



**Shire of Derby /  
West Kimberley**

# **AGENDA**

## **Audit Committee Meeting Thursday, 20 August 2020**

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

**Date: Thursday, 20 August 2020**

**Time: 4.30pm**

**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****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, Clarendon Street, Derby, on 16 July 2020 and the Special Audit Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 30 July 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.

#### STATUTORY ENVIRONMENT

##### *Local Government Act 1995*

2.25. Disqualification for failure to attend meetings

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

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

		management policies and procedures
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**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> 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 - August 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**

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

**Fitzroy Crossing**

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**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.

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

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

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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

		4.1.8: Develop and maintain risk management policies and procedures
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**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Financial:</b> 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. **Completed Action Items Resolutions August 2020**  
2. **Outstanding Action Items Resolutions August 2020**  

**RECOMMENDATION**

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

Finalised	<b>Division:</b>	<b>Date From:</b> 1/06/2020
	<b>Committee:</b>	<b>Date To:</b> 10/08/2020
	<b>Officer:</b>	
<a href="#">Action Sheets Report</a>		<b>Printed: 10 August 2020 9:38 AM</b>

Meeting	Officer/Director	Section	Subject
Council 25/06/2020	McCulloch, Carlie O'Halloran, Amanda	Executive Services	Strategic Community Plan - Project Plan and Timeline
<b>RESOLUTION 103/20</b>			
<b>Moved: Cr Chris Kloss</b>			
<b>Seconded: Cr Paul White</b>			
<b>That Council endorses the Strategic Community Project Plan, acknowledging key facets such as:</b>			
<ul style="list-style-type: none"> <li>• the use of Councillors and staff champions to lead the consultations;</li> <li>• anticipated budget;</li> <li>• consultation schedule;</li> <li>• themes and over all questions to be asked; and</li> <li>• the proposed consultation processes.</li> </ul>			
<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			
<b>CARRIED 8/0</b>			
<div style="background-color: #90EE90; padding: 2px;">                     13 Jul 2020 - 8:50 AM - Carlie McCulloch                      Action completed by: McCulloch, Carlie                      Ongoing. Workshops and consultation has commenced as of Monday 29 June 2020.                 </div>			

Finalised	<b>Division:</b>	<b>Date From:</b> 1/06/2020
	<b>Committee:</b>	<b>Date To:</b> 10/08/2020
	<b>Officer:</b>	
<a href="#">Action Sheets Report</a>		<b>Printed: 10 August 2020 9:38 AM</b>

Meeting	Officer/Director	Section	Subject
Council 25/06/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Sale of Unit 8 No 5 Rowan Street, Derby
<b>RESOLUTION 107/20</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Paul White</b>			
<b>That Council</b>			
<ol style="list-style-type: none"> <li>1. Notes the completion of the legislative requirements for the disposal of Unit 8 No 5 Rowan Street, Derby in accordance with the requirements of section 3.58(3) &amp; (4) of the <i>Local Government Act 1995</i>; and</li> <li>2. Gives approval and delegation to the CEO to proceed to settlement for sale of Unit 8 No 5 Rowan Street Derby, for the advertised price of \$85,000.00 to Jaala Ozies; and</li> <li>3. Approve the transfer of 100% of the proceeds of the sale to the Staff Housing Reserve in the 2019/20 Budget.</li> </ol>			
<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			
<b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b>			
13 Jul 2020 - 8:53 AM - Amanda O'Halloran			
Action completed by: McCulloch, Carlie			
Notice of Intention to Sell advertised in Broome Advertiser on June 11 2020. Engaged Kimberley Property Settlements to conduct settlement 6 July 2020.			

Finalised	<b>Division:</b>	<b>Date From:</b> 1/06/2020
	<b>Committee:</b>	<b>Date To:</b> 10/08/2020
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed: 10 August 2020 9:38 AM</b>

Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Willis, Mark O'Halloran, Amanda	Corporate Services	Write off of Fitzroy Crossing Visitors Centre Stock
<b>RESOLUTION 108/20</b>			
<b>Moved: Cr Geoff Davis</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. Approve the writing off of the Birubi Art Stock for \$1945.40; and</li> <li>2. Endorse the proposed disposal of the stock to ensure that the items are removed from circulation in the interests of protecting and maintaining the authenticity of Indigenous Art.</li> </ol>			
<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			
<b>CARRIED 9/0</b>			
<p>2 Jul 2020 - 9:12 AM - Carlie McCulloch                      Action reassigned to Willis, Mark by: McCulloch, Carlie for the reason: Mark to action                      30 Jul 2020 - 2:23 PM - Mark Willis                      Action completed by: Willis, Mark                      General Journal 20200604 Batch 12634 Posted 30/06/2020</p>			

Finalised	<b>Division:</b>	<b>Date From:</b> 1/06/2020
	<b>Committee:</b>	<b>Date To:</b> 10/08/2020
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed: 10 August 2020 9:38 AM</b>

Meeting	Officer/Director	Section	Subject
Council 25/06/2020	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	Extension of Memorandum of Understanding with Warburton Group and ACE Infrastructure
<b>RESOLUTION 114/20</b>			
<b>Moved: Cr Chris Kloss</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That Council,</b>			
<ol style="list-style-type: none"> <li><b>1. Agree to a one year (twelve month) extension of the Memorandum of Understanding for investigations to occur at the Derby Airport and Derby Wharf with the Derby Infrastructure Joint Venture participants WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD.</b></li> <li><b>2. Authorise the Chief Executive Officer and Shire President to sign and execute the deed of extension by affixing the common seal of the Shire of Derby/West Kimberley.</b></li> <li><b>3. Agree to the Notice of a Force Majeure Impact and endorse the delaying of the Milestone Dates to take into account the time commencing from the 9 April 2020 (date of notification) until the end of the period for which the Force Majeure extends as an initial position of negotiation.</b></li> </ol>			
<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			
<b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b>			
<p>2 Jul 2020 - 3:11 PM - Amanda O'Halloran                      Action completed by: McCulloch, Carlie                      Signed MOU sent to Warburton Group for signing 02/07/2020. Record number O28283.</p>			

Finalised	<b>Division:</b>	<b>Date From:</b> 1/06/2020
	<b>Committee:</b>	<b>Date To:</b> 10/08/2020
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed: 10 August 2020 9:38 AM</b>

Meeting	Officer/Director	Section	Subject
CEO Performance Review Committee 16/07/2020	McCulloch, Carlie O'Halloran, Amanda	Reports	CEO Performance Appraisal 2020 - Summary Committee Report
<b>COMMITTEE RESOLUTION CR07/20</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Rowena Mouda</b>			
<b>That the CEO Performance Review Committee recommend Council to:</b>			
<ol style="list-style-type: none"> <li><b>1. Note that the appraisal of Ms O'Halloran, Chief Executive Officer, has been undertaken for the period of June 2019 to May 2020;</b></li> <li><b>2. Accepts the outcome of 'Meets expectations to a high level' and thanks Ms O'Halloran for her efforts; and</b></li> <li><b>3. Approves the CEO's Performance Criteria for the 2020-2021 period, as per attachment.</b></li> </ol>			
<u>In Favour:</u> Crs Geoff Davis, Geoff Haerewa, Rowena Mouda, Steve Ross and Andrew Twaddle			
<u>Against:</u> Nil			
<b>CARRIED 5/0</b>			
<p>17 Jul 2020 - 4:18 PM - Carlie McCulloch                      Action completed by: McCulloch, Carlie                      Report referred to Council for their endorsement at 30 July 2020 OCM.</p>			

Finalised	<b>Division:</b>	<b>Date From:</b> 1/06/2020
	<b>Committee:</b>	<b>Date To:</b> 10/08/2020
<b>Action Sheets Report</b>	<b>Officer:</b>	<b>Printed: 10 August 2020 9:38 AM</b>

Meeting	Officer/Director	Section	Subject
Council 30/07/2020	McCulloch, Carlie O'Halloran, Amanda	Recommendations and Reports of Committees	CEO Performance Appraisal 2020 - Summary Committee Report
<b>RESOLUTION 117/20</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Paul White</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. Note that the appraisal of Ms O'Halloran, Chief Executive Officer, has been undertaken for the period of June 2019 to May 2020;</li> <li>2. Accepts the outcome of 'Meets expectations to a high level' and thanks Ms O'Halloran for her efforts; and</li> <li>3. Approves the CEO's Performance Criteria for the 2020-2021 period, as per attachment.</li> </ol>			
<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			
<b>CARRIED 9/0</b>			
<p>10 Aug 2020 - 8:20 AM - Carlie McCulloch                      Action completed by: McCulloch, Carlie                      Recorded.</p>			



Finalised	<b>Division:</b>	<b>Date From:</b> 1/06/2020
	<b>Committee:</b>	<b>Date To:</b> 10/08/2020
	<b>Officer:</b>	
<b>Action Sheets Report</b>		<b>Printed: 10 August 2020 9:38 AM</b>

Meeting	Officer/Director	Section	Subject
Council 30/07/2020	McCulloch, Carlie O'Halloran, Amanda	Corporate Services	WALGA 2020 Annual General Meeting Voting Delegates
<b>RESOLUTION 122/20</b>			
<b>Moved: Cr Steve Ross</b>			
<b>Seconded: Cr Andrew Twaddle</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li><b>Nominate Shire President Geoff Haerewa and Deputy Shire President Paul White as the Voting Delegates on behalf of the Shire of Derby/West Kimberley for the WALGA 2020 Annual General Meeting to be held on Friday 25 September 2020.</b></li> <li><b>Nominate Cr Kloss and/or Amanda O'Halloran Chief Executive Officer as Proxy Voting Delegates.</b></li> </ol>			
<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			
<b>CARRIED 9/0</b>			
<p>10 Aug 2020 - 8:23 AM - Carlie McCulloch                      Action completed by: McCulloch, Carlie                      Voting Delegate Information 2020 AGM Form returned to WALGA 10 August 2020.</p>			

Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
<a href="#">Action Sheets Report</a>		Printed: 10 August 2020 8:47 AM

Meeting	Officer/Director	Section	Subject
Council 31/10/2019	Neate, Wayne O'Halloran, Amanda	Executive Services	New road dedication - Sandford Rd Fitzroy Crossing
<b>RESOLUTION 125/19</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Chris Kloss</b>			
<ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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"> <li>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</li> <li>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.</li> <li>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.</li> </ol> </li> </ol>			
<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		

Outstanding <a href="#">Action Sheets Report</a>	Division: Committee: Officer:	Date From: Date To: Printed: 10 August 2020 8:47 AM
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No update	CARRIED 9/0
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Outstanding	Division:	Date From:
	Committee:	Date To:
	Officer:	
<a href="#">Action Sheets Report</a>		Printed: 10 August 2020 8:47 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
<b>RESOLUTION 167/19</b>			
<b>Moved: Cr Paul White</b>			
<b>Seconded: Cr Chris Kloss</b>			
<b>That Council;</b>			
<ol style="list-style-type: none"> <li>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</li> <li>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"> <li>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 1<sup>st</sup> July 2019 to 30<sup>th</sup> June 2021 with an option for a further 2 years with an expiry date of the 30<sup>th</sup> June 2023;</li> <li>ii) Lessee to pay for all costs associated with preparing the lease including but not limited to legal, advertising and survey fees;</li> <li>iii) Rental based on an independent market rental valuation;</li> <li>iv) Other standard terms and conditions of Shire lease agreements.</li> </ol> </li> <li>3. Authorise the affixing of the common seal to the document</li> </ol>			
<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		
			<b>CARRIED 9/0</b>
<span style="background-color: red; color: white; padding: 2px;">No update</span>			

Outstanding	Division:	Date From:
	Committee:	Date To:
Action Sheets Report	Officer:	Printed: 10 August 2020 8:47 AM

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
<b>RESOLUTION 22/20</b>			
<b>Moved: Cr Chris Kloss</b>			
<b>Seconded: Cr Paul White</b>			
<b>That Council approves the unbudgeted expenditure of \$29,390.00 ex GST to improve the security at One Tree Child Care Facility.</b>			
<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		
			<b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b>
<b>No update</b>			

<p>Outstanding</p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Division:</b></p> <p><b>Committee:</b></p> <p><b>Officer:</b></p>	<p><b>Date From:</b></p> <p><b>Date To:</b></p> <p><b>Printed: 10 August 2020 8:47 AM</b></p>
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Meeting	Officer/Director	Section	Subject
Council 27/02/2020	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confidential)	Shire of Derby/West Kimberley Airport Operations
<p><b>RESOLUTION 31/20</b></p> <p><b>Moved: Cr Paul White</b></p> <p><b>Seconded: Cr Andrew Twaddle</b></p> <p><b>Council approve the actions requested in the body of this report.</b></p> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Pat Riley</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 8/0</b></p>			
<p><i>4 Jun 2020 - 4:09 PM - Amanda O'Halloran</i></p> <p>Revised Target Date changed by: O'Halloran, Amanda From: 12 Mar 2020 To: 27 Aug 2020</p> <p>Reason: This matter in ongoing and have been impacted by COVID -19.</p>			

<p>Outstanding</p> <p><b>Action Sheets Report</b></p>	<p><b>Division:</b></p> <p><b>Committee:</b></p> <p><b>Officer:</b></p>	<p><b>Date From:</b></p> <p><b>Date To:</b></p> <p><b>Printed: 10 August 2020 8:47 AM</b></p>
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Meeting	Officer/Director	Section	Subject
Council 27/02/2020	O'Halloran, Amanda O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi)	Review of the Shire of Derby/West Kimberley Organisational Structure
<p><b>RESOLUTION 33/20</b></p> <p><b>Moved: Cr Chris Kloss</b> <b>Seconded: Cr Paul White</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Notes the report of the CEO titled Review of the Shire of Derby/West Kimberley Organisational Structure;</b></li> <li><b>2. Endorses the Organisational Development Strategy and high level Structure as set out by the CEO in the Agenda Report;</b></li> <li><b>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;</b></li> <li><b>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</b></li> <li><b>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.</b></li> </ol> <p><b>In Favour:</b> Crs Geoff Haerewa, Paul White, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Pat Riley</p> <p><b>Against:</b> Cr Geoff Davis</p> <p style="text-align: right;"><b>CARRIED 7/1</b></p> <p><i>4 Jun 2020 - 3:32 PM - Amanda O'Halloran</i>                      Revised Target Date changed by: O'Halloran, Amanda From: 12 Mar 2020 To: 01 Jul 2020                      Reason: This work is progressing and is on track to be implemented by the 1 July 2020, recruitment will kick off post the 1 July Launch.</p>			

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Meeting	Officer/Director	Section	Subject
Council 26/03/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Proposed Schedule of Dates for Adoption of the 2020/21 Budget
<b>RESOLUTION 41/20</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Rowena Mouda</b>			
<b>That That Council:</b>			
<b>Agree to the following proposed dates for planning sessions and reports per the following timetable:</b>			
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



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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.

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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
<b>RESOLUTION 45/20</b>			
<b>Moved: Cr Chris Kloss</b>			
<b>Seconded: Cr Rowena Mouda</b>			
<ul style="list-style-type: none"> <li>- That Council approve the application by Bushy’s Coffee Van be, subject to the following conditions:</li> <li>- Trading activity be restricted to the “Industrial Area” and any other areas beyond 300mtrs of established businesses offering a similar service;</li> <li>- Trading at Thursday Night Markets and Saturday Markets is permitted;</li> <li>- Only the products listed by the applicant in Section 7 of the application can be offered; and</li> <li>- The Trading Permit is for a period of 12 months from date of approval.</li> </ul>			
<u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
<b>CARRIED 6/0</b>			
<b>No update</b>			

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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
<b>RESOLUTION 55/20</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That the Council:</b>			
<ol style="list-style-type: none"> <li><b>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.</b></li> </ol>			
<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			
			<b>CARRIED 7/0</b>
<b>No update</b>			

<p>Outstanding</p> <p><a href="#">Action Sheets Report</a></p>	<p>Division:</p> <p>Committee:</p> <p>Officer:</p>	<p>Date From:</p> <p>Date To:</p> <p>Printed: 10 August 2020 8:47 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.
<b>RESOLUTION 66/20</b>			
<b>Moved: Cr Rowena Mouda</b>			
<b>Seconded: Cr Steve Ross</b>			
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;			
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>			
<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			
<b>CARRIED 8/0</b>			
<span style="background-color: red; color: white; padding: 2px;">No update</span>			

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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
<b>RESOLUTION 82/20</b>			
<b>Moved: Cr Chris Kloss</b>			
<b>Seconded: Cr Rowena Mouda</b>			
<b>That the Council;</b>			
<ol style="list-style-type: none"> <li><b>1. Commit to the repairs to the existing Wharf Restaurant building.</b></li> <li><b>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.</b></li> </ol>			
<u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
<b>CARRIED 6/0 BY ABSOLUTE MAJORITY</b>			
<b>No update</b>			

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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
<b>RESOLUTION 88/20</b>			
<b>Moved: Cr Rowena Mouda</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That Council</b>			
<ol style="list-style-type: none"> <li>1. <b>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.</b></li> <li>2. <b>Directs the CEO to present submissions received and the formal offer to the Council for further consideration at the earliest possible occasion.</b></li> </ol>			
<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			
<b>CARRIED 8/0 BY ABSOLUTE MAJORITY</b>			
<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			

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Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Neate, Wayne O'Halloran, Amanda	Corporate Services	Improvements and Modifications - Derby Library, Council Chambers and Toy Library
<b>RESOLUTION 91/20</b>			
<b>Moved: Cr Geoff Davis</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. Authorise the improvements to the Council Chamber, Office and Meeting Room of the Shire President and Councillors as per the plans attached.</li> <li>2. Authorise the expenditure of \$490,000.00 to be allocated in the 2020/21 budget from the Office Building reserve.</li> <li>3. Authorise associated upfront payments as required within the approved scope.</li> </ol>			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
<b>CARRIED 7/0 BY ABSOLUTE MAJORITY</b>			
<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.			

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Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Neate, Wayne O'Halloran, Amanda	Corporate Services	Improvements and Modifications - Derby Administration Office
<b>RESOLUTION 92/20</b>			
<b>Moved: Cr Paul White</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. Authorise the improvements to the Derby Administration Office as per the plans attached.</li> <li>2. Authorise the expenditure of \$140,625.00 to be allocated in the 2020/21 budget from the Office Building reserve.</li> <li>3. Authorise associated upfront payments as required within the approved scope.</li> </ol>			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
<b>CARRIED 7/0 BY ABSOLUTE MAJORITY</b>			
<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.			



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Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Zoetelief, Heather O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	Sundry Debtors Write Off
<b>MOTION Resolution 97/20</b>			
<b>Moved: Cr Chris Kloss</b>			
<b>Seconded: Cr Andrew Twaddle</b>			
<b>That Council by ABSOLUTE MAJORITY;</b>			
<b>1. Write Off unrecoverable Sundry Debtors totalling \$15,489.88 as listed.</b>			
<b>TOTAL OF SUNDRY DEBT WRITE-OFF</b>			
	<b>REASON</b>		<b>AMOUNT</b>
	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
	<b>TOTAL</b>		<b>\$15,489.88</b>
<hr/>			
<hr/>			
<b>RESOLUTION 97/20</b>			
<u>In Favour:</u>	Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford		

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Against:	Nil
<b>CARRIED 8/0 BY ABSOLUTE MAJORITY</b>	
<b>No update</b>	

<p>Outstanding</p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Division:</b></p> <p><b>Committee:</b></p> <p><b>Officer:</b></p>	<p><b>Date From:</b></p> <p><b>Date To:</b></p> <p><b>Printed: 10 August 2020 8:47 AM</b></p>
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Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Neate, Wayne O'Halloran, Amanda	Executive Services	Allocation of Curtin Airport Donga's
<p><b>RESOLUTION 105/20</b></p> <p><b>Moved: Cr Rowena Mouda</b> <b>Seconded: Cr Paul White</b></p> <p><b>That Council;</b></p> <ol style="list-style-type: none"> <li>1. <b>Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 3 to the Friends of Wharfinger House in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained;</b></li> <li>2. <b>Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 4 to the Derby Enduro Club in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained;</b></li> <li>3. <b>Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 5 to the Derby Golf Club in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained;</b></li> <li>4. <b>Advertise notice of intention to dispose of the ex-Curtin Security Block to the Derby Regional Hospital in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained;</b></li> <li>5. <b>Note that the Shire is using the remaining two Guard Houses for its own purposes; and</b></li> <li>6. <b>Advertise to the wider public for expression of interest for the use of the eight piece medical facility and for any of the other buildings should the disposal of the assets listed in points 1 through to 4 not occur for any reason.</b></li> </ol> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b></p>			
<p><b>No update</b></p>			

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Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Neate, Wayne O'Halloran, Amanda	Executive Services	User Agreement - Derby Airport Rio Tinto
<b>RESOLUTION 106/20</b>			
<b>Moved: Cr Chris Kloss</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That Council endorses entering into a user agreement with Rio Tinto for the use of the small security room at the Derby Airport.</b>			
<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		
			<b>CARRIED 9/0</b>
<b>No update</b>			

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Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Neate, Wayne O'Halloran, Amanda	Technical Services	Fitzroy Crossing - Low level Crossing
<b>RESOLUTION 111/20</b>			
<b>Moved: Cr Geoff Davis</b>			
<b>Seconded: Cr Paul White</b>			
<b>That Council;</b>			
<ol style="list-style-type: none"> <li>1. <b>Include the Fitzroy Crossing Low Level Crossing in the Road Maintenance Strategy 2020-25 with updated pricing for the risk assessment and upgrade works.</b></li> <li>2. <b>Close the Fitzroy Crossing Low Level Crossing to all traffic and advertise the decision as per the requirements of the Local Government Act 1995.</b></li> <li>3. <b>Instruct Officers to investigate feasible options to close the Fitzroy Crossing Low Level Crossing to traffic but allow access to the banks of the Fitzroy River.</b></li> <li>4. <b>Instruct officers to investigate alternative sources of funding for the Low Level Crossing.</b></li> </ol>			
<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		
			<b>CARRIED 9/0</b>
<b>No update</b>			

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Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Gugeri, Emma O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi	Settlement Proposal - Pegasus Metals Ltd
<b>RESOLUTION 113/20</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Geoff Davis</b>			
<b>That Council:</b>			
<b>1. Agree to the final settlement proposal of \$132,839.64 over 10 monthly instalment amounts of \$13,283.96</b>			
<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			
<b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b>			
<i>2 Jul 2020 - 10:56 AM - Emma Gugeri</i>			
Rates officer processed write off batch for interest amounts totalling \$52,859.34			
<i>2 Jul 2020 - 10:57 AM - Emma Gugeri</i>			
Rates officer ticked "Exclude from interest calc" on all properties as per section b)			
<i>2 Jul 2020 - 5:05 PM - Emma Gugeri</i>			
Emailed Scorpion with details of resolution and included amended rate notices after write offs had been applied. Rates officer requested to be notified date of first payment to initiate a payment plan on each tenement under special arrangements.			

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Meeting	Officer/Director	Section	Subject
Audit Committee 16/07/2020	Innes, Stewart O'Halloran, Amanda	Reports	Update Report - On matters identified as significant by the Office of the Auditor General Independent Auditors Report for 2018/2019
<b>COMMITTEE RESOLUTION AC38/20</b>			
<b>Moved: Cr Geoff Haerewa</b>			
<b>Seconded: Cr Geoff Davis</b>			
<b>That the Audit Committee recommend Council</b>			
<ol style="list-style-type: none"> <li>1. Endorse the June 2020 Update report on the matters identified as significant by the Office of the Auditor General Independent Auditors Report; and</li> <li>2. That it is forwarded to the Department of Local Government, Sport and Cultural Industries and published on the Shires Website as required by section 7.12A duties of Local government with respect to audits.</li> </ol>			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis and Rowena Mouda			
<u>Against:</u> Nil			
<b>CARRIED 3/0</b>			
<b>No update</b>			

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Meeting	Officer/Director	Section	Subject
Audit Committee 16/07/2020	Innes, Stewart O'Halloran, Amanda	Reports	Update - Regulation 17 Review - Risk Management, Internal Controls and Legislative Compliance
<b>COMMITTEE RESOLUTION AC39/20</b>			
<b>Moved: Cr Geoff Haerewa</b>			
<b>Seconded: Cr Geoff Davis</b>			
<b>1. That the Audit Committee Receives the June 2020 update report to the CEO's Regulation 17 Report – Review of Risk Management, Internal Controls and Legislative Compliance.</b>			
<u>In Favour:</u> Crs Geoff Haerewa, Geoff Davis and Rowena Mouda			
<u>Against:</u> Nil			
			<b>CARRIED 3/0</b>
<b>No update</b>			



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Meeting	Officer/Director	Section	Subject
Council 30/07/2020	Innes, Stewart O'Halloran, Amanda	Recommendations and Reports of Committees	Update Report - On matters identified as significant by the Office of the Auditor General Independent Auditors Report for 2018/2019
<b>RESOLUTION 118/20</b>			
<b>Moved: Cr Steve Ross</b>			
<b>Seconded: Cr Geoff Davis</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li><b>Endorse the June 2020 Update Report on the matters identified as significant by the Office of the Auditor General Independent Auditors Report; and</b></li> <li><b>That it is forwarded to the Department of Local Government, Sport and Cultural Industries and published on the Shire's website as required by section 7.12A duties of Local Government with respect to audits.</b></li> </ol>			
<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			
<b>CARRIED 9/0</b>			
<b>No update</b>			

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Meeting	Officer/Director	Section	Subject
Council 30/07/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Low aromatic fuel rollout - Fitzroy Valley
<b>RESOLUTION 120/20</b>			
<b>Moved: Cr Andrew Twaddle</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That Council support the National Indigenous Australians Agency (NIAA) recommendation that low aromatic fuel be rolled out to the Fitzroy Crossing Town and Fitzroy Valley Communities.</b>			
<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		
			<b>CARRIED 9/0</b>
<b>10/08/2020 Sent to NIAA Cr Geoff Haerewa to forward onto NIAA. CMCC</b>			

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Meeting	Officer/Director	Section	Subject
Council 30/07/2020	Henry, Myra O'Halloran, Amanda	Corporate Services	Short-term Loan Facility - Overdraft
<b>RESOLUTION 124/20</b>			
<b>Moved: Cr Pat Riley</b>			
<b>Seconded: Cr Steve Ross</b>			
<b>That Council;</b>			
<ol style="list-style-type: none"> <li>1. Request the Chief Executive Officer to apply to the Western Australia Treasury Corporation for access to the Short-term Lending Facility for the 2020/2021 financial year;</li> <li>2. Endorse the cash flow model, as included at Attachment 1;</li> <li>3. Acknowledges that a State of Emergency is in place; and Notes that, as a consequence of the hazard to which the State of Emergency declaration relates, there is a need to address cash flow risks resulting from economic impacts and State and Federal budget delays.</li> </ol>			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
<b>CARRIED 8/0 BY ABSOLUTE MAJORITY</b>			
<b>No update</b>			

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Council 30/07/2020	Henry, Myra O'Halloran, Amanda	Corporate Services	Adoption of the 2020/2021 Annual Budget
<b>RESOLUTION 125/20</b>			
Moved: Cr Rowena Mouda			
Seconded: Cr Steve Ross			
That Council:			
1. <u>Municipal Fund Budget for 2020/21 as per Attachment 1</u>			
<p><i>Adopts, pursuant to the provisions of section 6.2 of the Local Government Act 1995 and part 3 of the Local Government (Financial Management) Regulations 1996, the Municipal Fund Budget for the Shire of Derby/ West Kimberley for the 2020/2021 financial year having had regard to the Plan for the Future being the Strategic Community Plan and the draft Corporate Business Plan, as contained in Attachment 1, which includes the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Statement of Comprehensive Income by Nature or Type showing a net result for the year of \$8,230,065 (Page 2);</i></li> <li>• <i>Statement of Comprehensive Income by Program showing a net result for the year of \$8,230,865 (Page 4);</i></li> <li>• <i>Statement of Cash Flows showing cash at the end of the year of \$2,134,223 (Page 6);</i></li> <li>• <i>Rate Setting Statement showing the amount required to be raised from rates of \$8,795,965 (Page 7);</i></li> <li>• <i>Notes to and Forming Part of the Budget (Pages 9-27);</i></li> <li>• <i>Transfers from Reserve Accounts \$526,853 (Pages 22);</i></li> <li>• <i>Transfer to Reserves \$85,000 (Pages 22); and</i></li> <li>• <i>Capital Expenditure and New Initiatives - \$5,482,735 (Pages 17)</i></li> </ul>			
<b>ABSOLUTE MAJORITY REQUIRED</b>			
<u>In Favour:</u>	Crs Geoff Haerewa, Paul White, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford		
<u>Against:</u>	Nil		

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CARRIED 8/0 BY ABSOLUTE MAJORITY

**RESOLUTION 126/20**

Moved: Cr Andrew Twaddle

Seconded: Cr Keith Bedford

**2. General and Minimum Rates. Instalment Payment Arrangements:**

a) For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part 1 above, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, imposes the following differential general rates and minimum payments on Gross Rental and Unimproved Values.

**I. Differential Rates**

GRV General	12.5746 cents in the dollar
UV Rural	06.0373 cents in the dollar
UV Mining	12.0746 cents in the dollar

**II. Minimum Payments**

GRV General	\$1027.00
UV General	\$1027.00
UV Mining	\$ 630.00

This equates to a general increase in rates of 20.72%.

b) Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for the payment of rates in full, and service charges by instalments: Issue Date 12/08/2020

(1) To pay in full 16/09/2020

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(2) To pay by 2 equal instalments being:

(a) 16/09/2020

(b) 18/01/2021

(3) To pay by 4 equal instalments being:

(a) 16/09/2020

(b) 17/11/2020

(c) 18/01/2021

(d) 22/03/2021

- c) Pursuant to Section 6.46 of the *Local Government Act 1995*, Council offers a discount of 2% to rate payers on general rates only, on the condition that all rates (including Rubbish Rates & ESL Levy) and all arrears are paid in full on or before 21 days from date of issue as per point 2(b) above.
- d) Adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$15 for each instalment after the initial instalment is paid, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of *Local Government (Financial Management) Regulations 1996*.
- e) Adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of *Local Government (Financial Management) Regulations 1996*, subject to:
- a) This additional charge and interest rate cannot be applied to an excluded person, as defined in the Local Government (COVID-19 response) Ministerial Order 2020, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council's Hardship Policy.
- f) Adopts an interest rate of 8% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable, pursuant to section 6.51(1) and subject to section 51(4) of the *Local Government Act 1995* and regulation 70 of *Local Government (Financial Management) Regulations 1996*, subject to:

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a) This additional charge and interest rate cannot be applied to an excluded person, as defined in the Local Government (COVID-19 response) Ministerial Order 2020, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council's Hardship Policy.

g) Pursuant to Section 6.16 of the *Local Government Act 1995* and Regulations 67 of the *Local Government (Financial Management) Regulations 1996*, impose and administration fee of \$44.00 on any ratepayers who wishes to negotiate a rates special payment arrangement.

**ABSOLUTE MAJORITY REQUIRED**

*Cr Davis returned to the teleconference at 6.06pm.*

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

Against: Nil

**CARRIED 9/0 BY ABSOLUTE MAJORITY**

**RESOLUTION 127/20**

**Moved:** Cr Geoff Davis  
**Seconded:** Cr Steve Ross

**3. General Fees and Charges for 2020/21 Annual Budget**

**Adopts the Fees and Charges included as Attachment 2 inclusive of the draft 2020/2021 Budget.**

**ABSOLUTE MAJORITY REQUIRED**

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

Against: Nil

**CARRIED 9/0 BY ABSOLUTE MAJORITY**

**RESOLUTION 128/20**

**Moved:** Cr Andrew Twaddle

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**Seconded: Cr Steve Ross**

**4. Other Statutory Fees for 2020/21**

1. Imposes an annual swimming pool inspection levy of \$57.45 (GST exempt) for the 2020/2021 financial year for each property where there is located a private swimming pool, in accordance with regulation 53 of the Building Regulations 2012.

***SIMPLE MAJORITY REQUIRED***

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

Against: Nil

**CARRIED 9/0 BY SIMPLE MAJORITY**

**RESOLUTION 129/20**

**Moved: Cr Geoff Davis**

**Seconded: Cr Rowena Mouda**

5. Adopts in accordance with section 67 of the Waste Avoidance and Resources Recovery Act 2007, the following charges for the removal and deposit of domestic and commercial waste:

a) Residential Premises:

1. Domestic service (annual charge) \$580.00 (GST free)

Service includes:

- 240 litre waste bin collected weekly;

2. Additional Domestic Refuse Service Charges (annual charge):

- Additional 240lt Bin collected weekly \$630.00 (GST free)

b) Commercial Premises:

1. Commercial service (annual charge) \$900.00 (GST free) Service includes:

- 240 litre waste bin collected weekly;



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**2. Additional Commercial Refuse Service Charges (annual charge):**

- Additional Rubbish service \$500.00 (GST free)

**3. Additional Commercial Refuse Service Charges (annual charge):**

- Additional Rubbish Bin \$1000.00 (GST free)

***SIMPLE MAJORITY REQUIRED***

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

Against: Nil

**CARRIED 9/0 BY SIMPLE MAJORITY**

**RESOLUTION 130/20**

**Moved:** Cr Rowena Mouda

**Seconded:** Cr Keith Bedford

**6. Pursuant to Section 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration ) Regulations 1996, adopt the annual fees for payment to elected members:**

- (a) President - \$22,125.00
- (b) Councillors - \$16,500.00

**7. Pursuant to Section 5.98 (5) of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration ) Regulations 1996 adopt the following annual Allowance for elected members to be paid in addition to the annual meeting allowance:**

- (a) President Allowance - \$62,727.00
- (b) Deputy President Allowance - \$15,681.75

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**(c) Telecommunication Allowance - \$12,000.00 (\$1,333.33 per Elected Member)**

***ABSOLUTE MAJORITY REQUIRED***

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

Against: Nil

**CARRIED 9/0 BY ABSOLUTE MAJORITY**

**RESOLUTION 131/20**

**Moved:** Cr Keith Bedford

**Seconded:** Cr Andrew Twaddle

**8. Adopts a material variance of \$30,000 or 10% of the appropriate base, whichever is the higher, for the 2020/21 Financial Activity Statement, for the purpose of reporting under regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality.**

***SIMPLE MAJORITY REQUIRED***

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

Against: Nil

**CARRIED 9/0 BY SIMPLE MAJORITY**

**No update**

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Meeting	Officer/Director	Section	Subject
Council 30/07/2020	Church, Madison O'Halloran, Amanda	Community and Recreation Services	Derby Memorial Swimming Pool - Reopen Waiver of Fees
<b>RESOLUTION 132/20</b>			
<b>Moved: Cr Steve Ross</b>			
<b>Seconded: Cr Pat Riley</b>			
<b>That Council waives the entry fees for the reopening community event to be held at the Derby Memorial Swimming Pool.</b>			
<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		
<b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b>			
<b>No update</b>			

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Meeting	Officer/Director	Section	Subject
Council 30/07/2020	Hartley, Neil O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	Telecommunications Services for the Shire of Derby West Kimberley
<b>RESOLUTION 134/20</b>			
<b>Moved: Cr Paul White</b>			
<b>Seconded: Cr Pat Riley</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. <b>Accept Third Space Indigenous Corporation as the sole provider of telecommunications Services to the Shire of Derby West Kimberley.</b></li> <li>2. <b>Delegate to the Chief Executive Officer, the authority to enter into a contract with Third Space Indigenous Corporation for the supply of telecommunications services, including executing all necessary documents to give effect to the same.</b></li> </ol>			
<u>In Favour:</u> Crs Paul White, Andrew Twaddle, Steve Ross, Rowena Mouda and Pat Riley			
<u>Against:</u> Crs Geoff Davis, Chris Kloss and Keith Bedford			
<b>CARRIED 5/3 BY ABSOLUTE MAJORITY</b>			
<b>No update</b>			

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Meeting	Officer/Director	Section	Subject
Council 30/07/2020	Neate, Wayne O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi)	Tender T2020-01 Derby Sealed Road Reconstruction
<b>RESOLUTION 135/20</b>			
<b>Moved: Cr Geoff Davis</b>			
<b>Seconded: Cr Keith Bedford</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li><b>Award Tender T2020-01 Derby Sealed Road Reconstruction to the Buckley's Earthworks and Paving.</b></li> <li><b>Approve the allocation of \$479,655 from the 2020/21 budget and as noted in the Shire of Derby/West Kimberley Road Management Strategy 2020-25 – Sealed Roads – April 2020.</b></li> </ol>			
<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			
<b>CARRIED 9/0</b>			
<b>No update</b>			

### 6.3 SUNDRY DEBTORS OUTSTANDING JUNE 2020

**File Number:** 5128  
**Author:** Heather Zoetelief, Finance Officer  
**Responsible Officer:** Lavenia Ratabua, Finance Officer  
**Authority/Discretion:** Administrative

#### SUMMARY

For the Committee to receive the Outstanding Sundry Debtors Report provided 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 key role the Committee holds in assisting the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

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

#### STATUTORY ENVIRONMENT

*Local Government Act 1995*

##### **6.16 Imposition of fees and charges**

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

*(2) A fee or charge may be imposed for the following —*

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

*(3) Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) imposed\* during a financial year; and*

(b) *amended\* from time to time during a financial year.*

\* Absolute majority required.

**POLICY IMPLICATIONS**

AFA8 – SUNDRY DEBTORS COLLECTION POLICY

**FINANCIAL IMPLICATIONS**

Outstanding Sundry Debtors totalling **\$884,528.45**. If not collected in a timely manner can affect cash flow.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
Good governance and an effective organisation  Leadership that provides strategic direction for the community, supported by efficient and effective service delivery.	Financial sustainability and accountability for performance	Maintain and monitor strategies for sundry debt collection.

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> Failure to comply with legislative requirements leading to damage of Shire’s reputation, inefficient use of Council resources and/or financial loss	Almost Certain	Major	High	Be proactive with collection process and recovering outstanding debt and review policies and procedures in accordance with review schedule.

**CONSULTATION**

Manager of Finance

Debtors Officer

Finance Officer

Senior Finance Officer

Accountant

CS Legal – Shire of Derby/West Kimberley Debt Recovery Agent.

There has been considerable consultation between the Finance Team, and Shire's debt collection service CS Legal as to following the correct debt collection procedure as outlined in the Shire of Derby/West Kimberley *AF18-SUNDRY DEBTORS COLLECTION POLICY*.

### COMMENT

This report relates to sundry debts where the Shire of Derby/West Kimberley AF18 – Sundry Debtors Collection Policy has been followed by the Finance Department to recover outstanding amount owed by Sundry Debtors.

Historically statements and reminder notices have been sent out as well as a Final Letter of Demand. More recent debts have been subject to due process and procedure including telephone calls, reminder emails and statements in accordance with the aforementioned Policy.

There have been no write-offs this month. It is anticipated that in the coming month the Finance Department will recommend writing off a small number of debts due to it no longer being economical to continue debt recovery, as well as a large debt totalling **\$15,290.60** which is the balance of total owing from the completed liquidation process and the final dividend being paid for a debtor.

Council's outstanding debt currently totals **\$887,633.82** with **\$361,033.58** being 90 days or more, management are working at improving the debt recovery process to reduce this debt owed to Council. The Finance Department have reviewed the outstanding debts and referred to relevant legislation to consider and act on the best options for recovery of such debts.

See below for a breakdown of amounts owed:

Jun-20	90 days	60 Days	30 Days	Current	Credit	Total
	\$	\$	\$	\$	\$	\$
SUNDRY DEBTORS	\$361,033.58	\$63,838.94	\$163,831.17	\$818,147.02	-\$57,555.89	\$1,349,294.82

### VOTING REQUIREMENT

Special majority

### ATTACHMENTS

1. DEBTORS OVER \$1000 > - Confidential
2. Sundry Debtors - Confidential

### RECOMMENDATION

That the Audit Committee RECEIVES the information contained in the reports and notes the Actions being undertaken.



**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, 10 September 2020 in the Council Chambers, Clarendon Street, Derby.

**10 CLOSURE OF MEETING**