



**Shire of Derby /
West Kimberley**

AGENDA

Audit Committee Meeting Thursday, 11 June 2020

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

Date: Thursday, 11 June 2020

Time: 4.00pm

**Location: Council Chambers
Clarendon Street
Derby**

Amanda O'Halloran Chief Executive Officer



Order Of Business

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1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**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.

3 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION AND PRESENTATIONS**3.1 Presentation: Stewart Innes, Team Leader – Governance, Delegations****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****5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RECOMMENDATION**

That the Minutes of the Audit Committee Meeting held at the Council Chambers, Derby, on 14 May 2020 be CONFIRMED.

6 REPORTS

6.1 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. Councillor Meeting Attendance Table - June 2020  

RECOMMENDATION

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



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	LOA	LOA							
K Bedford		✓	✓	✓	✓							

Derby

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

Fitzroy Crossing

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

ABN: 99 934 203 062

www.sdwk.wa.gov.au

6.2 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.

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. **Outstanding Actions List_June2020**  
2. **Completed Action Items since May Audit Committee Meeting_June2020**  

RECOMMENDATION

That the Audit Committee RECEIVES the information contained in the report detailing Council Minute management.

<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: 5 June 2020 8:41 AM</p>
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Meeting	Officer/Director	Section	Subject
Council 18/04/2019	Lamb, Alan O'Halloran, Amanda	Development Services	Bell Gorge Wilderness CAmp
<p>RESOLUTION 34/19</p> <p>Moved: Cr Chris Kloss</p> <p>Seconded: Cr Paul White</p> <p>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;</p> <p style="padding-left: 40px;">(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;</p> <p style="padding-left: 40px;">(b) All development being consistent with the advice and recommendations of Department of Fire and Emergency Services endorsed Bushfire Management and Bushfire Emergency Plans.</p> <p>In Favour: Crs Geoff Haerewa, Paul White, Denise Andrews, Peter Coggins, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle</p> <p>Against: Nil</p> <p style="text-align: right;">CARRIED 8/0</p> <p><i>8 May 2020 - 9:55 AM - Carlie McCulloch</i></p> <p>Action reassigned to Lamb, Alan by: McCulloch, Carlie for the reason: Noel Myers left SDWK</p> <p><i>8 May 2020 - 10:52 AM - Alan Lamb</i></p> <p>2/5/2020 - Developer provided the following update:</p> <ul style="list-style-type: none"> • The main facility and tent structures are all in place (just some finishing touches and furniture required) • Application for Occupancy Permit is currently with DPLH (ALT) for sign off as the land owner • McLeods Solicitors are currently acting for the Derby Shire to have the Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP) lodged with the Register • Sign off by the Derby Shire will be required once the above two items are attended to • Once Derby Shire have signed off RGL will provide final approval on the realigned licenced area • APT to can then open the doors and operate. 			

<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: 5 June 2020 8:41 AM</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 Action Sheets Report	Division: Committee: Officer:	Date From: Date To: Printed: 5 June 2020 8:41 AM
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	CARRIED 9/0
No update – Officer to provide update at next Audit Committee	

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:41 AM

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
No update – Officer to provide update at next Audit Committee			

Outstanding	Division:	Date From:
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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			
No update – Officer to provide update at next Audit Committee			

Outstanding	Division:	Date From:
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	Officer:	
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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			
<i>4 Jun 2020 - 4:09 PM - Amanda O'Halloran</i>			
Revised Target Date changed by: O'Halloran, Amanda From: 12 Mar 2020 To: 27 Aug 2020			
Reason: This matter in ongoing and have been impacted by COVID -19.			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 June 2020 8:41 AM

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>			

Outstanding	Division: Committee: Officer:	Date From: Date To:
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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 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

Outstanding	Division: Committee: Officer:	Date From: Date To:
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Audit Committee 11 June 2020 ** Recommended all Councils attend	Derby Council Chambers	Draft Budget for consideration	Schedule Special Meeting for Early July 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.

<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: 5 June 2020 8:41 AM</p>
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Meeting	Officer/Director	Section	Subject
Council 26/03/2020	Kaweme, Natasha Martin, Stuart	Development Services	Application for Traders Permit – Bushy’s Coffee Van
<p>RESOLUTION 45/20</p> <p>Moved: Cr Chris Kloss</p> <p>Seconded: Cr Rowena Mouda</p> <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. <p><u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;">CARRIED 6/0</p> <p>Update 08/05/2020: Bushy’s Coffee Van – applicant has been contacted and they are working through the licensing process as per the minutes</p>			

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	Officer:	
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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 advise 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			
No update – Officer to provide update at next Audit Committee			

Outstanding	Division: Committee: Officer:	Date From: Date To:
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Meeting	Officer/Director	Section	Subject
Council 30/04/2020	Neate, Wayne O'Halloran, Amanda	Recommendations and Reports of Committees	Twice weekly bin collection
RESOLUTION 55/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Steve Ross			
That the Council:			
<ol style="list-style-type: none"> Not extend the twice weekly bin collection in Fitzroy Crossing and Derby throughout the months of May, June, July, August, September and October 2020 in response to the COVID-19 crisis. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Cr Geoff Davis			
			CARRIED 7/0
No update – Officer to provide update at next Audit Committee			

Outstanding	Division:	Date From:
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Meeting	Officer/Director	Section	Subject
Council 30/04/2020	Neate, Wayne O'Halloran, Amanda	Corporate Services	Shire of Derby/West Kimberley - Road Management strategy 2020-25 Sealed Roads
RESOLUTION 63/20			
Moved: Cr Keith Bedford			
Seconded: Cr Andrew Twaddle			
That the Council:			
<ol style="list-style-type: none"> 1. Adopt the <i>Road Management Strategy 2020-25 – Sealed Roads</i> with a review of the strategy to occur on an annual basis. 2. Consider the lighting of Fitzroy and Guildford Street intersections with Derby Highway be in future strategies. 			
<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		
			CARRIED 8/0
No update – Officer to provide update at next Audit Committee			

<p>Outstanding Action Sheets Report</p>	<p>Division: Committee: Officer:</p>	<p>Date From: Date To: Printed: 5 June 2020 8:41 AM</p>
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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>In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford</p> <p>Against: Nil</p> <p style="text-align: right;">CARRIED 8/0</p> <p style="background-color: red; color: white; padding: 2px;">No update – Officer to provide update at next Audit Committee</p>			

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
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Meeting	Officer/Director	Section	Subject
Council 30/04/2020	Henry, Myra O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	A106880 - 6 Neville Street Derby WA - Rates Waiver Request
<p>RESOLUTION 70/20</p> <p>Moved: Cr Paul White Seconded: Cr Keith Bedford</p> <p>That Council;</p> <ol style="list-style-type: none"> 1. Reviews the request and do not waiver any future Rate Debt as it does not meet any criteria under section 6.26(2) of the <i>Local Government Act 1995</i>. 2. Offers the applicant the following help due to Financial Hardship: <ol style="list-style-type: none"> a. Reduce current payment plan to an affordable amount; b. Not take further action in regards to Debt recovery until the applicants health improves; c. Interest cease to be raised on the property until the applicants health improves. 3. Instructs CEO to discuss further options in regards to the applicants debt such as: <ol style="list-style-type: none"> a. Option of selling the property to cover outstanding debt with the Shire and assist Ratepayer with financial status. <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 BY ABSOLUTE MAJORITY</p> <p>8 May 2020 - 9:32 AM - Myra Henry Letter to go to Applicant next week to let Applicant know outcome. Will then phone Applicant to work through outcomes</p>			

Outstanding	Division: Committee: Officer:	Date From: Date To:
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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			
05/06/2020 – Administration is working through Project Plan. Will provide update to Commercial Committee on 18/06/2020.			

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:41 AM

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Proposed Sale of Unit 8 No 5 Rowan Street, Derby
RESOLUTION 88/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Steve Ross			
That Council			
<ol style="list-style-type: none"> 1. Authorises the CEO to undertake advertising of the property advising the community of Councils intent to dispose of Unit 8 No 5 Rowan Street, Derby in accordance with section 3.58 of the <i>Local Government Act 1995</i> the reasons for the sale include – reduce future building maintenance expenditure and reduce current housing stocks. 2. Directs the CEO to present submissions received and the formal offer to the Council for further consideration at the earliest possible occasion. 			
<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			
CARRIED 8/0 BY ABSOLUTE MAJORITY			
<p><i>4 Jun 2020 - 3:34 PM - Amanda O'Halloran</i> Revised Target Date changed by: O'Halloran, Amanda From: 11 Jun 2020 To: 25 Jun 2020 Reason: Advertising has been undertaken, the Offer has been conditionally accepted. This matter is due for completion on the 26 June 2020</p>			

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:41 AM

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			
<p><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. 05/06/2020 – Administration is working through Project Plan. Will provide update to Commercial Committee on 18/06/2020.</p>			

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:41 AM

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><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. 05/06/2020 – Administration is working through Project Plan. Will provide update to Commercial Committee on 18/06/2020.</p>			

Outstanding	Division: Committee: Officer:	Date From: Date To:
Action Sheets Report		Printed: 5 June 2020 8:41 AM

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Neate, Wayne O'Halloran, Amanda	Corporate Services	Budget Variation - Maintenance grading Contract C01-2018 Areas 2 & 4
RESOLUTION 93/20			
Moved: Cr Chris Kloss			
Seconded: Cr Steve Ross			
That Council			
<ol style="list-style-type: none"> 1. Approve the Budget variation in expenditure to cover costs for additional grading undertaken in areas 2 and 4 of Contract C1-2018 by \$94,291.94. Account 810200 is to be amended accordingly to cover the variation. 2. Approve that the \$94,291.94 be allocated from the projected surplus as reported at the Ordinary Council Meeting on 30 April 2020. 			
<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			
CARRIED 8/0 BY ABSOLUTE MAJORITY			
No update – Officer to provide update at next Audit Committee			

Outstanding	Division:	Date From:
	Committee:	Date To:
Action Sheets Report	Officer:	Printed: 5 June 2020 8:41 AM

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Mildenhall, Christie O'Halloran, Amanda	Community and Recreation Services	Request for Funding - Noongar Kids - 2020 NAIDOC Week Schools Initiative
RESOLUTION 94/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Steve Ross			
That Council			
1. Declines Noongar Kids request for \$450 as a contribution towards the NAIDOC Week Schools Initiatives.			
<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		
			CARRIED 8/0
No update - Officer to provide update at next Audit Committee			

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:41 AM

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Ryan, Michael O'Halloran, Amanda	Community and Recreation Services	Youth crime prevention fund proposal - Youth night patrol
RESOLUTION 95/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Paul White			
That Council			
<ol style="list-style-type: none"> 1. Provides in principle support Emama Nguda for a Youth Night Patrol Bus Service proposal. 2. Approves the; <ol style="list-style-type: none"> 2.1. In-kind provision of a two-way radio and installation into the bus to the value of \$850 (ex GST); and 2.2. In-kind provision of servicing and maintenance for the bus up to the value of \$4,500 (ex GST) per annum for a two year period. 			
<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			
CARRIED 8/0 BY ABSOLUTE MAJORITY			
No update – Officer to provide update at next Audit Committee			

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:41 AM

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Zoetelief, Heather O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confidential)	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		

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 June 2020 8:41 AM

CARRIED 8/0 BY ABSOLUTE MAJORITY

No update – Officer to provide update at next Audit Committee

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Henry, Myra O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	Rates Exemption Application - A100511
RESOLUTION 98/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Steve Ross			
That Council			
<ol style="list-style-type: none"> 1. Grants Rate Exemption to property A100511 – 145 Loch Street Derby WA under sub-section 6.26(2)(g) of the <i>Local Government Act 1995</i>. 2. Advise Winun Ngari Aboriginal Corporation that they must resubmit their Rate Exemption Application for A100511 – 145 Loch Street Derby WA every two years to maintain status. If application is not received, full rates will be charged to the property. 3. Advise Winun Ngari Aboriginal Corporation that interest accrued, waste charges and ESL are still payable. 			
<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			
CARRIED 8/0 BY ABSOLUTE MAJORITY			
No update – Officer to provide update at next Audit Committee			

Finalised	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:59 AM

Meeting	Officer/Director	Section	Subject
Council 18/04/2019	O'Halloran, Amanda 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
<i>8 May 2020 - 9:56 AM - Carlie McCulloch</i>			
<i>Action reassigned to O'Halloran, Amanda by: McCulloch, Carlie for the reason: Officer left SDWK</i>			
<i>4 Jun 2020 - 3:49 PM - Amanda O'Halloran</i>			
<i>Action completed by: O'Halloran, Amanda</i>			
<i>This Item was finalised at the 27 June 2019 Council Meeting.</i>			

Finalised	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 June 2020 8:59 AM

Meeting	Officer/Director	Section	Subject
Council 21/11/2019	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	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.			
In Favour: Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle and Rowena Mouda			
Against: Cr Keith Bedford			
CARRIED 5/1			
Amended by the agreement of Council to ensure the recommendation was clear and could stand alone.			
4 Jun 2020 - 4:05 PM - Amanda O'Halloran			
Action completed by: O'Halloran, Amanda			
This matter has been completed and is now an ongoing project, endorsed by Council at the 28 May 2020 Council Meeting			

Finalised	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:59 AM

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			
4 Jun 2020 - 4:05 PM - Amanda O'Halloran			
Action completed by: O'Halloran, Amanda			
This matter is complete and finalised			

Finalised	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:59 AM

Meeting	Officer/Director	Section	Subject
Council 30/04/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Shire of Derby/West Kimberley Response to COVID-19 State of Emergency
RESOLUTION 56/20			
Moved: Cr Paul White			
Seconded: Cr Steve Ross			
That Council adopt:			
1. The proposed COVID – 19 Stages as follows:			
Stage	Council Initiative	Date to be considered	
Stage 1	<ul style="list-style-type: none"> • Rates and Fees and Charges Relief • Hardship Policy Adoption • Regional Advocacy • Provision of Information and News • Local Small Business support • Virtual Library Services and Delivery Arrangements 	30 April 2020	
Stage 2	<ul style="list-style-type: none"> • Virtual Recreation Services • Review Rent Relief and Flexible Payment Options for Property Tenants • Review Rates Payment Arrangement Fees and Interest • Review the freezing of all employee salaries for the 20/21 Budget • Review penalty and payment interest rates and terms 	28 May 2020	
Stage 3	<ul style="list-style-type: none"> • Recovery Initiatives • Stimulus Opportunities 	30 June 2020	

Finalised	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:59 AM

- Local Business Initiatives to support increased economic development, local jobs and employment.

2. **Adopt the following initiatives as outlined in the report:**
 - a) **0% increase to Council Rates in the 2020-21 Financial Year**
 - b) **0% increase to Council Fees and Charges in the 2020-21 Financial Year**
3. **Adopt the COVID-19 Financial Hardship Policy as shown in attachment of the report**
4. **Notes the following initiatives outlined in the report:**
 - a) **Delivery of Virtual Library Services**
 - b) **Delivery of Virtual Recreation and Youth Services**
 - c) **Provision of Information and News**
 - d) **Provision of Regional Advocacy**
 - e) **Provision of Small Business Support**

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

Against: Nil

CARRIED 8/0

4 Jun 2020 - 4:11 PM - Amanda O'Halloran
 Action completed by: O'Halloran, Amanda
 This Item is complete and has been operationalised.

Finalised	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:59 AM

Meeting	Officer/Director	Section	Subject
Council 30/04/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	National Redress Scheme (Participation of Local Governments)
RESOLUTION 57/20			
Moved: Cr Paul White			
Seconded: Cr Andrew Twaddle			
That Council:			
1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;			
2) Notes that the Shire of Derby/West Kimberley will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Derby/West Kimberley makes a specific and formal decision to the be included;			
3) Endorses the participation of the Shire of Derby/West Kimberley in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;			
4) Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and			
5) Notes that a confidential report will be provided if a Redress application is received by the Shire of Derby/West Kimberley.			
<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			
CARRIED 8/0			
4 Jun 2020 - 3:29 PM - Amanda O'Halloran			
Action completed by: O'Halloran, Amanda			
This has been finalised and registered with the Department of Local Government			

Finalised	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:59 AM

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Approval to apply Common Seal - Lease - One Tree Community Services Inc.
RESOLUTION 86/20			
Moved: Cr Paul White			
Seconded: Cr Rowena Mouda			
That Council;			
<ol style="list-style-type: none"> 1. Authorise the Shire president and the Chief Executive Officer to sign the One Tree Community Services Lease of Reserve 39546, Lot 1220 (No. 40) Ashley Street, Derby on behalf of the Shire of Derby/West Kimberley. 2. Authorise the affixing of the Shire of Derby West Kimberley common seal to the document. 			
<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			
CARRIED 8/0 BY ABSOLUTE MAJORITY			
<p>4 Jun 2020 - 3:33 PM - Amanda O'Halloran Action completed by: O'Halloran, Amanda This Item is completed 4/06/2020</p>			

Finalised	Division:	Date From:
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: 5 June 2020 8:59 AM

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	McCulloch, Carlie O'Halloran, Amanda	Executive Services	Proposal to Rescind Motion - 12.2 Review of Committee Membership - Ordinary Council Meeting 30 April 2020.
RESOLUTION 87/20			
Moved: Cr Chris Kloss			
Seconded: Cr Andrew Twaddle			
<ol style="list-style-type: none"> 1. The resolution 61/20 titled 12.2 Review of Committee Membership that was passed at the meeting of 30 April 2020 be rescinded. 2. That by ABSOLUTE MAJORITY Council Committees be amended as follows: 			
<p>Audit Committee That by Absolute Majority Council APPOINTS the following Elected Members to Audit Committee. (Note. This action appoints the Councillors to the Committee).</p> <p>Cr Bedford</p> <p>Cr White</p> <p>Cr Davis</p> <p>Cr Mouda</p> <p>Cr Haerewa</p> <p>Cr Kloss</p> <p>Commercial Committee That by Absolute Majority Council APPOINTS the following Elected Members to Commercial Committee. (Note. This action appoints the Councillors to the Committee).</p> <p>Cr Kloss</p> <p>Cr Twaddle</p> <p>Cr White</p> <p>Cr Haerewa</p>			

Finalised	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 June 2020 8:59 AM

Cr Bedford
Cr Mouda
In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford
Against: Nil

CARRIED BY ABSOLUTE MAJORITY 8/0

4 Jun 2020 - 3:31 PM - Carlie McCulloch
Action completed by: McCulloch, Carlie
Updated InfoCouncil to confirm changes.

6.3 COMPLIANCE REPORT - USE OF DELEGATIONS

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 detailing the use of actions performed under delegated authority requiring referral to Council for the month of May 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 were no actions performed under delegation during May 2020.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RECOMMENDATION

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

6.4 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 May 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 not been applied in May 2020.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RECOMMENDATION

That the Audit Committee RECEIVES the information contained in this item detailing the use of Common Seal.

7 NEW BUSINESS OF AN URGENT NATURE

8 NEW AND EMERGING ITEMS FOR DISCUSSION

9 DATE OF NEXT MEETING

The next meeting of Audit Committee will be held Thursday, 16 July 2020 in the Council Chambers, Clarendon Street, Derby.

10 CLOSURE OF MEETING