



**Shire of Derby /
West Kimberley**

UNCONFIRMED MINUTES

Audit Committee Meeting

Thursday, 16 April 2020

Date: Thursday, 16 April 2020

Time: 4.00pm

**Location: Council Chambers
Clarendon Street
Derby**



Order Of Business

1	Declaration of Opening, Announcement of Visitors.....	4
3	Announcements by Presiding Person without Discussion	4
4	Disclosure of Interests	4
4.1	Declaration of Financial Interests	4
4.2	Declaration of Proximity Interests	4
4.3	Declaration of Impartiality Interests.....	5
5	Confirmation of Minutes of Previous Meetings	5
6	Reports	6
6.1	Compliance Reports - Council Minute Management.....	6
6.2	Compliance Report - Use of Delegations	26
6.3	Use of Common Seal	33
6.4	Compliance Reports - Councillor Meeting Attendance.....	40
7	New Business of an Urgent Nature	43
8	New and Emerging Items for Discussion.....	43
9	Date of Next Meeting	43
10	Closure of Meeting	43

**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
AUDIT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY
ON THURSDAY, 16 APRIL 2020 AT 4.00PM**

- PRESENT:** Cr Geoff Haerewa (Shire President), Cr Chris Kloss, Cr Paul White (Deputy Shire President)
- IN ATTENDANCE:** Cr Andrew Twaddle, Amanda O'Halloran (Chief Executive Officer), Danielle Hurstfield (Manager Administration and Governance), Wayne Neate (Director Technical and Development Services), Carlie McCulloch (Executive Services Coordinator)
- VISITORS:** Nil
- GALLERY:** Nil
- APOLOGIES:** Nil
- APPROVED LEAVE OF ABSENCE:** Cr Pat Riley
- ABSENT:** Cr Keith Bedford

1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 4.00pm by Shire President.

2 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

3 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.

3.1 Declaration of Financial Interests

Nil

3.2 Declaration of Proximity Interests

Nil

3.3 Declaration of Impartiality Interests

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE RESOLUTION AC15/20

Moved: Cr Paul White

Seconded: Cr Geoff Haerewa

That the Minutes of the Audit Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 12 March 2020 be CONFIRMED.

In Favour: Crs Geoff Haerewa, Chris Kloss and Paul White

Against: Nil

CARRIED 3/0

5 REPORTS**6.1 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 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.

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. **Minute Management - Outstanding April 2020**  

<p>COMMITTEE RESOLUTION AC16/20</p> <p>Moved: Cr Geoff Haerewa Seconded: Cr Chris Kloss</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 and Paul White</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 3/0</p>

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

Meeting	Officer/Director	Section	Subject
Council 18/04/2019	Attwood, John O'Halloran, Amanda	Executive Services	Memorandum of Understanding - Derby Airport
RESOLUTION 28/19			
Moved: Cr Paul White			
Seconded: Cr Chris Kloss			
That Council			
1. Defer this item until such time as negotiations are completed to the satisfaction of Council.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Denise Andrews, Peter Coggins, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle			
<u>Against:</u> Nil			
			CARRIED 8/0

Meeting	Officer/Director	Section	Subject
Council 18/04/2019	Myers, Noel O'Halloran, Amanda	Development Services	Bell Gorge Wilderness CAmp
RESOLUTION 34/19			
Moved: Cr Chris Kloss			
Seconded: Cr Paul White			
1. That Council by Absolute Majority delegates authority to the Chief Executive Officer to issue Development Approval for the Alterations and Additions to the Bell Gorge Wilderness Camp located on portion of Reserve 40571, Lot 216 Gibb River Road as shown on the application and plans subject to the following conditions;			
(a) Receipt and confirmation from the Department Fire and Emergency Services that they have endorsed both the Bushfire Management and Bushfire Emergency Plans as they apply to the subject development;			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

(b) All development being consistent with the advice and recommendations of Department of Fire and Emergency Services endorsed Bushfire Management and Bushfire Emergency Plans.

In Favour: Crs Geoff Haerewa, Paul White, Denise Andrews, Peter Coggins, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle

Against: Nil

CARRIED 8/0

Meeting	Officer/Director	Section	Subject
Council 31/10/2019	Neate, Wayne Hurstfield, Danielle	Executive Services	New road dedication - Sandford Rd Fitzroy Crossing
RESOLUTION 125/19			
Moved: Cr Andrew Twaddle			
Seconded: Cr Chris Kloss			
<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 			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

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.

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

Meeting	Officer/Director	Section	Subject
Council 21/11/2019	Hurstfield, Chris Neate, Wayne	Technical Services	Emergency Repairs - Collapsed Culverts Blina Road
RESOLUTION 143/19			
Moved: Cr Paul White			
Seconded: Cr Andrew Twaddle			
That Council			
1. Amends the 2019/20 budget to include expenditure of \$100,000 to undertake the removal of the damaged culverts on Blina Rd and reconstruct the road pavement with cement stabilised floodways.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			
<small>5 Dec 2019 - 10:46 AM - Chris Hurstfield E-Quotes called for repairs - closing 1700 13 December 2019.</small>			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

Meeting	Officer/Director	Section	Subject
Council 21/11/2019	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confidential)	Derby Wharf Cafe Lease - Spring High Pty Ltd
RESOLUTION 147/19			
Moved: Cr Chris Kloss			
Seconded: Cr Geoff Davis			
That Council by Absolute Majority pursuant to Section 3.58 of the Local Government Act			
1.			
a) Do not negotiate an extension with the current Lessee.			
b) Instruct the CEO to continue to negotiate with the Lessee regarding maintenance issues and costs			
c) Instruct the CEO to initiate the formal leasing process for the Derby Wharf Café			
d) Instruct the CEO to develop a Maintenance Plan and associated budget for the Derby Wharf Café and report back to Council for approval and scope endorsement.			
 <u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle and Rowena Mouda			
<u>Against:</u> Cr Keith Bedford			
CARRIED 5/1			
Amended by the agreement of Council to ensure the recommendation was clear and could stand alone.			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

Meeting	Officer/Director	Section	Subject
Council 12/12/2019	Neate, Wayne Hurstfield, Danielle	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

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

Meeting	Officer/Director	Section	Subject
Council 12/12/2019	Neate, Wayne Hurstfield, Danielle	Matters for which the Meeting May Be Closed (Confi)	Air BP
RESOLUTION 172/19			
Moved: Cr Paul White			
Seconded: Cr Chris Kloss			
That Council			
<ol style="list-style-type: none"> 1. Approve the Shire taking on the provision of fuel services at the Derby Airport for Air BP in the interests of economic development for Derby and the Region. 2. As per the commercial specifics of this report delegate the CEO to negotiate an acceptable contract with Air BP for an initial 12 month trial with a full review to be undertaken at that time. 3. Report to Council quarterly on the financial and resourcing aspects of the operation for their consideration. 			
<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

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

Meeting	Officer/Director	Section	Subject
Council 12/12/2019	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	Derby Wharf Cafe
RESOLUTION 174/19			
Moved: Cr Chris Kloss			
Seconded: Cr Steve Ross			
That with respect to the matter the subject of this report, Council adopt the Officer recommendation contained in the body of the report.			
<u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			

Meeting	Officer/Director	Section	Subject
Commercial Committee 20/02/2020	Neate, Wayne Hurstfield, Danielle	Reports	Derby Wharf - Maintenance report
COMMITTEE RESOLUTION CC03/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Geoff Haerewa			
That the Commercial Committee notes:			
<ol style="list-style-type: none"> 1. The information contained in this report; and 2. The final Maintenance Report be included in the Ports Position Paper to be presented to Council at a later date. 			
<u>In Favour:</u> Crs Geoff Haerewa, Rowena Mouda, Andrew Twaddle and Chris Kloss			
<u>Against:</u> Nil			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

CARRIED 4/0

Meeting	Officer/Director	Section	Subject
Council 27/02/2020	Church, Madison O'Halloran, Amanda	Community and Recreation Services	Playground - Derby Memorial Swimming Pool
RESOLUTION 19/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Steve Ross			
That Council approve the removal of the Derby Aquatic Centre Playground			
<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>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: 9 April 2020 1:19 PM</p>
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Meeting	Officer/Director	Section	Subject
Council 27/02/2020	Church, Madison O'Halloran, Amanda	New Business Of An Urgent Nature	Derby Police - Wednesday Night Soccer
<p>RESOLUTION 21/20</p> <p>Moved: Cr Paul White</p> <p>Seconded: Cr Steve Ross</p> <p>That Council</p> <ol style="list-style-type: none"> 1. Approves the waiver of fees for the Derby Police – Wednesday Night Soccer Programs ran at the Derby town Oval (Nicholson Square) for the year 2020. Dates, days and times as follows <ul style="list-style-type: none"> Term 1: 3 February 2020 – 09 April 2020 Wednesday – 6.00pm – 7.30pm Term 2: 28 April 2020 – 03 July 2020 Wednesday – 6.00pm – 7.30pm Term 3: 20 July 2020 – 25 September 2020 Wednesday – 6.00pm – 7.30pm Term 4: 12 October 2020 – 17 December 2020 Wednesday – 6.00pm – 7.30pm 2. Derby Police will be responsible for the insurance and/or any other extra cost associated with the running of the Wednesday Night Soccer Program. 3. Derby Police will be responsible for notifying the Shire of Derby/West Kimberley should they decide to cease running the Wednesday Night Soccer Program during the year 2020. 4. Derby Police will be responsible for the booking of the Derby Town Oval through the Shires Administration building and must adhere to all Shire of Derby/West Kimberley Facility use Terms and Conditions. 5. Derby Police note that should the Soccer formalise into a 'club' at that point they will be required to enter into a user agreement as is common practice for all clubs and may incur fees and charges from that point. 			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

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

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			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

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

Meeting	Officer/Director	Section	Subject
Council 27/02/2020	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	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; 			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

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.

In Favour: Crs Geoff Haerewa, Paul White, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Pat Riley

Against: Cr Geoff Davis

CARRIED 7/1

Meeting	Officer/Director	Section	Subject
Audit Committee 12/03/2020	Henry, Myra Hurstfield, Danielle	Reports	2019-20 Mid-Year Budget Review
COMMITTEE RESOLUTION AC11/20			
Moved: Cr Chris Kloss			
Seconded: Cr Paul White			
That the Committee:			
1. Notes the 2019-20 Interim Mid-Year Budget Review, forming attachment 1.			
<u>In Favour:</u> Crs Geoff Haerewa, Chris Kloss, Paul White and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 4/0			
<small>8 Apr 2020 - 2:22 PM - Myra Henry This item has been moved to OCM 30 April due to needing to use 31/03/2020 review dates.</small>			

Meeting	Officer/Director	Section	Subject
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Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

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 Council Chambers	Capex/ Grants	Nil
Commercial Meeting 21 May 2020 <i>** Recommended all Councils attend</i>	Derby Council Chambers	Rating Strategy/ Modelling	
Council Meeting 28 May 2020 <i>** Recommended all Councils attend</i>	Derby Council Chambers	Fees and Charges Employee Costs	Fees and Charges Employee Costs Proposed Differential Rates and Objects and Reasons
Audit Committee 11 June 2020 <i>** Recommended all</i>	Derby Council Chambers	Draft Budget for consideration	Schedule Special Meeting for Early July for adoption

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

Councils attend			
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

Meeting	Officer/Director	Section	Subject
Council 26/03/2020	Henry, Myra Hurstfield, Danielle	Corporate Services	Budget Amendments
RECOMMENDATION			
That Council amends the budget to reflect overspends and new grant income and expenditure as per the below table;			
Description	Increase/(Decrease)	Comment	
Governance			
Strategic Planning	\$ 20,000.00	Expense - Increase Strategic planning cost This has been funded by the DLGSCI	
Education and Welfare			
Youth Programs	\$ 50,000.00	Expense - Increase to Youth expansion	

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

		programs
Youth Programs	\$ 50,000.00	Income – Youth Targeted Participation Program
New Grant Youth income – Juvenile Justice	\$ 150,000.00	Income – Increase - New Grant - Juvenile Justice Fitzroy and Derby \$75,000 per program
New Grant Youth Expense – Juvenile Justice	\$ 150,000.00	Expense – Increase - Corresponding Expense Juvenile Justice Fitzroy and Derby –New Grant
Recreation and Culture		
Recreation Program	\$ 10,000.00	Expense – Increase – Recreation Program – Funding provided by Every Club Funding and to be utilised to support club participation
Transport		
Flood Damage Council contribution Events Expenses	\$ 100,000.00	Expense – Increase - Council contribution to Flood Damage expenditure. As per program guidelines.
Flood Damage Income recoups	\$ 292,455.00	Income – Increase - Council are starting to receive recoups from prior year’s expenditure this will be monitored and may allow for a council to include more capital expenditure in the 20-21 Budget.
Other Properties and Services		
Consultants	\$ 200,000.00	Expense – Consultancy services were estimated to be \$60,000 in the 19/20 Annual Budget, however due to difficulty recruiting many services have been provided by Contractors and Labour Hire Services, equally

Outstanding	Division:	Date From:
	Committee:	Date To:
Action Sheets Report	Officer:	Printed: 9 April 2020 1:19 PM

		the Shire is continuing to utilise contracted Finance services to support the Finance team to deliver services such as a Rate review, budget review, administration allocations review and strategic planning. The impact on the budget in this regard is minimal as the employee costs are anticipated to have a correlating underspend.
IT Cost	\$ 150,000.00	Increased IT expenditure, when preparing the 19/20 Budget \$460,085 was thought to include all of Councils software and program costs unfortunately services like payroll support – IT Vision, Synergy subscriptions etc where not included in the IT budget, this was an oversight which occurred due to Staff changes.
Reserve	\$ 30,000.00	Income - Need to increase transfer from Leave Reserve from \$20,000 to \$50,000 to cover long service leave taken by staff.

8 Apr 2020 - 2:24 PM - Myra Henry

This item has been moved to the OCM 30 April due to more information required from the Budget Review as well as needing to provide further information to Councillors.

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

Meeting	Officer/Director	Section	Subject
Council 26/03/2020	Kaweme, Natasha Martin, Stuart	Development Services	Application for Traders Permit – Bushy’s Coffee Van
RESOLUTION 45/20			
Moved: Cr Chris Kloss			
Seconded: Cr Rowena Mouda			
<ul style="list-style-type: none"> - That Council approve the application by Bushy’s Coffee Van be, subject to the following conditions: - Trading activity be restricted to the “Industrial Area” and any other areas beyond 300mtrs of established businesses offering a similar service; - Trading at Thursday Night Markets and Saturday Markets is permitted; - Only the products listed by the applicant in Section 7 of the application can be offered; and - The Trading Permit is for a period of 12 months from date of approval. 			
<u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 6/0

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 9 April 2020 1:19 PM

Meeting	Officer/Director	Section	Subject
Council 26/03/2020	Church, Madison O'Halloran, Amanda	Community and Recreation Services	Derby Memorial Swimming Pool - Shut Down Closure
RESOLUTION 46/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Paul White			
That Council			
<ol style="list-style-type: none"> 1. Endorse the proposed Derby Memorial Swimming Pool Shut down Closure from Monday, 19 July 2020 to Friday, 28 August 2020. 2. Acknowledge that the Aquatic and Recreation Team accumulate overtime costing the shire. To reduce the overtime pay for the 2020/21 financial year, the Aquatic and Recreation team will create a deficit in their annual hours to be made up throughout the year. 3. Acknowledge that the Aquatic and Recreation Team may be expected to complete staff training and professional development during the shutdown period as part of their job requirement. 4. Note the above closure is subject to a contingency plan where the aquatic and recreation team member rotate their availability in town should they be required to advice in the event of an emergency. 5. Note the above closure is subject to the approved 2020/21 Financial budget for recommended works and inspections to be completed. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 7/0

6.2 COMPLIANCE REPORT - USE OF DELEGATIONS

File Number: 4262 - Status Reports

Author: Danielle Hurstfield, Manager Administration and Governance

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Information

SUMMARY

For the Committee to receive the information detailing the use of the Common Seal and actions performed under delegated authority requiring referral to Council for the month of March 2020.

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.

In accordance with sections 5.16 and 5.42 of the Act, a local government can delegate certain functions to a committee of Council, or to the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers. The Chief Executive Officer's statutory powers and duties under the Act and any powers or duties delegated by the Council can be further delegated by the Chief Executive Officer to other officers of Council. Delegation details must be recorded in a register, which is available for inspection by the public.

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

(1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
- (a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

- (1) *A local government can delegate —*
- (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
 - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) *any other power or duty that is prescribed;*
- And*
- (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
 - (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under*
- (a) *this Act other than those referred to in section 5.43.*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5)*

** Absolute majority required.*

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

5.43. Limits on delegations to CEO

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

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
- (a) *The CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3) (b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
- conditions includes qualifications, limitations or exceptions.*

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
- (a) *A delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
- (a) *A local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *A CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Regulation 19 of the Local Government (Administration) Regulations relates to records to be kept of delegations exercised.

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Building Act 2011 section 127

Bush Fires Act 1954 section 48

Cat Act 2011 section 44

Dog Act 1976 section 10AA

Food Act 2008 section 118

Public Health Act 2016 section 21

Road Traffic (Events on Roads) Regulations 1991

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

The attached register details there was one action performed under delegation during March 2020.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Use of Delegations - March 2020  

COMMITTEE RESOLUTION AC17/20

Moved: Cr Paul White

Seconded: Cr Chris Kloss

That the Audit Committee RECEIVES the information contained in this item and attached register detailing the use of delegations of authority.

In Favour: Crs Geoff Haerewa, Chris Kloss and Paul White

Against: Nil

CARRIED 3/0



Records of exercise of delegated powers or duties

Reference	Function	Category	Officer	Date of decision	Decision	Description	Person or classes of persons	Address	Details	Comments
A11	AFFIXING THE COMMON SEAL	Administration	CEO	3 Mar 2020	Granted	Deed of Licence (Non - Communication Licence Agreement)	Public	---	Deed of Licence (Non - Communication Licence Agreement) Minute Number 18/20 OCM 27/02/2020	---

6.3 USE OF COMMON SEAL

File Number: 4110 - Internal Audit

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 detailing the use of the Common Seal requiring referral to Council for the month of March 2020.

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.

In accordance with sections 5.16 and 5.42 of the Act, a local government can delegate certain functions to a committee of Council, or to the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers. The Chief Executive Officer's statutory powers and duties under the Act and any powers or duties delegated by the Council can be further delegated by the Chief Executive Officer to other officers of Council. Delegation details must be recorded in a register, which is available for inspection by the public.

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

(1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
- (a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

- (1) *A local government can delegate —*
- (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
 - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) *any other power or duty that is prescribed;*
- And*
- (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
 - (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under*
- (a) *this Act other than those referred to in section 5.43.*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5)*

** Absolute majority required.*

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

5.43. Limits on delegations to CEO

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

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
- (a) *The CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3) (b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
- (a) *A delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
- (a) *A local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *A CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Regulation 19 of the Local Government (Administration) Regulations relates to records to be kept of delegations exercised.

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Building Act 2011 section 127

Bush Fires Act 1954 section 48

Cat Act 2011 section 44

Dog Act 1976 section 10AA

Food Act 2008 section 118

Public Health Act 2016 section 21

Road Traffic (Events on Roads) Regulations 1991

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

The Council Seal has been applied on one occasion in March 2020.

The attached register details the action performed under delegation during March 2020.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Use of Common Seal - March 2020  

<p>COMMITTEE RESOLUTION AC18/20</p> <p>Moved: Cr Chris Kloss Seconded: Cr Paul White</p> <p>That the Audit Committee RECEIVES the information contained in this item and attached register detailing the use of Common Seal.</p> <p><u>In Favour:</u> Crs Geoff Haerewa, Chris Kloss and Paul White</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 3/0</p>
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Records of exercise of delegated powers or duties

Reference	Function	Category	Officer	Date of decision	Decision	Description	Person or classes of persons	Address	Details	Comments
A11	AFFIXING THE COMMON SEAL	Administration	CEO	3 Mar 2020	Granted	Deed of Licence (Non - Communication Licence Agreement)	Public	---	Deed of Licence (Non - Communication Licence Agreement) Minute Number 18/20 OCM 27/02/2020	---

6.4 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.

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. Meeting Attendance Table - April 2020  

<p>COMMITTEE RESOLUTION AC19/20</p> <p>Moved: Cr Paul White</p> <p>Seconded: Cr Chris Kloss</p> <p>That the Audit Committee RECEIVES the information contained in the report detailing Councillor meeting attendance.</p> <p><u>In Favour:</u> Crs Geoff Haerewa, Chris Kloss and Paul White</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 3/0</p>
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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	✓	✓	✓									
G Haerewa	✓	✓	✓									
C Kloss		✓	✓									
R Mouda	✓	✓	✓									
S Ross	✓	✓	LOA									
A Twaddle	✓	✓	✓									
G Davis		✓	✓									
P Riley		✓	LOA									
K Bedford		✓	✓									

Derby

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 sdwk@sdwk.wa.gov.au | PO Box 94, Derby WA 6728

Fitzroy Crossing

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6 NEW BUSINESS OF AN URGENT NATURE

Nil

7 NEW AND EMERGING ITEMS FOR DISCUSSION

Nil

8 DATE OF NEXT MEETING

The next meeting of Audit Committee will be held Thursday, 14 May 2020 in the Library, Fitzroy Crossing.

9 CLOSURE OF MEETING

The Presiding Member closed the meeting at 4.12pm.

These minutes were confirmed at a meeting on

.....

Signed:

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

Date: