



SHIRE OF DERBY/WEST KIMBERLEY

NOTICE OF COUNCIL MEETING

Dear Elected Member,

An Ordinary Meeting of the Council of the Shire of Derby/West Kimberley is to be held on

Thursday, 27 April 2017

At

Council Chambers, Clarendon Street Derby

Commencing at

05:30pm

Stephen Gash

CHIEF EXECUTIVE OFFICER

Date: 21/04/2017

AGENDA

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Our Guiding Values

Respectful

By being helpful, friendly and supportive

Integrity

Through honesty, accountability and ethical behaviour

Leadership

By the Shire at the local and regional level and through encouragement of community leaders

Knowledgeable

By being well informed and accurate in what we do

Building Good Relationships

By being communicative, responsive and inclusive

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Derby/West Kimberley (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Elected Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

Notes for Members of the Public

PUBLIC QUESTION TIME

The Shire of Derby/West Kimberley extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

MEETING FORMALITIES

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting.

Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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Notes for Elected Members

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council, such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Administrative:	When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
Review:	Council reviews a decision made by officers.
Information:	Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Manager Corporate Services prior to the Council Meeting.

DECLARATIONS OF INTERESTS

Elected Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the *Local Government Act 1995* states;

"a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."

Section 5.60B states;

"a person has a proximity interest in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality) states;

"interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."

2017 MEETING DATES

At its Ordinary Meeting of Council on 24 November, 2016, Council adopted the following meeting dates for 2017;

January			Council in Recess
Thursday	23 February 2017	5.30 pm	Council Chambers, Derby
Thursday	30 March 2017	1.00 pm	Fitzroy Crossing Inn, Fitzroy Crossing
Thursday	27 April 2017	5.30 pm	Council Chambers, Derby
Thursday	25 May 2017	5.30 pm	Council Chambers, Derby
Thursday	29 June 2017	1.00 pm	Fitzroy Crossing Inn, Fitzroy Crossing
Thursday	27 July 2017	5.30 pm	Council Chambers, Derby
Thursday	31 August 2017	5.30 pm	Council Chambers, Derby
Thursday	28 September 2017	1.00 pm	Aboriginal Community or Station (to be advised)
Thursday	26 October 2017	5.30 pm	Council Chambers, Derby
Thursday	30 November 2017	1.00 pm	Fitzroy Crossing Inn, Fitzroy Crossing
Thursday	14 December 2017	5.30 pm	Council Chambers, Derby

Council's Compliance and Strategic Review Committee and the Housing and Works Committee meet when required. Details of these meetings are advised as appropriate.

MEETING ATTENDANCE

The following table provides information on attendance at the 2016-2017 Ordinary and Special Council Meetings;

Councillor	28 Jul 2016	25 Aug 2016	29 Sept 2016	27 Oct 2016	24 Nov 2016	15 Dec 2016	09 Feb 2017	23 Feb 2017	30 Mar 2017	27 Apr 2017	25 May 2017	29 Jun 2017
	OCM	OCM	OCM	OCM	OCM	OCM	SCM	OCM	OCM	OCM	OCM	OCM
E Archer	✓	✓	✓	✓	✓	✓	✓	✓	✓			
P White	✓	✓	LOA	✓	✓	✓	✓	✓	✓			
P Coggins	✓	✓	✓	LOA	✓	✓	A	✓	✓			
C Kloss	✓	✓	✓	✓	✓	✓	✓	✓	✓	LOA		
A Kogolo	AB	A	✓	A	A	LOA	A	A	✓			
P McCumstie	LOA	✓	✓	✓	LOA	✓	✓	✓	A			
J Oscar	✓	✓	LOA	✓	LOA	✓	A	A	AB			
I Prouse	✓	✓	✓	✓	✓	✓	A	✓	✓			
A Twaddle	✓	✓	A	✓	✓	✓	✓	✓	✓			

APPLICATION FOR LEAVE OF ABSENCE

In accordance with section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for leave of absence for a member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings.

This approval must be by Council resolution and differs from the situation where an Elected Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings.

SHIRE OF DERBY/WEST KIMBERLEY

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ORDINARY MEETING OF COUNCIL

AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at by.....

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 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.

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

6.2 PUBLIC STATEMENTS

6.3 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

7.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

OFFICER RECOMMENDATION:

Moved: Cr Seconded: Cr

That the minutes of the ordinary meeting of the Shire of Derby/West Kimberley held at the Crossing Inn, Fitzroy Crossing, on 30 March 2017 be confirmed.

9.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

9.1 ACCEPTANCE OF 2015-16 ANNUAL FINANCIAL REPORT

Committee:	Compliance and Strategic Review Committee
Meeting Date:	26 April 2017
Authority Level:	No Delegated Authority
Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	5151 – Financial Reports – Annual SDWK
Author:	Martin Cuthbert – Executive Manager Corporate Services
Responsible Officer:	Stephen Gash – Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 March 2017
Attachments:	1. 2015-16 Annual Financial Report 2. 2015-16 Audit Report
Authority/Discretion:	Executive

SUMMARY:

For Council to adopt the 2015-16 Annual Financial Report and Auditor's Report.

BACKGROUND:

As per the Terms of Reference adopted 25 March 2015, one of the principle objectives of the Compliance and Strategic Review Committee is to accept responsibility for the annual external audit and to liaise with the Auditor so that Council can be satisfied with the performance of the Local Government in managing its financial affairs. The Committee's duties and responsibilities in relation to the Annual Financial Report and the external audit are clearly outlined in the Terms of Reference, specifically item (k) which requires the Committee to consider and recommend adoption of the Annual Financial Report to Council.

The Annual Financial Report for the period ending 30 June 2016 is presented to the Compliance and Strategic Review Committee for consideration and recommend adoption by Council. Shire staff and Moore Stephens have been working collectively to prepare the statements ready for presentation to the auditors. The finalised set of the financial statements and accompanying letters were received by Shire staff on 21 April 2017.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

51. Annual financial report to be signed etc. by CEO and given to Department

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.*
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.*

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.*
- (2) The annual report is to contain —*
 - (f) the financial report for the financial year;*

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Division 3 — Reporting on activities and finance

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) The financial report is to —*
 - (a) be prepared and presented in the manner and form prescribed; and*
 - (b) contain the prescribed information.*

- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
- (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

POLICY IMPLICATIONS:

There are no policy implications that relate to this report.

FINANCIAL IMPLICATIONS:

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2016 and the assets and liabilities as at that date, together with other relevant financial information.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.1: Effective governance and leadership	4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.1: Effective governance and leadership	4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements

RISK MANAGEMENT CONSIDERATIONS:

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

CONSULTATION:

Moore Stephens (WA) Pty Ltd
Shire Staff

There is no legislative requirement to consult on the preparation of the Annual Financial Report, but the Local Government Act 1995 requires a General Meeting of Electors to be held and the Shire's Annual Report, incorporating the Annual Financial Report, to be made available publicly.

COMMENT:

Moore Stephens (WA) Pty Ltd have completed their audit of Council's affairs for the financial year ended 30 June 2016. The Audit Report and Management Report are attached.

The Audit Report contained three instances of non-compliance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

1. Submission of Financial Report

The accounts and financial report for the year ended 30 June 2016 were not submitted to the auditor by 30 September 2016 as required by section 6.4(3) of the Act.

) Management Comment:

Noted

To make sure this does not occur in the future the Shire is reviewing its current financial management practices, in particular reconciliations and accounting processes and management will ensure sufficient accounting resources will be allocated to enable the Shire to meet the 30 September and 31 December deadlines to have the draft financials to the auditor and the audited financial report completed and submitted to the Department of Local Government and Communities.

2. Investment Policy

Our review of the Shire's investment policy regarding the restrictions on investment of money revealed it does not comply with Financial Management Regulation 19C.

) Management Comment:

A comprehensive review is currently being undertaken on all Shire of Derby/West Kimberley Policies, Delegations and Management Practices and it is envisaged this will be completed during 2017.

Councils Investment Policy was reviewed by the Compliance and Strategic Review Committee on 14 December 2016 and adopted at the ordinary meeting of Council held 15 December 2016.

The Policy matches existing practices already in place but now also complies with Financial Management Regulation 19C.

3. Differential Rates

The reasons the rates differed from those set forth in the public notice were not included in the rate notice or information accompanying as required by Financial Management Regulation 56(4)(b).

) Management Comment:

Reason for change in adopted rate in the dollar over advertised rate in the dollar was recorded in the minutes adopting the budget and also as a note in the budget document.

Unfortunately, a notice was not included in the rate notice, this was due to a lack of local government awareness by the previous Manager of Finance.

Procedures will be put in place to ensure this cannot happen again as part of the review of financial management practices as mentioned above.

In the Management Report the auditors noted a significant adverse trend in both the financial position and the financial management practices of the Shire, the table below identify the areas of concern raised by the auditor and management responses.

No.	Issue	Management Response	Actions	Status / Timeframe
1	A significant structural deficit in the operating result for both the years ended 30 June 2016 and 30 June 2015.	<p>It needs to be noted in the deficit increase from \$4,814,413 in 2015 to \$10,647,854 in 2016 includes a \$4,856,568 increase in depreciation due to the revaluation which makes up 83% of the overall change to the financial position.</p> <p>The remaining change was caused by \$1million reduction in operating revenue from 2015.</p> <p>Management had a financial review undertaken by Ron Back highlighting the sustainability of operations.</p> <p>This was presented to the Council in March 2016 with structural changes to address the operating position.</p> <p>Target \$1million reduction in recurrent operating expenditure by June 2017.</p>	<p>) Airport operations ceased 26 February 2016. Casual positions terminated, permanent positions redeployed where vacant positions existed or redundancies paid to make immediate structural changes. 2015/16 Total Employee costs were 3.5% less than 2014/15 prior year despite 2.5% increase to enterprise agreement.</p> <p>) Major structural changes required to staffing levels.</p> <p>) Service level review as part of Community Strategic Plan.</p> <p>) New Grading Contract to build on efficiencies/ asset management strategies.</p> <p>) Review Road Condition/remaining useful life impact on depreciation expense.</p>	<p>Completed March 2016</p> <p>By June 2017</p> <p>May 2017 Contract in place til June 2018</p> <p>June 2017</p>
2	A deterioration in the Operating Surplus Ratio which has also been trending downward over the longer term.	<p>See matters to address operating position above.</p> <p>Ratio trend most significantly impacted by depreciation increasing from \$3,330,545 in 2012 to \$9,049,744 in 2016.</p>	See above	

3	The inability to reconcile the year end position on a timely basis, level of preparedness for our audit visit, ability to respond to requests and quality and co-ordination of information provided.	<p>Noted.</p> <p>The Shire has been impacted by staff turnover and leave cover issues, while trying to manage the staff cost structure.</p> <p>The system needs immediate review and rectification.</p>	<p>Restructure of administration, governance and finance sections to increase the supervision, team structure, training and multiskilling, technical support and system/ task tracking.</p> <ul style="list-style-type: none">) The Exec Manager of Community Development position will not be replaced and will merge with the Exec Manager of Corporate Services to become the Director of Corporate and Community Services.) The Manager of Corporate Services will become the Manager of Finance in a more focussed role.) The Manager of Commercial Services position will be abolished and the incumbent become the new Manager of Administration and Governance.) Senior Administration and Senior Governance positions will not be refilled and team structure flattened within admin and finance to get more on ground resources for less cost. 	27 April 2017
4	Whilst the balances in the financial statements were verified and our audit procedures satisfactorily completed, we noted the asset register does not fully reconcile to the balances as disclosed in the financial report.	Asset register to be further reviewed noting the significant volume of adjustments in 2015/16.	<ul style="list-style-type: none">) Review Fixed Asset Register, Fair Value and Condition reporting to assess remaining useful life.) Review Assets have accurately recognised appropriate components.) Review the treatment of Work In Progress (WIP) at the end of each financial year when it is peak construction period but some jobs may not have been completed and capitalised. 	
5	As at 30 June 2016, the Trust liability does not appear to reconcile with the Trust bank account.	Officers agree that whilst this imbalance was not significant enough to require an adjustment as at 30 June 2016, it should be investigated and rectified.	<ul style="list-style-type: none">) Review the way bonds and retentions/ commissions through the Trust in relation to Fitzroy Crossing Visitor centre are treated. 	June 2017

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That the Compliance and Strategic Review Committee BY AN ABSOLUTE MAJORITY:

- 1. ENDORSES the 2015-16 Annual Financial Report of the Shire of Derby/West Kimberley and the accompanying 2015-16 Audit Report, as attached to this report, and recommends adoption by Council;**
- 2. NOTES the Auditor's Management Report to the Compliance and Strategic Review Committee for the year ended 30 June 2016 supplied by Council's Auditor, Mr David Tomasi of Moore Stephens (WA) Pty Ltd.**

9.2 ADOPTION OF GPS FLEET TRACKING POLICY

Committee:	Compliance and Strategic Review Committee
Meeting Date:	26 April 2017
Authority Level:	No Delegated Authority
Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	4160 – Policy (Council)
Author:	Sarah McKay – Asset Management Coordinator
Responsible Officer:	Wayne Neate – Executive Manager Technical and Development Services
Disclosure of any Interest:	Nil
Date of Report:	17 March 2017
Attachments:	3. Policy AF7 – GPS Fleet Tracking – Draft
Authority/Discretion:	Legislative

SUMMARY:

This report recommends that the Compliance and Strategic Review Committee recommend that Council adopt a new policy titled GPS Fleet Tracking Policy for the purpose of operator safety, fleet management, and best practice utilisation of assets.

BACKGROUND:

A new policy has been created to allow Shire of Derby/West Kimberley Officers to install GPS tracking devices in Shire vehicles and plant.

GPS tracking devices are being used increasingly by Local Governments throughout Australia to provide employee safety, fleet management and best practice utilisation for Local Government vehicles and plant.

Operator safety is paramount when working in remote locations, especially when working alone. Currently the only methods to contact operators or obtain their location are mobile phone, satellite phone or UHF radio, with the UHF radio being slowly phased out. These methods are not reliable in remote locations due to their technical limitations, as well as rely on the operator to respond. Additionally, there has not been a reliable method to locate machinery in remote areas for supervisors or mechanics, or a method to ensure that Shire plant is being utilised to the best of its capabilities.

STATUTORY ENVIRONMENT:

Surveillance Devices Act 1998

7. Regulation of use, installation and maintenance of tracking devices

- (1) *Subject to subsections (2) and (3), a person shall not attach, install, use, or maintain, or cause to be attached, installed, used, or maintained, a tracking device to determine the geographical location of a person or object without the express or implied consent of that person or, in the case of a device used or intended to be used to determine the location of an object, without the express or implied consent of the person in possession or having control of that object.*

POLICY IMPLICATIONS:

A GPS Fleet Tracking Policy will allow for the implementation of fleet tracking to improve operator safety, fleet coordination, and best practice utilisation of assets.

FINANCIAL IMPLICATIONS:

Purchase, installation and operating expenses of a GPS fleet tracking service has been budgeted for this financial year. An amount of \$20,000 has been allocated for this to occur.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation – Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.1: Effective governance and leadership	4.1.4: Develop and maintain risk management policies and procedures
4: Good governance and an effective organisation – Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.3: Accessible and effective customer service and information systems	4.3.2: Ensure effective integration and management of information and communication technology systems

<p>4: Good governance and an effective organisation – Leadership that provides strategic direction for the community, supported by efficient and effective service delivery</p>	<p>4.5: Skilled, committed and professional staff in a supportive environment</p>	<p>4.5.3: Ensure safe work practices through implementation of appropriate Occupational, Health, Safety and Welfare practices</p>
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RISK MANAGEMENT CONSIDERATIONS:

No risks identified with process.

CONSULTATION:

Senior Management Group and various other staff including the works department, Union representatives.

COMMENT:

GPS tracking of Shire fleet will help to improve both fleet management and asset operation practices which will allow for the planning of a more efficient and effective Shire fleet.

Installation of GPS tracking in Shire fleet will allow for real time locating of specific vehicles or plant for routine purposes such as supervisors checking in on operators working alone, or worse case scenarios where an operator needs to transmit a distress signal, or the operator has not been seen or heard from for an extended period of time.

Additionally this will allow for improved fleet management practices via tracking of fleet locations for workshop purposes (on-site servicing, breakdowns), and best practice utilisation by tracking fleet movements to see if improvements can be made to current practices.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That the Compliance and Strategic Review Committee:

- 1. RECEIVE the new policy – AF7 GPS Fleet Tracking Policy as attached; and**
- 2. Recommend that Council ADOPT the new policy – AF7 GPS Fleet Tracking Policy.**

10.0 REPORTS

10.1 EXECUTIVE SERVICES

Nil

10.2 CORPORATE SERVICES

10.2.1 ACCOUNTS FOR PAYMENT – MARCH 2017

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	5110 – Accounts Payable
Author:	David Evans, Finance Officer - Expenditure
Responsible Officer:	Martin Cuthbert, Executive Manager Corporate Services
Disclosure of any Interest:	Nil
Date of Report:	14 March 2017
Attachments:	4. Cheque reconciliation and schedule of accounts
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of March 2017.

BACKGROUND:

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

12(1) A payment may only be made from the municipal fund or a trust fund –

(a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds – by the CEO: or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO

is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

(2) A list of accounts for approval to be paid is to be prepared each month showing —

- (a) for each account which requires council authorisation in that month —*
 - (i) the payee's name; and*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction; and*
- (b) the date of the meeting of the council to which the list is to be presented.*

(3) A list prepared under subregulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.4: Financial sustainability and accountability for performance	4.4.4: Provide resources to support the Shire's operations and to meet planning, reporting and accountability requirements

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal and Compliance: In accordance with section 6.8 of the <i>Local Government Act 1995</i> , a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council	Rare	Minor	Low	Expenditure to only be incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles

CONSULTATION:

Internal consultation within the corporate services department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2016-17 Annual Budget as adopted by Council at its meeting held 25 August 2016 (Minute No. 089/2016 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of March 2017. Lists detailing the payments made are appended as an attachment.

FUND	DETAILS	AMOUNT
Municipal Account		
EFT Payments	EP# 41549 – EP# 41784	\$970,721.83
Municipal Cheques	54605 – 54613	\$24,044.91
Direct Debits	Fees, Charges, Payroll and Payroll Liabilities	\$383,978.47
Trust Account		
Trust Cheques	6452 – 6457	\$929.20
Total		\$1,379,674.41

Creditor's outstanding as at 31 March 2017 totalled \$210,998.89.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council NOTES the Chief Executive Officer's list of accounts for March 2017 paid under Delegated Authority in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachment 4 to Report 10.2.1, totalling \$1,379,674.41.

10.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MARCH 2017

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	5152 – Monthly Financial Reports
Author:	Gary O’Neil, Manager Corporate Services
Responsible Officer:	Martin Cuthbert, Executive Manager Corporate Services
Disclosure of any Interest:	Nil
Date of Report:	13 April 2017
Attachments:	5. Monthly Financial Report March 2017
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 March 2017 as required by the *Local Government Act 1995* (‘the Act’).

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* (‘the Regulations’), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire’s financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire’s financial performance on a year to date basis for the period ending 31 March 2017.

BACKGROUND:

At its meeting held 25 August 2016 (Minute No. 089/2016 refers), Council adopted the annual budget for the 2016-17 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 31 March 2017 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following reports are for Council to note for the period ending 31 March 2017.

-) Statement of Financial Activity for the Month
-) Notes to and forming part of the Statement of Financial Activity:
 - 1. Net Current Asset Position
 - 2. Identification of Material Variances
 - 3. Schedule of Committed Assets and Restricted Assets
-) Statement of Financial Activity by Nature/Type
-) Schedule of Investments
-) Visual Graph displaying Net Current Asset Position
-) Rates Outstanding Report
-) Sundry Debtors Outstanding Report
-) Statement of Financial Position
-) Bank Reconciliation
-) Visual Graphs displaying Operating and Capital Income and Expenditure

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 25 August 2016, the Council adopted (Minute No. 089/2016 part G refers) the following material variance reporting threshold for the 2016-17 financial year:

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in Statements of Financial Activity in 2016-17 for reporting material variances shall be 10%, with a minimum reportable value amount of \$30,000.

STATUTORY ENVIRONMENT:

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

34. Financial activity statement required each month (Act s. 6.4)

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

(b) *budget estimates to the end of the month to which the statement relates;*

and

(c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

(d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

- (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

POLICY IMPLICATIONS:

AF14 – Significant Accounting Policies

AF18 – Sundry Debtors Collection

AF19 – Outstanding Rates Collection

FM4 – Reserve Accounts

FM7 – Cashflow Management

FM8 – Investments

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 March 2017 has been incurred in accordance with the 2016-17 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$30,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good Governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.1: Effective Governance and Leadership	4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Finance: The Shire is exposed to a number of financial risks. Most of these risks exist in respect to recurrent revenue streams which are required to meet current service levels. Any reduction in these revenue stream into the future is likely to have an impact on the Shire's ability to meet service levels or asset renewal funding requirements, unless the Shire can replace this revenue or alternatively reduce costs.	Possible	Major	High	Risk assessments have been completed in relation to a number of higher level financial matters. The timely and accurate completion of monthly financial reporting enabling Council to make fully informed decisions is a control that assists in addressing this risk.
Reputation: The Shire currently has unspent grant funding, including Country Local Government Fund and various Road Project Funds. This funding is associated with capital works programs. If the Shire does not expend and acquit the funding in a timely manner the funding bodies may not approve carry-over into future years and the funding could potentially be lost. This could also damage future funding opportunities.	Possible	Moderate	Medium	Manage by monitoring progress towards project completion

CONSULTATION:

Internal consultation within the corporate services department.

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

COMMENT:

All expenditure included in the financial statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council NOTES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 31 March 2017 forming Attachment 5 to Report 10.2.2.

10.2.3 ELECTED MEMBER VACANCY

Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	4125 – Elections
Author:	Martin Cuthbert, Executive Manager Corporate Services
Responsible Officer:	Stephen Gash, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	18 April 2017
Attachments:	6. Letter of Resignation
Authority/Discretion:	Executive

SUMMARY:

For Council to formally accept the resignation of June Oscar as Councillor effective from 30 March 2017. Council is also required to resolve whether to defer filling the vacancy or conduct an extraordinary election.

BACKGROUND:

A vacancy has occurred on Council under section 2.31 and 2.32 of the *Local Government Act 1995*. Council is requested to consider allowing this vacancy to remain unfilled until the 21 October 2017 local government ordinary election and in accordance with section 4.17 of the *Local Government Act 1995* to formalise this process through application to the Electoral Commissioner of Western Australia.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Part 2 Division 6 – Terms of office on the council and vacation of office

2.32 *The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —*

(a) dies; or

(b) resigns from the office; or

(c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or

(d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or

(da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or

(e) becomes the holder of any office or position in the employment of the local government; or

(f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.

Division 4 — Extraordinary elections

4.8. Extraordinary elections

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.*
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.*
- (3) An election under this section is called an extraordinary election.*

4.9. Election day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) advise the CEO of the day fixed.*

4.17. Cases in which vacant offices can remain unfilled

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (2) If a member's office becomes vacant under section 2.32 —*

(a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but

(b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

Section 4 of the Local Government Act 1995 deals with Elections and other polls.

- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

Subdivision 2 – Committees and their meetings

Section 5.8 Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

- (1) In this section – other person means a person who is not a council member or an employee.*
- (2) A committee is to comprise –*
- (a) council members only; or*
 - (b) council members and employees; or*
 - (c) council members, employees and other persons; or*
 - (d) council members and other persons; or*
 - (e) employees and other persons; or*
 - (f) other persons only.*

5.10. Committee members, appointment of

- (1) A committee is to have as its members –
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

**Absolute majority required.*

- (4) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or
- (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish –
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

**Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be –
- (a) if the member of the committee is a council member – a council member; or
 - (b) if the member of the committee is an employee – an employee; or

(c) if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or

(d) if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.

- (5) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (6) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –*

(a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or

(b) the person resigns from membership of the committee; or

(c) the committee is disbanded; or

(d) the next ordinary elections day,

whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –*

(a) the term of the person's appointment as a committee member expires; or

(b) the local government removes the person from the office or committee member or the office of committee member otherwise becomes vacant; or

(c) the committee is disbanded; or

(d) the next ordinary elections day.

whichever happens first.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

If Council agrees to not fill the vacancy it will result in a budget saving due to no Councillor fees being payable until the October 2017 election when it is filled.

Council has not budgeted for an extraordinary election for the vacancy that has occurred. It is estimated that costs in the vicinity of \$30,000 would be applicable to

hold an extraordinary election. Should Council decide to hold an extraordinary election it would be considered unbudgeted expenditure and a budget amendment would be required.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good Governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.1: Effective governance and leadership	4.1.5: Encourage community participation in local government elections

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Business Interruption: Additional workload on Councillors to attend meetings/committee meetings. Failure to have a quorum for a meeting of Council.	Unlikely	Minor	Low	Adopt officer recommendation. Considered low risk and can be managed by routine procedures and is unlikely to need specific allocation of resources.

CONSULTATION:

Western Australian Electoral Commission.

COMMENT:

Council is required to consider how it wishes to deal with the vacancy on Council created by the resignation of former Councillor June Oscar.

Council has two options to consider when determining how and when to fill the vacancy.

Option One – Extraordinary Election:

The Shire could hold an extraordinary election to fill the vacancy. Whilst the Shire has not requested an estimate of the cost to hold an extraordinary election from the Electoral Commission, it is likely to be in the vicinity of \$30,000. No funds are included in Council's adopted budget for this purpose.

The Election process takes approximately 80 days from commencement to completion and the earliest date that the Western Australian Electoral Commission could conduct an in-person election for the Shire of Derby/West Kimberley would be late June 2017.

Under section 4.9 (2) of the *Local Government Act 1995* it states:

4.9. Election day for extraordinary election.

Any poll needed for an extraordinary election is to be held on a day decided on and fixed —

- (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.

Option Two – Unfilled Vacancy:

The other option for Council is to seek the approval of the Electoral Commissioner for the position to remain vacant until the ordinary local government election to be held 21 October 2017.

Section 4.17 of the *Local Government Act 1995* allows the Council of a local government that is not divided into wards to seek the approval of the Electoral Commissioner for positions on Council to remain vacant until the next ordinary election provided that at least 80% of the positions on Council remain filled. As the Shire of Derby/West Kimberley has 9 positions on Council and the Shire is not divided into wards, the Electoral Commissioner could approve the request for the position on Council to remain vacant.

Should Council wish to pursue this option and assuming approval was granted by the Electoral Commissioner, this would mean that at the Shire's 2017 election, there would be 5 vacancies; 4 for a four year term and 1 for a two year term. The vacancy for a two year term arises as former Councillor Oscar's term of office was not due to expire until the 2019 local government elections.

Before making a decision on whether to request the Electoral Commissioner defer the holding of an election Councillors need to be satisfied that the governance functions and workload of Councillors are not significantly impacted by a temporary reduction in member numbers. Council will be operating at 88.89% capacity until the vacant office is filled.

As has occurred previously when Councillors have resigned prior to the completion of their term of office, it will be recommended that Council seeks the approval of the Electoral Commissioner for the vacancy on Council created as a result of the resignation of former Councillor June Oscar to remain unfilled until the 21 October 2017 local government elections.

Appointment to Committees and Working Groups

As a Councillor June Oscar represented Council on a number of Committee and Working Groups and these appointments will need to be cancelled and new appointees determined from the remaining elected members.

In the event a Deputy, Alternate or Proxy Representative is nominated to the position of Councillor representative a replacement for that appointment will still be required to be nominated and an alternate recommendation considered simultaneously.

The committees, with associated membership, are as follows:

Committees:

CEO Performance Review Committee:

Cr E Archer

Cr P White

Cr J Oscar

Cr I Prouse

Cr C Kloss

External Organisation Representation

Fitzroy Futures Governing Committee:

Cr J Oscar

Working Groups

Native Title Working Party:

Cr E Archer

Cr I Prouse

Cr J Oscar

Portfolios

Youth Affairs – Fitzroy Crossing

Cr J Oscar

Education – Fitzroy Crossing

Cr J Oscar

Community Safety and Crime Prevention – Fitzroy Crossing

Cr J Oscar

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. ACCEPTS the resignation of June Oscar as Councillor effective 30 March 2017 and thank June for her contributions to the development of the Shire during her term in office;**
- 2. In accordance with section 4.17 of the *Local Government Act 1995*, SEEKS the approval of the Electoral Commissioner for the vacancy on Council created by the resignation of June Oscar to remain unfilled until the Ordinary Election to be held 21 October 2017;**
- 3. Recognise the membership to Committees and Working Groups held by former Councillor June Oscar have been cancelled as a result of her resignation, and appointments be determined as follows:**

Cr _____ be APPOINTED to the CEO Performance Review Committee.

Cr _____ be APPOINTED as the Council representative on the Fitzroy Futures Governing Committee.

Cr _____ be APPOINTED to the Native Title Working Party.

10.2.4 ANNUAL REPORT 2015-16

Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	4225 – Annual Report
Author:	Martin Cuthbert, Executive Manager Corporate Services
Responsible Officer:	Stephen Gash, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 April 2017
Attachments:	7. 2015-16 Annual Report
Authority/Discretion:	Executive

SUMMARY:

For Council to adopt the 2015-16 Annual Report.

BACKGROUND:

In accordance with section 5.53 of the *Local Government Act 1995* the 2015-16 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Shire's external auditor has completed the audit of Council's Annual Financial Statements for the 2015-16 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2015-16 Annual Report.

The 2015-16 Annual Report forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the Local Government, but not more than 56 days after the Annual Report is accepted.

STATUTORY ENVIRONMENT:

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the Annual Report:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report each financial year.*
- (2) *The annual report is to contain:*
 - (a) *a report from the Mayor or President;*
 - (b) *a report from the Chief Executive Officer;*

- (c) deleted;*
- (d) deleted;*
- (e) an overview of the Plan for the Future of the District made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
- (f) the financial report for the financial year;*
- (g) such information as may be prescribed in relation to the payments made to employees;*
- (h) the auditor's report for the financial year;*
 - ha. a matter on which a report must be made under Section 29(2) of the Disability Services Act 1993*
 - hb. details of entries made under Section 5.121 during the financial year in the register of complaints, including –*
 - I. the number of complaints recorded in the register of complaints;*
 - II. how the recorded complaints were dealt with; and*
 - III. any other details that the regulations may require; and*
- (i) such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

5.54 Acceptance of Annual Reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after the financial year.*

**Absolute Majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55 Notice of Annual Reports

The Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the Local Government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the Annual Report for the previous financial year and then any other general business.

POLICY IMPLICATIONS:

There are no policy implications resulting from the recommendations of this report.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.1: Effective governance and leadership	4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.4: Effective governance and leadership	4.4.4: Provide resources to support the Shire's operations and to meet planning, reporting and accountability requirements

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal and Compliance: That Council not adopt the Annual Report and submit to the DLGC	Rare	Minor	Low	Accept officer recommendation

CONSULTATION:

There is no legislative requirement to consult the community on the preparation of the Annual Report, however the *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the Annual Report to be made publicly available.

COMMENT:

The Department of Local Government and Communities Integrated Planning and Reporting Framework sets out the requirements for local governments to undertake planning and reporting on their activities. This includes the annual reporting to the

community on achievements and the financial statements. The Annual Report is also seen as an essential tool to inform the community and key stakeholders about its performance and future plans.

The *Local Government Act 1995* requires every local government to prepare an Annual Report. The Annual Report provides progress on the performance, highlights and achievements of the previous financial year to the community. The Annual Report also contains the audited Financial Statements from the previous financial year. It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

The 2015-16 Annual Report has been prepared addressing the highlights and achievements of the year. The Annual Report also includes measurements against the Shire of Derby/West Kimberley Corporate Business Plan. Reports against statutory requirements are also included in the Annual Report.

Once adopted by Council the Annual Report, incorporating the Annual Financial Report, will be made available on the Shire's website. A minimal number of printed, bound colour copies will be available for viewing at Libraries and Customer Services Areas of the Shire.

In order for the Shire of Derby/West Kimberley to meet its legislative requirements, it is recommended that Council accepts the Annual Report for the financial year 2015-16.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. Pursuant to section 5.54 of the *Local Government Act 1995*, ACCEPTS the Annual Report for the 2015-16 financial year, forming Attachment 7;**
- 2. Pursuant to section 5.55 of the *Local Government Act 1995*, GIVES local public notice of the availability of the 2015-16 Annual Report.**

10.2.5 ANNUAL MEETING OF ELECTORS

Location/Address:	N/A
Name of Applicant:	Shire of Derby/West Kimberley
File Reference:	4210 – Electors Meetings
Author:	Martin Cuthbert, Executive Manager Corporate Services
Responsible Officer:	Stephen Gash, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	21 March 2017
Attachments:	Nil
Authority/Discretion:	Executive

SUMMARY:

For Council to determine the meeting date and time for the Annual General Meeting of Electors.

BACKGROUND:

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the Local Government, but not more than 56 days after the Annual Report is accepted. It is anticipated that Council will accept the Annual Report at its meeting to be held 27 April 2017.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an Electors Meeting by giving at least 14 days public notice.

Should Council adopt the Annual Report at its meeting to be held 27 April 2017, the earliest date to issue local public notice is Friday 5 May 2017, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 19 June 2017, with the last date being Friday 30 June 2017.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Thursday 25 May 2017, at the conclusion of the scheduled ordinary Council meeting. Elected Members are more likely to be available at this time due to their attendance at the Council meeting and it also provides opportunity for the public to attend given they know when Councils ordinary meetings are held.

STATUTORY ENVIRONMENT:

Section 5.27 of the *Local Government Act 1995* states the following in regard to Annual General Meeting of Electors:

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.*

Section 5.29 states the following in respect to convening Electors Meetings:

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving:
 - (a) at least 14 days' local public notice; and*
 - (b) each council member at least 14 days' notice,*of the date, time, place and purpose of the meeting.*
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under Section 1.7(1)(a) and is to continue by way of exhibition under Section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

-) Attendance and Apologies
-) Contents of the 2015-16 Annual Report
-) General Business

POLICY IMPLICATIONS:

There are no policy implications resulting from the recommendations of this report.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.4: Financial sustainability and accountability for performance	4.4.4: Provide resources to support the Shire's operations and to meet planning, reporting and accountability requirements

RISK MANAGEMENT CONSIDERATIONS:

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal and Compliance: That the Annual Electors Meeting not be held within 56 days of the Annual Report being adopted	Rare	Minor	Low	Accept officer recommendation

CONSULTATION:

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the Annual Report to be made publicly available.

While the Shire advertises the meeting in accordance with the *Local Government Act 1995*, the Shire will promote the scheduled meeting date as soon as possible and will publicise the Annual Report through the Shire's website once it is adopted by Council.

COMMENT:

The audited Annual Financial Statements for 2015-16 are the subject of a separate report to the Compliance and Strategic Review Committee and then Council. Once these statements are adopted by Council, they are inserted into the 2015-16 Annual Report which is also adopted by Council as a separate item.

In order for the Shire of Derby/West Kimberley to meet its legislative requirements, it is recommended that Council convenes the Annual General Meeting of Electors at the conclusion of the May ordinary Council meeting 6.30pm on Thursday 25 May 2017 at the Council Chambers, Derby.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council:

- 1. Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Thursday 25 May, 2017 commencing at 6.30pm at the Council Chambers, Derby; and**
- 2. ADVERTISE the Annual Electors Meeting in accordance with section 5.29 of the *Local Government Act 1995*.**

10.3 TECHNICAL SERVICES

Nil

10.4 DEVELOPMENT SERVICES

Nil

10.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES

Nil

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 NEW BUSINESS OF AN URGENT NATURE

13.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Thursday, 25 May 2017 in the Council Chambers, Clarendon Street Derby

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting on

.....

Signed:

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

Date: