

Policy Scope

This policy applies to Council Members and Employees during a 'Caretaker Period' relevant to:

- (a) Decisions made by the Council;
- (b) Decisions made under delegated authority;
- (c) Decisions made administratively;
- (d) Promotional materials published by the Shire;
- (e) Discretionary community consultation;
- (f) Events and functions, held by the Shire or other organisations;
- (g) Use of the Shire's resources;
- (h) Access to information held by the Shire.

Policy Statement

1 Definitions

'Candidate' means a Council Member or Employee who has received 'political party endorsement' for an upcoming election, or who has officially nominated as a candidate for an upcoming election, including Council Members who have nominated for re-election.

'Caretaker Period' means:

- For Federal and State Government Elections:** the period of time prior to an Election Day, specifically being the period commencing from the earlier of the Candidate's official 'political party endorsement' for the upcoming election, or the Candidate's official nomination as a candidate, until 6.00pm on Election Day; and
- For Local Government Elections:** the period of time prior to an Election Day, specifically being the period from the Candidate's official nomination as a candidate, until 6.00pm on Election Day.

'CEO' means the Chief Executive Officer of the Shire.

'Election Day' means the day fixed for the holding of any poll needed for an election.

'Electoral Material' includes any advertisement, handbill, pamphlet, notice, letter, email, social media post or article that is intended or calculated to affect an Election Day result, but does not include:

- (a) An advertisement in a newspaper announcing the holding of a meeting; or
- (b) Any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*; or

- (c) Any materials produced by the Shire, the State or the Federal Government, relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

‘Events and Functions’ including gatherings for the purpose of discussion, review, acknowledgement, communication, consultation, celebration or promotion, of any matter relevant to the Shire and/or its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions, including; gatherings coordinated or facilitated by the Shire or an external entity.

‘Extenuating Circumstances’ including a circumstance that requires the Council to make or announce a Significant Local Government Decision during the Caretaker Period because, in the CEO’s opinion, delaying the decision or announcement to occur after the Caretaker Period has reasonable potential to:

- (a) incur or increase legal, financial and/or reputational risk; or
- (b) cause detriment to the strategic objectives of the Shire.

‘Significant Local Government Decision’ includes any decision:

- (a) Relating to the employment, remuneration or termination of the CEO or any other designated Senior Employee [s.5.37], other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms of their Contract of Employment), pending the Election Day result;
- (b) Relating to the Shire entering into a sponsorship arrangement with a total Shire contribution that would constitute Significant Expenditure, unless the Council resolved “in principle” support for the sponsorship prior to the Caretaker Period taking effect and sufficient funds are allocated in the Annual Budget;
- (c) Relating to the Shire entering into a commercial enterprise as defined by Section 3.59 of the *Local Government Act 1995*;
- (d) That would commit the Shire to Significant Expenditure or actions that, in the CEO’s opinion, are significant to the Local Government operations, strategic objectives and/or will have significant impact on the community,
- (e) To prepare a report, initiated by the Administration, a Council Member, candidate or member of the public that, in the CEO’s opinion, may be perceived as or is actually an election campaign issue;
- (f) Initiated through a Notice of Motion by a Council Member, where the effect of that motion will change the status quo or, in the CEO’s opinion, may be relevant to the circumstances described in sub-clauses (a) to (e) above.
- (g) That adopts a new, or significantly changes an existing, policy, service or service level that incurs Significant Expenditure, unless the decision is necessary to comply with legislation.
- (h) That initiates or adopts a new Local Planning Scheme, amendment to a Local Planning Scheme or Planning Policy.
- (i) Significant Local Government Decision does not include any decision necessary in response to an Emergency, either declared by the State or Federal Government or by the Shire President in accordance with s.6.8(1)(c) of the *Local Government Act 1995*.

‘Caretaker Protocol’ means the practices or procedures prescribed in this Policy.

‘Public Consultation’ includes a process which involves an invitation to individuals, groups, organisations or the wider community to provide comment on a matter, proposed action or proposed policy which may be perceived as or is actually an electoral/campaign issue, but does not include statutory consultation/submission periods prescribed in a written law.

‘Significant Expenditure’ means expenditure that exceeds \$50,000 (exclusive of GST).

2 Caretaker Period Protocols - Decision Making

The CEO will ensure that:

- (a) As soon as practical after awareness is known, they will advise Council Members and employees in writing of the dates that the Caretaker Period commences and concludes.
- (b) Candidates are provided with a copy of this Policy at the time of their endorsement or nomination for election, to ensure their awareness of the protocols and equitable access requirements.

2.1 Scheduling Significant Local Government Decisions

1. During a Caretaker Period, unless Extenuating Circumstances apply, the CEO will reasonably ensure that:
 - (a) Council or Committee Agenda, do not include reports and/or recommendations that constitute Significant Local Government Decisions; and
 - (b) Council Forums, Workshops or Briefings, do not list for discussions matters that relate to Significant Local Government Decisions.
2. The CEO shall reasonably ensure that, unless Extenuating Circumstances apply, Significant Local Government Decisions are either considered by the Council prior to, or after, the conclusion of the Caretaker Period.
3. The CEO shall reasonably ensure that, unless Extenuating Circumstances apply, Delegated Authority from the Council to the CEO or a Committee is not exercised where the exercise of that delegated authority relates to a Significant Local Government Decision or an election campaign issue.

2.2 Council Reports Electoral Caretaker Period Policy Statement

2.2.1 Extenuating Circumstances

1. Council Reports

Where, during a Caretaker Period, the CEO determines that Extenuating Circumstances apply, the CEO may submit a report on a Significant Local Government Decision for Council’s consideration, subject to the report including:

- (a) Details, if applicable, of options for what aspects of the decision are necessary to be made within the Caretaker Period and what aspects may be deferred until after the Caretaker Period.
- (b) An Electoral Caretaker Period Policy Statement, which details why Extenuating Circumstances apply.

2. Council Forums, Workshops or Briefings

Where, during a Caretaker Period, the CEO determines that Extenuating Circumstances apply, the CEO may include matters relating to a Significant Local Government Decision for Council Member discussion at Council Forums, Workshops or Briefings.

The CEO is required to provide Council with advice as to why Extenuating Circumstance apply. Details of this advice is to be retained, with the Forum, Workshop or Briefing notes, as a Local Government record.

2.3 Managing CEO Employment

This Policy, prohibits Significant Local Government Decisions relating to the employment, remuneration or termination of the CEO during a Caretaker Period.

The Council is however required to fulfil its obligations as the CEO's employer regardless of a Caretaker Period. Therefore, during a Caretaker Period:

1. The Council may consider and determine:
 - (a) CEO's leave applications;
 - (b) appoint an Acting CEO, where necessary;
 - (c) suspend the current CEO, where appropriate and in accordance with the terms of their contract.
2. The Council may not initiate a new CEO recruitment process or initiate or undertake a CEO performance review process, during a Caretaker Period.

2.4 Delegated Authority Decision Making in Extenuating Circumstances

During a Caretaker Period, Employees who have Delegated Authority are required to consider if a proposed delegated authority decision may relate, or be subsidiary, to a Significant Local Government Decision or election campaign issue and if so, refer the matter to the CEO for review and consideration in accordance with clause 2.1(3) above.

3 Caretaker Period Protocols - Candidates

Candidates shall be provided with equitable access to the Shire's public information in accordance with s.5.94 of the *Local Government Act 1995*.

The CEO shall ensure that assistance and advice provided to candidates as part of the conduct of the election is provided equally to all candidates.

Candidates may access information and assistance regarding the Shire's operations and Council matters during a Caretaker Period, but only to the extent necessary to perform their

role as a Councillor and limited to matters currently relevant to the Shire [refer s.5.92 of *the Local Government Act 1995*].

All election process enquiries from Candidates, will be directed to the Returning Officer, or where the matter is outside the responsibility of the Returning Officer, to the CEO.

3.1 Candidate Requests on behalf of Electors, Residents or Ratepayers

Where a Candidate requires the assistance of the Administration to respond to a request made by an Elector, Resident or Ratepayer, then the Administration will (if applicable) provide the response directly to the requesting Elector, Resident or Ratepayer and will also advise the candidate of the outcome.

3.2 Candidate Campaign Electoral Materials

Candidates should note that the Shire's official crest or logo may not be used in campaign Electoral Materials without the express permission of the Shire.

3.3 Local Government Candidate attendance at Local Government Meetings

To ensure equitable access to information about Council's decision making during a Caretaker Period, the CEO shall ensure that Candidates to local government elections (only) who are not sitting Council Members, are advised of Ordinary and Special Council Meetings (if open to the public) called and convened during a Caretaker Period; providing each Candidate with a copy of the meeting agenda at the time it is distributed to Council Members.

For the purposes of transparency and the benefit of the public gallery, Candidates are requested to identify themselves as an election candidate prior to asking a question or making a statement at a Council or Committee meeting.

4 Council Member Caretaker Period Protocols

4.1 Access to Information and Advice

During a Caretaker Period, Candidates and all other Council Members will scrupulously avoid using or accessing Shire information, resources or employee resources and expertise for the purpose of gaining electoral advantage or disadvantage relevant to their own candidacy or any other person's candidacy.

During a Caretaker Period, Candidates and all Council Member requests for information and advice from the Shire will be reviewed by the CEO and where the subject of the information or advice is considered as relating to an election campaign issue, the CEO will either make a determination, or refer the request for Council's determination, as to if the information or advice is/is not to be provided, including if information is provided to one Candidate, or if that information is also to be provided to all Candidates (i.e. including Candidates who are not current Council Members).

4.2 Media and Publicity

During a Caretaker Period, all Candidate and Council Member requests for media advice or assistance will be referred to the CEO for review.

The CEO will only authorise access to media advice or assistance where, in the CEO's opinion, the subject matter is relevant to the Shire's objectives or operations and is not related to an election campaign purpose or issue or to the Candidate, or the candidacy of another person.

4.3 Council Member Business Cards, Shire Printed Materials

Council Members must ensure that Shire business cards and Local Government printed materials are only used for purposes associated with their role as a Councillor, in accordance with section 2.10 of the *Local Government Act 1995*.

Council Members are prohibited from using Shire business cards or printed materials at any time, including times outside a Caretaker Period, for any election campaign purpose, either in support of their own candidacy or the candidacy of another person.

4.4 Council Member Participation in Events and Functions

During a Caretaker Period Council Members may continue to fulfil their role through attendance at events and functions hosted by external bodies.

4.5 Council Member Delegates to External Organisations

At any time, including times outside of a Caretaker Period, Council Members who are the Council's appointed delegate to an external organisation, must not use their attendance at an external organisation's meeting, event or function for any purpose associated with an election campaign purpose, including; recruiting campaign assistance or to promote their own candidacy or the candidacy of another person.

4.6 Council Member Addresses/Speeches

Excluding the Shire President and Deputy Shire President when fulfilling their functions prescribed in sections 2.8 and 2.9 of the *Local Government Act 1995*, Council Members who are Candidates, shall not be permitted to make speeches or addresses during a Caretaker Period at events or functions organised or sponsored by the Shire unless expressly authorised by the CEO.

In any case, the Shire President, Deputy Shire President and Council Members are prohibited from using an official speech or address during a Caretaker Period to promote an election campaign purpose.

4.7 Council Member Misuse of Local Government Resources

A Council Member who uses Shire resources for the purpose of persuading electors to vote in a particular way is a "misuse of Local Government resources" breach in accordance with Regulation 8 of the *Local Government (Rules of Conduct) Regulations 2007*.

This prohibition on misuse of Local Government Resources for electoral purposes applies at all times and is not only applicable to a Caretaker Period.

For clarity, Local Government resources includes, but is not limited to: employee time or expertise, Shire provided equipment, information and communication technologies, stationery, hospitality, images, communications, services, reimbursements and allowances provided by the Shire.

4.8 Council Member Leave of Absence - applying from the issue of Writs

Elected Member Candidates at State or Federal Government elections (only) must take leave of absence from all aspects of their role as a Councillor from the time of the issue of Writs, until 6.00pm on the relevant Election Day.

5 Shire Publicity, Promotional and Civic Activities

Publicity campaigns and promotional activities during a Caretaker Period may be undertaken only for the purposes of:

- (a) Promoting Shire services and activities, where such promotions do not relate to an electoral campaign issue and would otherwise be undertaken as part of normal operations; and,
- (b) Conducting the Election and promoting Elector participation in the Election.

All other publicity and promotional activities of Shire initiatives will be, where reasonably practicable, avoided during the Caretaker Period, including the announcement of Significant Local Government Decisions, made prior to the commencement of a Caretaker Period or proposed to be made after a Caretaker Period.

The CEO may determine if Exceptional Circumstances apply and if a Significant Local Government Decision announcement is necessary during a Caretaker Period.

5.1 Civic Events and Functions

The Shire will avoid the scheduling of Civic Events and Functions during a Caretaker Period, which may give rise to any actual or perceived electoral advantage to Council Members who are Candidates.

Where the Shire is required to schedule a Civic Event or Function during a local government election Caretaker Period at which Council Members would usually be invited, then all Candidates to the local government election will also be invited to attend and will be acknowledged as candidates immediately following any acknowledgement provided to Council Members.

5.2 Shire Publications and Communications

No Shire publications and communications distributed during a Caretaker Period can include content that:

- (a) may actually, or be perceived to, persuade voting in an election; or
- (b) is specific to a Candidate or candidates, to the exclusion of other candidates;
- (c) draws focus to or promotes a matter which is a Significant Local Government Decision or which is an electoral campaign issue.

All Shire publications and communications proposed to occur immediately prior to, throughout or during, a Caretaker Period must be reviewed and approved by the CEO prior to publication or distribution.

5.3 Shire Website and Social Media Content

1. During the Caretaker Period, this Policy applies to content proposed for publication on the Shire's website and social media channels.

Website and social media content regarding Council Members will be limited to: Council Member names, contact details, membership of committees and Council appointments as Shire Delegates on external committees and organisations however, all other biographical information related to a sitting Council Member who is also a candidate will be removed from public access for the duration of the Caretaker Period.

The Candidate Election Profiles prescribed in s.4.49(b) of the Local Government Act 1995, may also be published on the Shire's website and social media.

2. Website and social media content, published prior to a Caretaker Period, will not be subject to this Policy.
3. New website or social media content which relates to Significant Local Government Decisions or election campaign issues will not be published during a Caretaker Period, unless Exceptional Circumstances apply.
4. Content posted by the public, candidates or Council Members on the Shire's social media channels, which is perceived as Candidate election campaign material or promotes a Candidate or candidates will be removed.

5.4 Community Consultation

The Shire will undertake planned community consultation (discretionary and legislative) during a Caretaker Period, unless the consultation relates to a Significant Local Government Decision or potentially contentious election campaign issue.

Remember - Policy implementation is given effect through induction, ongoing training and operational procedures that ensure Council Members and Employees are sufficiently informed of their obligations, responsibilities and accountabilities.

Document Control Box					
Compliance Requirements:					
Legislation:	Sections 4.87, 5.93 and 5.103 of the <i>Local Government Act 1996</i> Regulation 8 of the <i>Local Government (Rules of Conduct) Regulations 1996</i>				
Organisational:	Code of Conduct				
Document Management:					
Review Frequency:	Bi-ennial	Next Due:	30/09/2022	Records Ref:	
Version #	Decision Reference:	Synopsis:			
1.	Council – 30/09/2020	Original Adoption			
2.					

6.4 COMPLIANCE REPORTS - COUNCIL MINUTE MANAGEMENT**File Number:** 4262 - Status Reports**Author:** Carlie McCulloch, Executive Services Coordinator**Responsible Officer:** Amanda O'Halloran, Chief Executive Officer**Authority/Discretion:** Information**SUMMARY**

For the Committee to receive the information provided in the attached reports and provide strategic direction as required.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Terms of Reference for the Compliance and Strategic Review Committee (now Audit Committee) adopted on 26 March 2015 detail the key role the Committee holds in assisting the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

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***

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	OUTCOME	STRATEGY
4: Good governance and effective organisation	4.1: Effective governance and leadership	4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role

		4.1.8: Develop and maintain risk management policies and procedures
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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

Nil

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Outstanding Action Items - October 2020  

<p>COMMITTEE RESOLUTION AC57/20</p> <p>Moved: Cr Chris Kloss Seconded: Cr Geoff Haerewa</p> <p>That the Audit Committee RECEIVES the information contained in the report detailing Council Minute management.</p> <p><u>In Favour:</u> Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 4/0</p>
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<p>Outstanding</p> <p>Action Sheets Report</p>	<p>Division:</p> <p>Committee:</p> <p>Officer:</p>	<p>Date From:</p> <p>Date To:</p> <p>Printed: 7 October 2020 12:52 PM</p>
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Meeting	Officer/Director	Section	Subject
Council 31/10/2019	Neate, Wayne O'Halloran, Amanda	Executive Services	New road dedication - Sandford Rd Fitzroy Crossing
<p>RESOLUTION 125/19</p> <p>Moved: Cr Andrew Twaddle</p> <p>Seconded: Cr Chris Kloss</p> <ol style="list-style-type: none"> 1. That Council pursuant to section 56 (1) of the Land Administration Act 1997 and regulation 8 of the Land Administration Regulations Act 1997, resolves to request that the Minister for Lands to dedicates the land on which the proposed realigned Sandford Road is to be constructed upon as shown Plan No.1 – ‘Areas to be dedicated as road’ dated 17/09/2019; 2. That Council pursuant to section 58 of the Land Administration Act 1997 and regulation 9 of the <i>Land Administration Regulations 1998</i> resolves to request that the Minister for Lands permanently close the eastern section of the Sandford Road, road reserve as depicted on Plan No.2 – ‘Areas of road to be closed’ dated 17/09/2019 and that the land comprising the former road be amalgamated into the adjoining parcel of Vacant Crown Land, Land ID number 3092954; 3. That Council, in making the request and in accordance with section 56 (4) of the Land administration Act indemnifies the Minister for Lands against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request; 4. That Council by ABSOLUTE MAJORITY delegates authority to the Chief Executive Officer to forward the request to the Minister to: <ol style="list-style-type: none"> a) dedicate the land as a road as foreshadowed in Condition 1 above once the Council has advertised the proposal and invited comments from the public on the matter as required by Part 2 s.8 (d) of the Land Administration Regulations 1998 on the basis there are no sustainable submissions objecting to the dedication; and b) permanently close the portion of Sandford Road as detailed in Condition 2 above once the advertising required under section 58 (3) of the Land Administration Act 1997 has been completed and on the basis there are no sustainable submissions received objecting to the closure. c) In the event there are objections received to the dedication and closure as set out in Condition 4, I. and II. Above that cannot be satisfactorily resolved the matter/s are to be referred back to the next available Council meeting for consideration and determination. <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford</p> <p><u>Against:</u> Nil</p>			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 7 October 2020 12:52 PM

CARRIED 9/0

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 7 October 2020 12:52 PM

Meeting	Officer/Director	Section	Subject
Council 12/12/2019	Neate, Wayne O'Halloran, Amanda	Technical Services	Leasing of Areas 2 and 3 to MPA Fish Farms Pty Ltd at the Derby Wharf
RESOLUTION 167/19			
Moved: Cr Paul White			
Seconded: Cr Chris Kloss			
That Council;			
<ol style="list-style-type: none"> 1. Delegate authority to the Chief Executive Officer to commence the process of disposition of property in accordance with Section 3.58 of the Local Government Act by giving local public notice of its intention to lease area 3 and 2 of the Goods shed at the Derby Wharf to MPA Fish Farms Pty Ltd 2. Subject to no objections being received by the close of the submission period, Council delegate authority to the Chief Executive Officer and Shire President to negotiate and execute a lease which will include the following; <ol style="list-style-type: none"> i) Approve the lease of Areas 2 and 3 within the Goods shed on the Derby Wharf to MPA Fish Farms Pty Ltd from the 1st July 2019 to 30th June 2021 with an option for a further 2 years with an expiry date of the 30th June 2023; ii) Lessee to pay for all costs associated with preparing the lease including but not limited to legal, advertising and survey fees; iii) Rental based on an independent market rental valuation; iv) Other standard terms and conditions of Shire lease agreements. 3. Authorise the affixing of the common seal to the document 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 9/0			
<p>3 Sep 2020 - 2:34 PM - Wayne Neate</p> <p>Revised Target Date changed by: Neate, Wayne From: 26 Dec 2019 To: 03 Dec 2020</p> <p>Reason: Lease were sent to MPA in January 2020 and have been with them for some months. Thier lawyers and Shire lawyers are working through details.</p>			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 7 October 2020 12:52 PM

Meeting	Officer/Director	Section	Subject
Council 27/02/2020	O'Halloran, Amanda O'Halloran, Amanda	New Business Of An Urgent Nature	Out of Budget Expenditure - Security upgrade to One Tree Day Care Service
RESOLUTION 22/20			
Moved: Cr Chris Kloss			
Seconded: Cr Paul White			
That Council approves the unbudgeted expenditure of \$29,390.00 ex GST to improve the security at One Tree Child Care Facility.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 9/0 BY ABSOLUTE MAJORITY			

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Meeting	Officer/Director	Section	Subject
Council 27/02/2020	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	Shire of Derby/West Kimberley Airport Operations
RESOLUTION 31/20			
Moved: Cr Paul White			
Seconded: Cr Andrew Twaddle			
Council approve the actions requested in the body of this report.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Pat Riley			
<u>Against:</u> Nil			
CARRIED 8/0			
<p><i>4 Jun 2020 - 4:09 PM - Amanda O'Halloran</i></p> <p>Revised Target Date changed by: O'Halloran, Amanda From: 12 Mar 2020 To: 27 Aug 2020</p> <p>Reason: This matter in ongoing and have been impacted by COVID -19.</p>			

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Meeting	Officer/Director	Section	Subject
Council 27/02/2020	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confidential)	Review of the Shire of Derby/West Kimberley Organisational Structure
RESOLUTION 33/20			
Moved: Cr Chris Kloss			
Seconded: Cr Paul White			
That Council:			
<ol style="list-style-type: none"> 1. Notes the report of the CEO titled Review of the Shire of Derby/West Kimberley Organisational Structure; 2. Endorses the Organisational Development Strategy and high level Structure as set out by the CEO in the Agenda Report; 3. Gives in principal support to the increase in operational funding required to implement the Organisational Structure as described in the agenda report allowing the CEO to proceed with advertising and recruitment prior to the 2020/21 Annual Budget; 4. Notes that the CEO will be consulting directly with affected Staff, designated Staff consultation mechanisms, relevant unions and wider staff community on the broader organisational development strategy and the proposed organisational structure, and will report back to Council on a 3 monthly basis in an effort to inform and consult; and 5. Notes that the Director of Corporate Services and Sustainability is a Senior Officer in accordance with Section 5.37 of the Local Government Act. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Pat Riley			
<u>Against:</u> Cr Geoff Davis			
CARRIED 7/1			
<p>4 Jun 2020 - 3:32 PM - Amanda O'Halloran</p> <p>Revised Target Date changed by: O'Halloran, Amanda From: 12 Mar 2020 To: 01 Jul 2020</p> <p>Reason: This work is progressing and is on track to be implemented by the 1 July 2020, recruitment will kick off post the 1 July Launch.</p>			

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Meeting	Officer/Director	Section	Subject
Council 26/03/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Proposed Schedule of Dates for Adoption of the 2020/21 Budget
RESOLUTION 41/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Rowena Mouda			
That That Council:			
Agree to the following proposed dates for planning sessions and reports per the following timetable:			
Council Meeting	Location	Workshop	Agenda Item
Audit Committee 14 May 2020 <i>** Recommended all Councils attend</i>	Derby Chambers Council	Capex/ Grants	Nil
Commercial Meeting 21 May 2020 <i>** Recommended all Councils attend</i>	Derby Chambers Council	Rating Strategy/ Modelling	
Council Meeting 28 May 2020 <i>** Recommended all Councils attend</i>	Derby Chambers Council	Fees and Charges Employee Costs	Fees and Charges Employee Costs Proposed Differential Rates and Objects and Reasons
Audit Committee 11 June 2020	Derby Chambers Council	Draft Budget for consideration	Schedule Special Meeting for Early July

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** Recommended all Councils attend			for adoption
Council Meeting 25 June 2020	Fitzroy Crossing Visitors Centre	Draft Budget for consideration – Finalisation	Review Submissions and set Differential Rates
SCM early to mid July	Derby Council Chambers		Adopt Budget

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

Against: Nil

CARRIED 7/0

4 Jun 2020 - 3:31 PM - Amanda O'Halloran

Revised Target Date changed by: O'Halloran, Amanda From: 9 Apr 2020 To: 30 Jul 2020

Reason: This work is ongoing - it is expected the 2020/21 Annual Budget will be presented to Council for Adoption on the 30 July 2020. Currently the Team is on track to facilitate this.

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Meeting	Officer/Director	Section	Subject
Council 30/04/2020	Neate, Wayne O'Halloran, Amanda	Development Services	Department of Biodiversity, Conservation and Attractions, Parks and Wildlife Service - Transfer the management orders for a portion of Reserve 37150 to Gooniyandi Aboriginal Corporation.
<p>RESOLUTION 66/20</p> <p>Moved: Cr Rowena Mouda Seconded: Cr Steve Ross</p> <p>That Council agree in principal to the transfer of a portion of Reserve 37150 to the Gooniyandi Aboriginal Corporation for the purposes of creating a ranger base, administration, park entrance statement and information centre subject to the following;</p> <ol style="list-style-type: none"> 1. That the Department of Biodiversity, Conservation and Attractions requirements are met with the establishment of an ILUA with Gooniyandi Aboriginal Corporation, obtaining relevant statutory approvals and a finding that the land is fit for purpose following a contaminated site investigation, with all costs for these to be met by the Department of Biodiversity, Conservation and Attractions. 2. That the Department of Biodiversity, Conservation and Attractions enter into negotiation regarding costs to fully undertake a contaminated site investigation for the entire reserve 37150 meeting the requirements of the Department of Water and Environmental Regulation with the Shire of Derby/West Kimberley. 3. That the Shire of Derby/West Kimberley be recognised for its role in assisting in the establishment of the Gooniyandi Aboriginal Corporation facility should requirements 1 and 2 be met. 4. Final approval for the transfer of a portion of Reserve 37150 to the Gooniyandi Aboriginal Corporation will come back to Council for a final decision once all of the above has been completed. <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 8/0</p>			

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Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Neate, Wayne O'Halloran, Amanda	Recommendations and Reports of Committees	Wharf Restaurant - Scope and Budget Proposal
RESOLUTION 82/20			
Moved: Cr Chris Kloss			
Seconded: Cr Rowena Mouda			
That the Council;			
<ol style="list-style-type: none"> 1. Commit to the repairs to the existing Wharf Restaurant building. 2. Authorise unbudgeted expenditure from the anticipated 2019/20 budget surplus of \$47,000 to enable the Fence and railing repairs, toilet improvements and a design and scope and final budget to be prepared for the upgrade of the Wharf Restaurant building. 			
<u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 6/0 BY ABSOLUTE MAJORITY			
<p><i>21 Aug 2020 - 9:17 AM - Wayne Neate</i> Revised Target Date changed by: Neate, Wayne From: 11 Jun 2020 To: 11 Dec 2020 Reason: Scope of work has changed due to the requirement to now provide a master plan for the wharf.</p> <p><i>3 Sep 2020 - 2:33 PM - Wayne Neate</i> Revised Target Date changed by: Neate, Wayne From: 11 Dec 2020 To: 11 Dec 2020 Reason: Project currently on hold awaiting master plan or precinct plan for Wharf</p>			

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Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Neate, Wayne O'Halloran, Amanda	Corporate Services	Improvements and Modifications - Derby Library, Council Chambers and Toy Library
RESOLUTION 91/20			
Moved: Cr Geoff Davis			
Seconded: Cr Steve Ross			
That Council:			
<ol style="list-style-type: none"> 1. Authorise the improvements to the Council Chamber, Office and Meeting Room of the Shire President and Councillors as per the plans attached. 2. Authorise the expenditure of \$490,000.00 to be allocated in the 2020/21 budget from the Office Building reserve. 3. Authorise associated upfront payments as required within the approved scope. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			
<i>4 Jun 2020 - 3:30 PM - Carlie McCulloch</i>			
Action reassigned to Neate, Wayne by: McCulloch, Carlie for the reason: Reallocated to Phil - SDWK Project Manager - direct report of Wayne Neate.			
<i>3 Sep 2020 - 2:32 PM - Wayne Neate</i>			
Revised Target Date changed by: Neate, Wayne From: 11 Jun 2020 To: 17 Sep 2020			
Reason: Toy Library improvements have been let to Archer Builders. Work up still continuing on Council Chambers/Library with Architect			

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Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Neate, Wayne O'Halloran, Amanda	Corporate Services	Improvements and Modifications - Derby Administration Office
RESOLUTION 92/20			
Moved: Cr Paul White			
Seconded: Cr Steve Ross			
That Council:			
<ol style="list-style-type: none"> 1. Authorise the improvements to the Derby Administration Office as per the plans attached. 2. Authorise the expenditure of \$140,625.00 to be allocated in the 2020/21 budget from the Office Building reserve. 3. Authorise associated upfront payments as required within the approved scope. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			
<p>4 Jun 2020 - 3:30 PM - Carlie McCulloch Action reassigned to Neate, Wayne by: McCulloch, Carlie for the reason: Reallocated to Phil - SDWK Project Manager - direct report of Wayne Neate. 3 Sep 2020 - 2:30 PM - Wayne Neate Revised Target Date changed by: Neate, Wayne From: 11 Jun 2020 To: 15 Oct 2020 Reason: Design and work up continuing</p>			

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Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Zoetelief, Heather O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	Sundry Debtors Write Off
MOTION Resolution 97/20			
Moved: Cr Chris Kloss			
Seconded: Cr Andrew Twaddle			
That Council by ABSOLUTE MAJORITY;			
1. Write Off unrecoverable Sundry Debtors totalling \$15,489.88 as listed.			
TOTAL OF SUNDRY DEBT WRITE-OFF			
REASON		AMOUNT	
LIBRARY FINES		\$3,230.82	
WASTE MANAGEMENT		\$6,825.00	
WHARF CHARGES		\$1,157.43	
DOG INFRINGEMENT		\$1,585.00	
ANIMAL CONTAINMENT FEES		\$1,580.50	
LITTER INFRINGEMENT		\$1,000.00	
WATER USAGE		\$111.13	
TOTAL		\$15,489.88	
RESOLUTION 97/20			
<u>In Favour:</u>	Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford		
<u>Against:</u>	Nil		

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CARRIED 8/0 BY ABSOLUTE MAJORITY

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Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Neate, Wayne O'Halloran, Amanda	Executive Services	Allocation of Curtin Airport Donga's
RESOLUTION 105/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Paul White			
That Council;			
<ol style="list-style-type: none"> 1. Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 3 to the Friends of Wharfinger House in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained; 2. Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 4 to the Derby Enduro Club in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained; 3. Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 5 to the Derby Golf Club in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained; 4. Advertise notice of intention to dispose of the ex-Curtin Security Block to the Derby Regional Hospital in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained; 5. Note that the Shire is using the remaining two Guard Houses for its own purposes; and 6. Advertise to the wider public for expression of interest for the use of the eight piece medical facility and for any of the other buildings should the disposal of the assets listed in points 1 through to 4 not occur for any reason. 			
In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
Against: Nil			
CARRIED 9/0 BY ABSOLUTE MAJORITY			
<p>3 Sep 2020 - 2:29 PM - Wayne Neate Revised Target Date changed by: Neate, Wayne From: 9 Jul 2020 To: 30 Jul 2020 Reason: All parties have been written to about the allocation of the Dongas and have been requested to write back to Council Accepting the offer - If accepted disposal will be advertised. if not disposal plus extra dongas will be advertised to the public for interest.</p>			

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Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Neate, Wayne O'Halloran, Amanda	Executive Services	User Agreement - Derby Airport Rio Tinto
RESOLUTION 106/20			
Moved: Cr Chris Kloss			
Seconded: Cr Steve Ross			
That Council endorses entering into a user agreement with Rio Tinto for the use of the small security room at the Derby Airport.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 9/0			
<i>3 Sep 2020 - 2:26 PM - Wayne Neate</i>			
Revised Target Date changed by: Neate, Wayne From: 9 Jul 2020 To: 08 Oct 2020			
Reason: MOU has been sent to Rio Tinto for them to process and return			

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Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Neate, Wayne O'Halloran, Amanda	Technical Services	Fitzroy Crossing - Low level Crossing
RESOLUTION 111/20			
Moved: Cr Geoff Davis			
Seconded: Cr Paul White			
That Council;			
<ol style="list-style-type: none"> 1. Include the Fitzroy Crossing Low Level Crossing in the Road Maintenance Strategy 2020-25 with updated pricing for the risk assessment and upgrade works. 2. Close the Fitzroy Crossing Low Level Crossing to all traffic and advertise the decision as per the requirements of the Local Government Act 1995. 3. Instruct Officers to investigate feasible options to close the Fitzroy Crossing Low Level Crossing to traffic but allow access to the banks of the Fitzroy River. 4. Instruct officers to investigate alternative sources of funding for the Low Level Crossing. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 9/0

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Meeting	Officer/Director	Section	Subject
Council 30/07/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Low aromatic fuel rollout - Fitzroy Valley
RESOLUTION 120/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Steve Ross			
That Council support the National Indigenous Australians Agency (NIAA) recommendation that low aromatic fuel be rolled out to the Fitzroy Crossing Town and Fitzroy Valley Communities.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 9/0

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Meeting	Officer/Director	Section	Subject
Council 27/08/2020	Smith, Sarah O'Halloran, Amanda	Executive Services	COVID-19 Relief for Derby and Fitzroy Crossing Airport Operator tenants
<p>RESOLUTION 139/20</p> <p>Moved: Cr Paul White</p> <p>Seconded: Cr Andrew Twaddle</p> <p>That Council, in response to the COVID-19 pandemic and the resulting financial impact on the Shires Derby and Fitzroy Crossing Airport Small Business Operator tenants:</p> <ol style="list-style-type: none"> 1. Waives the rental charges for six months (30 March 2020 until the 29 September 2020) for Derby and Fitzroy Crossing Airport Small Business Operator lease holders with the exception of Air-BP and RFDS (who will be considered separately). 2. Requires that for waivers and/or deferrals of rent for any period beyond 30 September 2020, lessees will be required to provide documented evidence of the percentage reduction in income being suffered by them. 3. Agrees to apply a credit against the account of all lease holders who have paid their rental fees upfront for the period of the State Emergency (from April to September 2020). 4. Notes that Derby and Fitzroy Crossing Airport Small Business Operator tenants will still be responsible for all other terms (outgoings, cleaning, general maintenance, etc.) in accordance with their lease. 5. Notes the loss of income outlined in the report and considering this income loss as part of the 2020/21 annual budget process. <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 9/0 BY ABSOLUTE MAJORITY</p>			

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Meeting	Officer/Director	Section	Subject
Council 27/08/2020	Gehrmann, Philip Martin, Stuart	Executive Services	Wharf Restaurant - Inspection Report and Design Options
RESOLUTION 141/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Pat Riley			
That Council;			
<ol style="list-style-type: none"> 1. Notes the Structural Engineering Report, which outlines options for the design, scope and budget for the upgrade of the Wharf Restaurant Building; 2. Selects Option B (vis. removal of existing structure and rebuilding a similar size structure with design changes to suit site conditions, current design methods and/or tenant requirements as the preferred option for the Wharf Restaurant) as Council's preferred option; 3. Notes from the Structural Engineering Report that the estimated cost for Option B (the removal and rebuilding of the Wharf Restaurant) is \$587,700; 4. That the Commercial Committee support the strategic principle of the development of a Derby Wharf Master Plan as a priority, before committing to any restaurant reconstruction. 5. Requires the CEO to report back to the Commercial Committee at the September Commercial Committee meeting a timeline and progression of the Derby Wharf Master Plan 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 9/0			
<p><i>10 Sep 2020 - 2:24 PM - Philip Gehrmann</i> Revised Target Date changed by: Gehrmann, Philip From: 10 Sep 2020 To: 01 Oct 2020 Reason: Derby Wharf Master Plan development is in progress, Commercial Committee will be provided with an update at the September meeting.</p>			

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Meeting	Officer/Director	Section	Subject
Council 27/08/2020	Lamb, Alan O'Halloran, Amanda	Development Services	Authorisation To Affixing of The Shire of Derby/West Kimberley Common Seal To Notification Under Section 70a Transfer Of Land Act 1893 For Apt Kimberley Wilderness Adventures - Bell Gorge Wilderness Lodge
RESOLUTION 144/20			
Moved: Cr Chris Kloss			
Seconded: Cr Steve Ross			
That Council pursuant to section 9.49A of the Local Government Act 1995, Council resolves to authorise:			
1. The application of the Shire of Derby/West Kimberley Common Seal to the 'Notification under Section 70A, Transfer of Land Act 1893 for APT Kimberley Wilderness Adventures, Bell Gorge Wilderness Lodge', and			
2. The execution of the required documents by the Shire President and Chief Executive Officer			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 9/0 BY ABSOLUTE MAJORITY			
<i>Amendment to resolution made at consensus of the meeting</i>			

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Meeting	Officer/Director	Section	Subject
Council 27/08/2020	Lamb, Alan O'Halloran, Amanda	Development Services	WAD33/2019 Warrwa Combined and WAD16/2019 Warrwa MG
RESOLUTION 147/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Rowena Mouda			
That Council			
<ol style="list-style-type: none"> 1. Approve the Chief Executive Officer to advise the Federal Court that, as the negotiation phase has now come to an end, it no longer wishes to be a party to the WAD33/2019 Warrwa Combined and WAD16/2019 Warrwa MG Native Title Claims but is still an interested observer and wishes to be kept informed to the extent possible. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 9/0

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Meeting	Officer/Director	Section	Subject
Council 27/08/2020	Ryan, Michael O'Halloran, Amanda	Community and Recreation Services	Submission to the Community Sport and Recreation Facility Fund- Marra Worra Worra Aboriginal Corporation
RESOLUTION 149/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Andrew Twaddle			
That Council			
1. ENDORSES the Marra Worra Worra Aboriginal Corporation Community Sporting and Recreation Facilities Fund application as the sole applicant from the Shire of Derby/West Kimberley Local Government Area for consideration by the Department of Local Government, Sport and Cultural Industries.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 9/0			
<i>9 Sep 2020 - 1:05 PM - Michael Ryan</i>			
Notified Melanie MWW of recommendation. Details and letter still to be sent			

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Meeting	Officer/Director	Section	Subject
Council 27/08/2020	Smith, Sarah O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confidential)	AIR - BP LEASE ADJUSTMENT - DERBY AIRPORT
RESOLUTION 153/20			
Moved: Cr Chris Kloss			
Seconded: Cr Steve Ross			
That Council			
<ol style="list-style-type: none"> 1. Agree to a 50% reduction in the Lease payments to the 30 June 2021 with a further review in June 2021 prior to an extension of this arrangement. 2. Waives the rental charges for six months (30 March 2020 until the 29 September 2020) State Emergency Period. 3. Notes that Air-BP will still be responsible for all other terms (outgoings, cleaning, general maintenance, etc.) in accordance with their lease. 4. Agree with Air-BP that should there be changes in usage at the Derby Airport which result in an increase of fuel sales by Air-BP that a review of the lease fees be undertaken. 5. Authorise the Chief Executive Officer to sign the agreement with Air-BP in relation to the modified lease payments. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 9/0

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Meeting	Officer/Director	Section	Subject
Audit Committee 20/08/2020	Zoetelief, Heather O'Halloran, Amanda	Reports	Sundry Debtors Outstanding June 2020
COMMITTEE RESOLUTION AC52/20			
Moved: Cr Keith Bedford			
Seconded: Cr Geoff Davis			
That the Audit Committee RECEIVES the information contained in the reports and notes the Actions being undertaken.			
<u>In Favour:</u>	Crs Geoff Haerewa, Chris Kloss, Paul White, Keith Bedford and Geoff Davis		
<u>Against:</u>	Nil		
			CARRIED 5/0 BY ABSOLUTE MAJORITY

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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Shire of Derby/West Kimberley COVID-19 Local Economic Stimulus
RESOLUTION 157/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Chris Kloss			
That Council approve by Absolute Majority, the following projects to be undertaken through the \$741,830 grant funding Local Roads and Community Infrastructure Program (as included in the 2020/21 Annual Budget):			
Project	Town	Budget	
Wharfinger House Ramp and Fencing	Derby	\$100,000	
Sutherland Street Footpath	Derby	\$120,000	
Shelters and seating at Cemetery	Derby and Fitzroy	\$300,000	
Visitors Centre Revitalisation <ul style="list-style-type: none"> • mural with youth • Improved signage • seating and shelter where appropriate in surrounding reserves • Minor Maintenance on the B 	Fitzroy	\$120,000	
Lane Fencing and Solar Lighting	Derby	\$ 70,000	
Public Toilet Upgrade	Fitzroy Crossing	\$ 31,830	
Total		\$741,830	

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<u>In Favour:</u>	Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford	
<u>Against:</u>	Nil	
		CARRIED 7/0

Outstanding	Division:	Date From:
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	Officer:	Printed: 7 October 2020 12:52 PM

Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Hartley, Neil O'Halloran, Amanda	Executive Services	Purchasing Policy - COVID19 Provision to Increase Tender Amount
RESOLUTION 159/20			
Moved: Cr Steve Ross			
Seconded: Cr Andrew Twaddle			
That Council:			
<ol style="list-style-type: none"> 1. Modify its Policy AF1 – Procurement of Goods and Services, by deleting all instances where “\$150,000” occurs, and replacing it with “\$250,000”; 2. Reconsider this limit when the next Council Policy review is undertaken. 			
<u>In Favour:</u>	Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford		
<u>Against:</u>	Nil		
			CARRIED 7/0

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 7 October 2020 12:52 PM

Meeting	Officer/Director	Section	Subject
Council 30/09/2020	McCulloch, Carlie O'Halloran, Amanda	Executive Services	Change of Date - December Ordinary Council Meeting
RESOLUTION 160/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Andrew Twaddle			
That Council:			
1. Alter the date of the December 2020 Ordinary Meeting of Council from Thursday 17 December 2020, to now occur at 5.30pm on Thursday 10 December 2020 (in the Derby Council Chambers/Public Library); and			
2. Give local public notice of the amendment of meeting time, date and venue as required by the <i>Local Government (Administration) Regulations</i>.			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0			
7 Oct 2020 - 12:51 PM - Carlie McCulloch			
Revised Target Date changed by: McCulloch, Carlie From: 14 Oct 2020 To: 14 Oct 2020			
Reason: Need to place ad in Babbling Boab, Broome Advertiser and update on website.			

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Action Sheets Report	Committee:	Date To:
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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Hartley, Neil O'Halloran, Amanda	Executive Services	Endorsement of Nomination to Kimberley Development Commission - Cr Geoff Haerewa
RESOLUTION 161/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Steve Ross			
That Council confirm for the Minister for Regional Development's consideration as a Local Government representative on the Board of the Kimberley Development Commission:			
<ol style="list-style-type: none"> 1. Cr Geoff Haerewa; and 2. Cr Keith Bedford. 			
<i>*CEO Note: subject to Councillor availability and Council's consideration.</i>			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 7/0

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 7 October 2020 12:52 PM

Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Atkinson, Linda O'Halloran, Amanda	Corporate Services	Accounts for Payment - August 2020
RESOLUTION 162/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Steve Ross			
That Council notes the list of accounts for August 2020 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$2,643,485.73			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 7/0

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 7 October 2020 12:52 PM

Meeting	Officer/Director	Section	Subject
Council 30/09/2020	McCulloch, Carlie O'Halloran, Amanda	Corporate Services	Christmas Closure 2020/21
RESOLUTION 163/20			
Moved: Cr Chris Kloss			
Seconded: Cr Steve Ross			
That Council:			
<ol style="list-style-type: none"> 1. Endorse the proposed Christmas closure from Wednesday 23 December 2020 to Sunday 3 January 2021 as outlined in Table 1 of this report. 2. Notes the Derby and Fitzroy Crossing waste management sites are closed and no kerbside collection will occur on the Christmas Day public holiday. 3. Notes the Derby Memorial Pool Closing Times. 4. Acknowledges that employees will utilise annual or accrued leave for the above periods which are not public holidays; and 5. Notes the above closures are subject to a contingency plan outlining staff required to ensure essential services continue to be provided to the public. 			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0			
<p>7 Oct 2020 - 12:52 PM - Carlie McCulloch</p> <p>Revised Target Date changed by: McCulloch, Carlie From: 14 Oct 2020 To: 14 Oct 2020</p> <p>Reason: Need to update details on website, create poster for public noticeboards in towns/library, create social media advertising of same.</p>			

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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Hartley, Neil O'Halloran, Amanda	Corporate Services	COVID-19 Relief – Marine Produce Australia and Delegation of Authority
RESOLUTION 165/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Steve Ross			
That Council			
<ol style="list-style-type: none"> 1. Advises Marine Produce Australia (MPA) that it does not meet the minimum Mandatory Code of Conduct for Commercial Tenancies revenue loss requirements to require the Shire to waive/defer rental charges for its leases (Jetty Area 2 and Area 3); 2. Confirms that MPA is still responsible for all other lease terms (e.g. outgoings, cleaning, etc.). 3. Provides the CEO with temporary Delegation of Authority (for the period that the Mandatory Code of Conduct for Commercial Tenancies is in place) to enable all future COVID-19 rental/lease assessments to be promptly assessed and applicants quickly advised of the outcome, and for regular reviews to be undertaken and dealt with, conditional on: <ol style="list-style-type: none"> a) all relief provided remaining consistent with the Mandatory Code of Conduct for Commercial Tenancies; b) all waivers and/or deferrals of rent must be supported by suitable documented evidence of the percentage reduction in income suffered (e.g. Business Activity Statements); and c) all other obligations under the relevant lease (by all relevant parties) to continue to apply. 			
<u>In Favour:</u>	Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford		
<u>Against:</u>	Nil		
			CARRIED 7/0

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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Lamb, Alan O'Halloran, Amanda	Development Services	Authorisation To Affixing of The Shire of Derby/West Kimberley Common Seal To Notification Under Section 70a Transfer Of Land Act 1893 For Lot 500 (No.33) Sutherland Street, Derby: Uniting Church Homes
RESOLUTION 167/20			
Moved: Cr Chris Kloss			
Seconded: Cr Rowena Mouda			
That Council pursuant to section 9.49A of the Local Government Act 1995, authorises:			
<p>1. The application of the Shire of Derby/West Kimberley Common Seal to a Notification Under Section 70A form, Transfer of Land Act 1893, as required by a condition of development approval for Lot 500 on Deposited Plan 76129 (Sutherland Street, Derby); and</p> <p>2. The execution of the required documents by the Shire President and Chief Executive Officer</p>			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			

<p>Outstanding</p> <p>Action Sheets Report</p>	<p>Division:</p> <p>Committee:</p> <p>Officer:</p>	<p>Date From:</p> <p>Date To:</p> <p>Printed: 7 October 2020 12:52 PM</p>
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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Mildenhall, Christie O'Halloran, Amanda	Community and Recreation Services	Community Funding Scheme - Policy Review and Operational Guidelines
<p>RESOLUTION 168/20</p> <p>Moved: Cr Andrew Twaddle</p> <p>Seconded: Cr Steve Ross</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Adopts draft policy AF34- Community Funding Scheme as detailed in Attachment 2; 2. Endorses: <ol style="list-style-type: none"> a) The Quick Grants Management Guidelines as detailed in Attachment 3; b) The Community Grants Management Guidelines as detailed in Attachment 4; and c) The Development Grants guidelines as detailed in Attachment 5; 3. Establishes a Community Funding Scheme Working Group to assist with the Shire's funded grant programs and appoints three Councillors (Crs Geoff Davis; Chris Kloss; and Rowena Mouda) the Chief Executive Officer, and Manager Community Development to the Group; and 4. Notes that the Community Funding Scheme Working Group's recommendations for grants will be referred to Council as the decision maker, however where time efficiency is warranted, the Working Group may make it's Quick Grant recommendations directly to the CEO to consider as the decision maker (utilising where required, existing delegation of authority to allocate budgeted funds). <p><u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 7/0</p>			

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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Neate, Wayne O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	Waiving of Rubbish Charges - Mowanjum Aboriginal Corporation
RESOLUTION 170/20			
Moved: Cr Chris Kloss			
Seconded: Cr Andrew Twaddle			
That Council agree to waive \$79,185.65 (being 50%) of the debt incurred by Mowanjum Aboriginal Corporation for waste fees and charges between 1st July 2016 and 30th June 2020.			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 7/0

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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Zoetelief, Heather O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confidential)	Sundry Debtors Write Off
RESOLUTION 171/20			
Moved: Cr Chris Kloss			
Seconded: Cr Andrew Twaddle			
That Council write off \$15,290.60 as unrecoverable, from Sundry Debtor, Broome Air Services Pty Ltd (in liquidation).			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			

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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Hartley, Neil O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	Telecommunications Services for the Shire of Derby/West Kimberley and Notice of Revocation
RESOLUTION 172/20			
Moved: Cr Chris Kloss			
Seconded: Cr Geoff Davis			
That Council			
<ol style="list-style-type: none"> 1. By Absolute Majority, revokes its 30th July 2020 Council Meeting resolution 134/20, and 2. Progresses the matter of a telecommunications contract for the Shire of Derby/West Kimberley as follows: <ol style="list-style-type: none"> a. <i>Notes the communications from Third Space advising that a contract limited to \$250,000 did not allow it to propose a commercially viable submission, but that it would consider competing for any quotation for the provision of a longer term telecommunications service to the Shire, if called in the future; and</i> b. <i>Endorses the Chief Executive Officer's proposal to arrange the invitation of quotation for a telecommunications service (through the WALGA Preferred Supplier system) and refer the assessment to Council once it is available, for decision.</i> 			
<u>In Favour:</u>	Crs Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford		
<u>Against:</u>	Nil		
CARRIED 6/0 BY ABSOLUTE MAJORITYCARRIED BY ABSOLUTE MAJORITY			

<p>Outstanding</p> <p>Action Sheets Report</p>	<p>Division:</p> <p>Committee:</p> <p>Officer:</p>	<p>Date From:</p> <p>Date To:</p> <p>Printed: 7 October 2020 12:52 PM</p>
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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Hartley, Neil O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	Derby Port Development Lease with WGPL Property No 3 Pty Ltd and ACE Infrastructure Pty Ltd - Land Area Modification
<p>RESOLUTION 173/20</p> <p>Moved: Cr Chris Kloss</p> <p>Seconded: Cr Keith Bedford</p> <p>That Council,</p> <ol style="list-style-type: none"> 1. Gives four weeks' notice (as per the expired lease) to Colonial Marine Consultants, that the Shire of Derby/West Kimberley requires it to yield up the currently leased premises at the Derby Port precinct (vis. part of Reserve 26818); 2. Notifies the Sublessees (WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD), that the Notice of a Force Majeure impact ceased as of 29 September 2020 and that Milestone deadline dates will accordingly be extended by six months; 3. Notes that the classification of the land transaction does not require a business case and public advertising under Section 3.59 (Commercial enterprises by local governments) of the Local Government Act; 4. Supports a <u>new</u> sub-lease (with the proposed total area as outlined in Attachment 1) being progressed for consideration as per Local Government Act Section 3.58 (Disposal of Property) subject to the Sublessee's prior agreement to: <ol style="list-style-type: none"> a. meet all costs relating to the new proposal (including Section 3.58 documentation preparation and assessment; legal fees and legal advice on this and other impacted leases/agreements; advertising; consultants; and administration; etc); b. setting the annual lease fee at \$34,000 + CPI; c. new (replacement) sub-lease being prepared by the Shire's legal advisors and for that document to suitably protect the Shire of Derby/West Kimberley's interests, including (but not limited to): <ol style="list-style-type: none"> i. aligning the Shire's risk levels to the legal advice previously received; ii. more definitive milestones, timelines, and performance requirements; iii. incorporating sub-lease provisions that will "carry through" and be enforceable in the eventual Warburton/Ace arrangement with the state government/Kimberley Port Authority, including but not limited to: 			

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- appropriate action being required by the sub-lessee (or compensation) should the new Warburton/Ace port facility/operations directly result in adverse environmental, property, financial, or any other impacts being suffered by the current Derby Port); and
 - an annual rental fee to be payable to the Shire for all land extracted from the Shire’s head-lease with the state government (at \$5.00/m² per annum in 2020 +CPI) for the period between that land being extracted and property’s eventual development (but to be reduced by any payment of normal local government rates on the specific developed area);
5. Requires the CEO to facilitate agreement on the items in (4) above with Warburton/Ace, and following that, requires the CEO to undertake a comprehensive community consultation process, including providing 35 days for public advertising, and particularly inviting the views of the community on the potential loss/relocation of the “back boat ramp” facility; the Jetty Walk; and the Derby Volunteer Marine Rescue Group’s land/headquarters; and
6. Confirms that a final determination on the above will be made by Council following the acceptance and completion of (1) to (5) above; the S3.58 (Disposing of Property) statutory processes being concluded (but with a 35 day advertising period); and a report being presented to it.
- In Favour: Crs Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford
- Against: Nil
- CARRIED 6/0 BY ABSOLUTE MAJORITY**

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Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Gugeri, Emma O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confidential)	A800372 - Write off Rates and Interest Charges
RESOLUTION 175/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Steve Ross			
That Council:			
<ol style="list-style-type: none"> 1. notes that the Kimberley Diamond Co NL held mining tenement A800372 M04/372 and is now in liquidation, and a first and final dividend (of \$36,219.92) has been received; and 2. writes off the balance of rates, charges and penalty interest levied and accrued on mining tenement A800372 M04/372 (of \$426,749.07). 			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			

6.5 COMPLIANCE REPORTS - COUNCILLOR MEETING ATTENDANCE**File Number:** 4262 - Status Reports**Author:** Carlie McCulloch, Executive Services Coordinator**Responsible Officer:** Amanda O'Halloran, Chief Executive Officer**Authority/Discretion:** Information**SUMMARY**

For the Committee to receive the information provided in the attached report and provide strategic direction as required.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Terms of Reference for the Compliance and Strategic Review Committee (now Audit Committee) adopted on 26 March 2015 detail the key role the Committee holds in assisting the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

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***

2.25. Disqualification for failure to attend meetings

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
4: Good governance and effective organisation	4.1: Effective governance and leadership	4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role 4.1.8: Develop and maintain risk management policies and procedures

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

Nil

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Councillor Meeting Attendance Table - October 2020**  

COMMITTEE RESOLUTION AC58/20

Moved: Cr Keith Bedford

Seconded: Cr Chris Kloss

That the Audit Committee RECEIVES the information contained in the report detailing Councillor meeting attendance.

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0



MEETING ATTENDANCE

The following table provides information on attendance at the 2020 Ordinary and Special Council Meetings:

Councillor	4 Feb 2020	27 Feb 2020	26 Mar 2020	30 Apr 2020	28 May 2020	25 Jun 2020	30 Jul 2020	27 Aug 2020	24 Sep 2020	29 Oct 2020	26 Nov 2020	17 Dec 2020
	AGM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM
P White	✓	✓	✓	✓	✓	✓	✓	✓	A			
G Haerewa	✓	✓	✓	✓	✓	✓	✓	✓	✓			
C Kloss		✓	✓	✓	✓	✓	✓	✓	✓			
R Mouda	✓	✓	✓	✓	✓	✓	✓	✓	✓			
S Ross	✓	✓	LOA	✓	✓	✓	✓	✓	✓			
A Twaddle	✓	✓	✓	✓	✓	✓	✓	✓	✓			
G Davis		✓	✓	✓	✓	✓	✓	✓	✓			
P Riley		✓	LOA	LOA	LOA	✓	✓	✓	A			
K Bedford		✓	✓	✓	✓	✓	✓	✓	✓			

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7 NEW BUSINESS OF AN URGENT NATURE

8 NEW AND EMERGING ITEMS FOR DISCUSSION

9 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)**COMMITTEE RESOLUTION AC59/20****Moved: Cr Geoff Haerewa****Seconded: Cr Chris Kloss**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0**COMMITTEE RESOLUTION AC60/20****Moved: Cr Chris Kloss****Seconded: Cr Geoff Haerewa****9.1 SUNDRY DEBTORS OUTSTANDING AUGUST 2020**

This matter is considered to be confidential under Section 5.23(2) - b, e(ii) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

That the Audit Committee:

- 1. Receives the information contained in the Sundry Debtors Outstanding Report to the end of August 2020.**
- 2. Recommends Council receives Sundry Debtors Outstanding Report to the end of August 2020.**

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0**COMMITTEE RESOLUTION AC61/20****Moved: Cr Geoff Haerewa****Seconded: Cr Chris Kloss****9.2 Rates Outstanding August 2020**

This matter is considered to be confidential under Section 5.23(2) - b, e(ii) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, a matter that if disclosed, would reveal information that has a commercial value to a

person, where the information is held by, or is about, a person other than the local government and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

That the Audit Committee:

- 1. Reviews the report on outstanding rate and service charge debt by financial year to the end of August 2020.**
- 2. Note the intention to more actively pursue debt collection in accordance with Council policies AF19 – OUTSTANDING RATES COLLECTION POLICY and COVID-19 FINANCIAL HARDSHIP POLICY – As adopted Resolution 56/20 30 April, 2020.**
- 3. Recommends that Council receives the report on outstanding rate and service charge debt by financial year to the end of August 2020.**

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0

COMMITTEE RESOLUTION AC62/20

Moved: Cr Geoff Haerewa

Seconded: Cr Chris Kloss

9.3 Rates Outstanding September 2020

This matter is considered to be confidential under Section 5.23(2) - b, e(ii) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

That the Audit Committee:

- 1. Reviews the report on outstanding rate and service charge debt by financial year to the end of September 2020.**
- 2. Note the intention to more actively pursue debt collection in accordance with Council policies AF19 – OUTSTANDING RATES COLLECTION POLICY and COVID-19 FINANCIAL HARDSHIP POLICY – As adopted Resolution 56/20 30 April, 2020.**
- 3. Recommends that Council receives the report on outstanding rate and service charge debt by financial year to the end of September 2020.**

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0

COMMITTEE RESOLUTION AC63/20**Moved: Cr Chris Kloss****Seconded: Cr Geoff Haerewa****9.4 SUNDRY DEBTORS OUTSTANDING SEPTEMBER 2020**

This matter is considered to be confidential under Section 5.23(2) - b, e(ii) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0**COMMITTEE RESOLUTION AC64/20****Moved: Cr Geoff Haerewa****Seconded: Cr Chris Kloss**

That Council moves out of Closed Council into Open Council.

In Favour: Crs Geoff Haerewa, Chris Kloss, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0

10 DATE OF NEXT MEETING

The next meeting of Audit Committee will be held Thursday, 12 November 2020 in the Council Chambers, Clarendon Street, Derby.

11 CLOSURE OF MEETING

The Presiding Member closed the meeting at 1.29pm.

These minutes were confirmed at a meeting on

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Signed:

Presiding Person at the meeting at which these minutes were confirmed.

Date: