



SHIRE OF DERBY/WEST KIMBERLEY

ORDINARY MEETING OF COUNCIL

**HELD AT THE COUNCIL CHAMBERS
CLARENDON STREET, DERBY
THURSDAY, 26 OCTOBER 2017**

MINUTES

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SHIRE OF DERBY/WEST KIMBERLEY

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ORDINARY MEETING OF COUNCIL

MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 5.30pm by the Chief Executive Officer

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

| | |
|------------------|------------|
| Cr Paul White | Councillor |
| Cr Iris Prouse | Councillor |
| Cr P McCumstie | Councillor |
| Cr Peter Coggins | Councillor |

COUNCILLORS ELECT:

| | |
|----------------|------------------|
| Andrew Twaddle | Councillor Elect |
| Chris Kloss | Councillor Elect |
| Denise Andrews | Councillor Elect |
| Geoff Davis | Councillor Elect |
| Geoff Haerewa | Councillor Elect |

STAFF:

| | |
|-----------------|---|
| Stephen Gash | Chief Executive Officer |
| Martin Cuthbert | Director Corporate and Community Services |
| Wayne Neate | Director Technical and Development Services |
| Ross Sullivan | Manager Administration and Governance |

VISITORS:

Gary Martin, Consultant
Peta Smallshaw, JP

GALLERY:

5 members of the public were in attendance

2.2 APOLOGIES

| | |
|------------|---------------------------|
| Noel Myers | Manager Planning Services |
|------------|---------------------------|

2.3 APPROVED LEAVE OF ABSENCE

Nil

2.4 ABSENT

Nil

3.0 SWEARING IN OF NEWLY ELECTED MEMBERS

Mrs Peta Smallshaw, JP, conducting the swearing in of the Councillors Elect who were declared by the Returning Officer at the Election held Saturday, 21 October 2017.

Cr's Andrew Twaddle, Chris Kloss, Denise Andrews, Geoff Davis and Geoff Haerewa made Declarations of Office as Councillors and the forms were duly signed.

The signed Declarations are attached.

Form 7. Declaration by Elected Member of Council (r 13(1)(c))

Local Government Act 1995

Local Government (Constitution) Regulations 1998

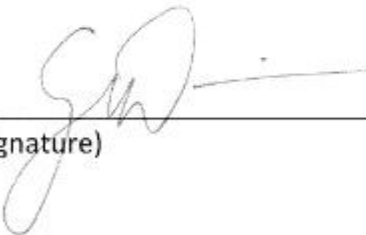
Declaration by Elected Member

I, GEOFFREY DAVIS

of FITZROY CROSSING

having been elected to the office of Councillor of the Shire of Derby/West Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at Council Chambers, Clarendon Street Derby on 26 October 2017 by



(Signature)

Before me:



(Signature)

PETA R. SMALLSHAW J.P.
7321 WA

Mrs Peta Smallshaw, JP

Lot 8 Knutsford Street, Derby WA 6728

Form 7. Declaration by Elected Member of Council (r 13(1)(c))

Local Government Act 1995

Local Government (Constitution) Regulations 1998

Declaration by Elected Member

I, ANDREW JAMES TWARDAK


of 108 Knutsford St East Derby

having been elected to the office of Councillor of the Shire of Derby/West Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at Council Chambers, Clarendon Street Derby on 26 October 2017 by


(Signature)

Before me:


(Signature)

PETA R. SMALLSHAW J.P.
7321 W.A.

Mrs Peta Smallshaw, JP
Lot 8 Knutsford Street, Derby WA 6728

Form 7. Declaration by Elected Member of Council (r 13(1)(c))

Local Government Act 1995

Local Government (Constitution) Regulations 1998

Declaration by Elected Member

I, CHRISTOPHER KLOSS
of 13 BELL CK WAY DERBY

having been elected to the office of Councillor of the Shire of Derby/West Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at Council Chambers, Clarendon Street Derby on 26 October 2017 by



(Signature)

Before me:



(Signature)

PETA R. SMALLSHAW J.P.
7321 W.A.

Mrs Peta Smallshaw, JP
Lot 8 Knutsford Street, Derby WA 6728

Form 7. Declaration by Elected Member of Council (r 13(1)(c))

Local Government Act 1995

Local Government (Constitution) Regulations 1998

Declaration by Elected Member

I, ^{Charles.}
Geoffrey Harewood.....


of Derby - 6 Maitland st.....

having been elected to the office of Councillor of the Shire of Derby/West Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at Council Chambers, Clarendon Street Derby on 26 October 2017 by


(Signature)

Before me:


(Signature)

PETA R. SMALLSHAW J.P.
7321 W.A.

Mrs Peta Smallshaw, JP
Lot 8 Knutsford Street, Derby WA 6728

Form 7. Declaration by Elected Member of Council (r 13(1)(c))

Local Government Act 1995

Local Government (Constitution) Regulations 1998

Declaration by Elected Member

I, Denise Julia Andrews
of Junjuna Community
Fitzroy Crossing.

having been elected to the office of Councillor of the Shire of Derby/West Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at Council Chambers, Clarendon Street Derby on 26 October 2017 by



(Signature)

Before me:



PETA R. SMALLSHAW J.P.
7321 W.A.

(Signature)

Mrs Peta Smallshaw, JP

Lot 8 Knutsford Street, Derby WA 6728

4.0 ELECTION OF SHIRE PRESIDENT

4.1 Election of President

The Chief Executive Officer advised that he had received two written nominations for the role of Shire President, one from Cr Chris Kloss and one from Cr Geoff Haerewa who both confirmed they accepted the nomination. The Chief Executive Officer then call for nominations from the floor, none were forthcoming therefore the Chief Executive Officer declared the nomination period closed.

An election was run by secret ballot and the results were:

Councillor Geoff Haerewa 6 votes

Councillor Chris Kloss 3 votes

The Chief Executive Officer announced that Cr Geoff Haerewa had been elected with a result of 6 votes to 3 and that he was elected to the office of Shire President for a period of two years.

Cr Geoff Haerewa then made the Declaration in the prescribed form before Mrs Peta Smallshaw, JP. The forms were duly signed.

The signed Declaration is attached.

Cr Geoff Haerewa then assumed the Chair.

Form 7. Declaration by Elected Member of Council (r 13(1)(c))

Local Government Act 1995

Local Government (Constitution) Regulations 1998

The Declaration of elected Shire President:

I, Geoffrey Charles Haesena
of 6 Madod St Derby

having been elected to the office of Shire President of the Shire of Derby/West Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at Council Chambers, Clarendon Street Derby on 26 October 2017 by



(Signature)

Before me:



PETA R. SMALLSHAW J.P.
7321 W.A.

(Signature)

Mrs Peta Smallshaw, JP
Lot 8 Knutsford Street, Derby WA 6728

5.0 ELECTION OF DEPUTY SHIRE PRESIDENT

5.1 Election of Deputy President

The Shire President advised that he had received three written nominations, one for Cr Paul White, one for Cr Geoff Davis and one for Cr Chris Kloss. The President then called for nominations from the floor, none were forthcoming therefore the President declared the nomination period closed.

An election was run by secret ballot and the results were:

Councillor Paul White 6 votes

Councillor Geoff Davis 2 votes

Councillor Chris Kloss 1 votes

The President announced that Cr Paul White had been elected with a result of 6 votes to 3 and that he was elected to the office of Deputy Shire President for a period of two years.

Cr Paul White then made the Declaration in the prescribed form before Mrs Peta Smallshaw, JP. The forms were duly signed.

The signed Declaration is attached.

Form 7. Declaration by Elected Member of Council (r 13(1)(c))

Local Government Act 1995

Local Government (Constitution) Regulations 1998

The Declaration of elected Deputy Shire President:

I, PAUL LESLIE WHITE

of 17 RODGERS ST DERBY,

having been elected to the office of Deputy Shire President of the Shire of Derby/West Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at Council Chambers, Clarendon Street Derby on 26 October 2017 by


(Signature)

Before me:


(Signature)

PETA R. SMALLSHAW J.P.
7321 WA

Mrs Peta Smallshaw, JP

Lot 8 Knutsford Street, Derby WA 6728

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

Nil

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Nil

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Nil

6.0 APPLICATIONS FOR LEAVE OF ABSENCE

Cr I Prouse requested a leave of absence for the 30 November 2017 Ordinary Council Meeting.

COUNCIL DECISION:

MINUTE NO. 121/2017

Moved: Cr A Twaddle

Seconded: Cr P White

That Council approves Cr I Prouse's request for leave of absence for the Ordinary Meeting of Council to be held 30 November 2017.

CARRIED 9/0

7.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

Nil

8.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

9.0 PUBLIC TIME

9.1 PUBLIC QUESTION TIME

Nil

9.2 PUBLIC STATEMENTS

Nil

9.3 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

10.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The President thanked his fellow Councillors for their support in electing him to the role of Shire President and looks forward to working with the Council, Chief Executive Officer and Staff for the best outcomes for the Shire of Derby/West Kimberley.

The President also congratulated newly elected Councillors and thanked previous Councillors for their time on Council. In particular the outgoing Shire President, Elsia Archer, for her dedication, hard work and commitment to the whole of the Shire of Derby/West Kimberley during her time on Council.

11.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 122/2017

Moved: Cr P McCumstie

Seconded: Cr P Coggins

That the Minutes of the ordinary meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Derby, on 28 September 2017 be confirmed.

CARRIED 9/0

12.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

13.0 REPORTS

13.1 EXECUTIVE SERVICES

Nil

13.2 CORPORATE SERVICES

13.2.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2017

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | 5110 – Accounts Payable |
| Author: | Myra Henry, Senior Finance Officer |
| Responsible Officer: | Martin Cuthbert, Director Corporate and Community Services |
| Disclosure of any Interest: | Nil |
| Date of Report: | 16 October 2017 |
| Attachments: | 1. 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 September 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 2017-18 Annual Budget as adopted by Council at its meeting held 31 August 2017 (Minute No. 097/2017 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 September 2017. Lists detailing the payments made are appended as an attachment.

| FUND | DETAILS | AMOUNT |
|--------------------------|--|-----------------------|
| Municipal Account | | |
| EFT Payments | EP# 42779 – EP# 43025 | \$1,923,660.25 |
| Municipal Cheques | 54652 – 54663 | \$1,603.59 |
| Direct Debits | Fees, Charges, Credit Card Payments, Payroll and Payroll Liabilities | \$489,192.66 |
| Manual Cheques | 229 | \$1,660.47 |
| | | |
| Trust Account | | |
| Trust Cheques | 006481 – 006481 | \$620.00 |
| | | |
| | Total | \$2,416,736.97 |

Creditor's outstanding as at 30 September 2017 totalled \$324,024.35.

VOTING REQUIREMENT:

Simple majority

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 123/2017

Moved: Cr I Prouse

Seconded: Cr P McCumstie

That Council NOTES the Chief Executive Officer's list of accounts for September 2017 paid under Delegated Authority in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachment 1 to Report 10.2.1, totalling \$2,416,736.97.

CARRIED 9/0

13.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 SEPTEMBER 2017

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | N/A |
| File Reference: | 5152 – Monthly Financial Reports |
| Author: | Gary O’Neil, Manager of Finance |
| Responsible Officer: | Martin Cuthbert, Director Corporate and Community Services |
| Disclosure of any Interest: | Nil |
| Date of Report: | 16 October 2017 |
| Attachments: | 2. Monthly Financial Report September 2017 |
| Authority/Discretion: | Information |

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 September 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 30 September 2017.

BACKGROUND:

At its meeting held 31 August 2017 (Minute No. 097/2017 refers), Council adopted the annual budget for the 2017-18 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 30 June 2018 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 30 September 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 31 August 2017, the Council adopted (Minute No. 097/2017 part 7 refers) the following material variance reporting threshold for the 2017-18 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 2017-18 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 30 September 2017 has been incurred in accordance with the 2017-18 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

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 124/2017

Moved: Cr P McCumstie

Seconded: Cr P Coggins

That Council NOTES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 30 September 2017 forming Attachment 2 to Report 10.2.2.

CARRIED 9/0

13.2.3 REVIEW OF ORDINARY COUNCIL MEETING SCHEDULE FOR 2018

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | Shire of Derby/West Kimberley |
| File Reference: | 4150 – Meeting Procedures |
| Author: | Martin Cuthbert, Director Corporate and Community Services |
| Responsible Officer: | Stephen Gash, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 16 October 2017 |
| Attachments: | Nil |
| Authority/Discretion: | Administrative |

SUMMARY:

The *Local Government (Administration) Regulations 1996* requires a local government to give local public notice of the dates, times and place at which the Ordinary Meetings of Council are to be held for the next 12 months.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 November 2016, Council determined its meeting dates up to and including the 14 December 2017, and will now need to consider meeting dates for the next 12 months in accordance with the *Local Government (Administration) Regulations 1996*. It is recommended that Council continue holding its Ordinary Meetings of Council on the last Thursday of each month (excluding January when Council is in recess).

Seven meetings were scheduled to be held in Derby, three in Fitzroy Crossing (March, June and November) and one at an Aboriginal Community (September).

It is recommended that Council continue holding Ordinary Meetings of Council on the last Thursday of each month and to advertise this information to the public by way of public notices as per statutory regulations, and to upload it on the Shire's website.

With regard to the December 2018 meeting, it is proposed to hold it on the second Thursday of the month, being 13 December 2018, as opposed to the last Thursday, being 27 December 2018, to ensure availability of Elected Members in the lead up to the Christmas holiday period.

The Easter holiday period for 2018 commences Friday 30 March. Therefore the Ordinary Council Meetings for both March and April can remain on the standard last Thursday of the month.

STATUTORY ENVIRONMENT:*Local Government (Administration) Regulations 1996 – Regulation 12***12. Meetings, public notice of (Act S 5.25(1)(g))**

(1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which—*

(a) *the ordinary council meetings; and*

(b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

(2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

POLICY IMPLICATIONS:

Council Policy C5 – Council Meetings – Date, Time and Venue.

FINANCIAL IMPLICATIONS:

Nil

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 |
|---|------------|-------------|---------------|--|
| Legal and Compliance: Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings will be held. Failure to set and advertise meeting dates will contravene the requirements of the <i>Local Government Act 1995</i> | Unlikely | Moderate | Medium | Noting dates and times may be subject to change, the proposed Council and Committee Meeting times and dates are approved for the purpose of public advertising |

CONSULTATION:

These dates have been discussed with the Governance Team and it was agreed that these dates are the most suitable taking public holidays and other meetings into consideration.

Once dates are approved by Council they will be advertised throughout the Shire in accordance with legislation.

COMMENT:

Below are the annual events that need to be taken into consideration when adopting Council Meeting dates. It does not appear that any of them will interfere with Councils traditional meeting dates (i.e. last Thursday of each month).

-) Joint Pilbara/Kimberley Forum – 2017 Forum was held 15 – 16 May 2017;
-) Easter is Friday 30 March 2018 – Monday 2 April 2018;
-) Anzac Day is Wednesday 25 April 2018;
-) National General Assembly of Local Government in Canberra – Sunday 17 June 2018 – Wednesday 20 June 2018; and
-) Local Government Week in Perth (date not yet announced but traditionally held in the first week of August).

The following is a list of public holidays for Western Australia in 2018:

WESTERN AUSTRALIA PUBLIC HOLIDAYS 2018

| Holiday | Date | Holiday Type | Area |
|-----------------------|-----------------------|--------------|---------------|
| New Year's Day | Monday 1 January | Public | WA Wide |
| Australia Day | Friday 26 January | Public | WA Wide |
| Labour Day | Monday 5 March | Public | WA Wide |
| Good Friday | Friday 30 March | Public | WA Wide |
| Easter Monday | Monday 2 April | Public | WA Wide |
| ANZAC Day | Wednesday 25 April | Public | WA Wide |
| Western Australia Day | Monday 4 June | Public | WA Wide |
| Queen's Birthday* | Monday 24 September | Public | WA Most Areas |
| Christmas Day | Tuesday 25 December | Public | WA Wide |
| Boxing Day | Wednesday 26 December | Public | WA Wide |

* Alternate dates for the Queen’s Birthday Public Holiday are proclaimed in the following areas:
Town of Port Hedland, City of Karratha, Shire of East Pilbara (Marble Bar, Nullagine and Newman).

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That with respect to the 2018 Ordinary Meeting of Council Schedule, Council:

- 1. APPROVE the following Ordinary Meeting of Council dates, times and venues for the year ahead:**

| DAY | DATE | TIME | VENUE |
|------------|-------------------|-------------|--|
| January | Council in Recess | | |
| Thursday | 22 February | 5.30pm | Council Chambers, Derby |
| Thursday | 29 March | 1.00pm | Fitzroy Crossing Inn, Fitzroy Crossing |
| Thursday | 26 April | 5.30pm | Council Chambers, Derby |
| Thursday | 31 May | 5.30pm | Council Chambers, Derby |
| Thursday | 28 June | 1.00pm | Fitzroy Crossing Inn, Fitzroy Crossing |
| Thursday | 26 July | 5.30pm | Council Chambers, Derby |
| Thursday | 30 August | 5.30pm | Council Chambers, Derby |
| Thursday | 27 September | 1.00pm | Aboriginal Community, TBC |
| Thursday | 25 October | 5.30pm | Council Chambers, Derby |
| Thursday | 29 November | 1.00pm | Fitzroy Crossing Inn, Fitzroy Crossing |
| Thursday | 13 December | 5.30pm | Council Chambers, Derby |

- 2. REQUEST that the Chief Executive Officer or his authorised officer advertise the approved dates by Public Notice and on the Shire of Derby/West Kimberley website.**

CARRIED 9/0

COUNCIL DECISION

MINUTE NO. 125/2017

Moved: Cr C Kloss

Seconded: Cr A Twaddle

That Council defer item 13.2.3 until the November Ordinary Council Meeting to enable discussion at the November Council Forum.

CARRIED 9/0

COUNCIL DECISION**MINUTE NO. 126/2017****Moved: Cr P White****Seconded: Cr C Kloss****That Standing Orders be suspended to enable open discussion on Items 13.2.4****CARRIED 9/0****COUNCIL DECISION****MINUTE NO. 127/2017****Moved: Cr C Kloss****Seconded: Cr G Davis****That Standing Orders be resumed.****CARRIED 9/0****13.2.4 REPRESENTATION ON COMMITTEES AND WORKING PARTIES/GROUPS**

| | |
|------------------------------------|--|
| Location/Address: | N/A |
| Name of Applicant: | Shire of Derby/West Kimberley |
| File Reference: | 4285 – Nominations and Appointments to Committees |
| Author: | Martin Cuthbert, Director Corporate and Community Services |
| Responsible Officer: | Stephen Gash, Chief Executive Officer |
| Disclosure of any Interest: | Nil |
| Date of Report: | 16 October 2017 |
| Attachments: | Nil |
| Authority/Discretion: | Administrative |

SUMMARY:

As a result of the recent Local Government election held on 21 October, 2017, membership of Elected Members to various Council appointed committees was declared vacant. There are 4 current committees established in this manner and their status is outlined in the Comment section of this report:-

) CEO Performance Review Committee

-) Compliance and Strategic Review Committee
-) Housing and Works Committee
-) Shire of Derby West Kimberley Recovery Committee

It would also be prudent at this time to review membership of external committees requiring Elected Member representation, as well as membership to the working parties/groups Council has previously formed to assist on various issues.

BACKGROUND:

The last full review of committee representation was at the meeting of Council held 29 October, 2015. There have been various bodies established since that time, which are detailed in this report. Such representation requires review in light of the recent Council elections.

STATUTORY ENVIRONMENT:

Local Government Act 1995 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

In this section – other person means a person who is not a council member or an employee.

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

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.*

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 major 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 major 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.

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.

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

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:

Nil

STRATEGIC IMPLICATIONS:

| GOAL | OUTCOME | STRATEGY |
|---|--|--|
| Goal 4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by | Outcome 4.1: Effective governance and leadership | Strategy 4.1.1: Provide leadership in balancing the needs of the community, government, industry and the environment |

| | | |
|--|--|--|
| efficient and effective service delivery | | |
| Goal 4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery | Outcome 4.1: Effective governance and leadership | Strategy 4.1.2: Support strategic alliances, stakeholder forums and advisory committees that assist the Shire in policy development and service planning |
| Goal 4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery | Outcome 4.1: Effective governance and leadership | Strategy 4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role |

RISK MANAGEMENT CONSIDERATIONS:

| RISK | LIKELIHOOD | CONSEQUENCE | RISK ANALYSIS | MITIGATION |
|---|------------|-------------|---------------|---|
| Business Operation: Members are not appointed to Committees | Unlikely | Moderate | Medium | Elected Members are appointed to Committees at a future Council meeting Officer reports and recommendations will be considered by Council at Ordinary Council Meetings |

CONSULTATION:

Nil

COMMENT:

Establishment of committees requires an absolute majority decision of Council. When Council establishes a committee it is required to detail what authority (if any) is delegated to that committee. A formal committee established in this manner is required to observe Council's Standing Orders and the *Local Government Act 1995* in its meetings: for example all meetings are required to be advertised, produce a formal agenda and minutes, and include a public question time.

An acceptable alternative to the establishment of committees per the *Local Government Act 1995* is the formation of working parties, working groups, or teams. Such bodies are not delegated specific authority from Council and therefore act as an advisory body only. Recommendations from such bodies are presented to Council through officer reports.

Somewhat confusingly there are also bodies that have been previously established by Council which are referred to as ‘committees’, but are not established per the *Local Government Act 1995*.

The following information details the various committees that Council has established or is represented upon. Council is requested to review its representation on such bodies, whether to disband some internal working parties and to nominate elected members to those bodies to which Council wishes to continue providing representation.

Council Committees (formed per s5.8 of the *Local Government Act 1995*)

CEO Performance Review Committee (prior to 21 October, 2017 – Crs Archer, White, Oscar, Kloss and Prouse): originally established in January 2002, the Committee undertakes the performance review of the CEO and negotiates changes to the CEO’s contract of employment for subsequent Council approval.

Compliance and Strategic Review Committee, formally Audit Committee and Policy Review Committee (prior to 21 October, 2017 – Crs Archer, Twaddle, White and Prouse) established in May, 2005 to comply with legislation and to oversee financial issues. Change of Committee name and Terms of Reference occurred in March 2015 to reflect changes to the *Local Government (Audit) Regulations 1996* to expand the focus of the Committee to provide effective corporate governance through the review of systems and procedures relating to risk management, internal control and legislative compliance.

Shire of Derby West Kimberley Recovery Committee (prior to 21 October, 2017 – Crs Archer, Twaddle, Coggins and McCumstie) originally established in March, 2013 to oversee local government procedures following an emergency event.

Housing and Works Committee (prior to 21 October, 2017 – Crs Archer, White, Twaddle, CEO Stephen Gash and DTDS Wayne Neate) established in August 2015 to prioritise works in accordance with the Shires asset management principles and the *Local Government Act 1995*. The Committee has delegated authority to allocated funds from specific accounts identified within the Terms of Reference.

External Representation

Listed below are the external committees/organisations to which Council currently provides representation. In brackets are the names of the Councillors who represented Council prior to 21 October, 2017:-

| ORGANISATION | REPRESENTATIVE/S |
|---|-------------------------------------|
| Derby Visitor Centre Board of Management | Cr P Coggins |
| Pastoralists and Graziers Assoc. | Cr A Twaddle Proxy – Cr C Kloss |
| Kimberley Zone Control Authority | Cr A Twaddle |
| Derby Chamber of Commerce/Small Business Centre | Cr A Twaddle |
| Land Conservation District Committees West and North Kimberley | Cr C Kloss |
| Regional Roads Group | Cr P White Proxy – P Coggins |
| Fitzroy Futures Governing Committee | Cr J Oscar |
| Derby Aboriginal Health Service – Local Advisory Committee | Cr E Archer |
| District Health Advisory Council – Derby | Cr E Archer Proxy Cr P McCumstie |
| District Health Advisory Council – Fitzroy Crossing | Cr J Oscar Proxy – Cr A Kogolo |

| | |
|---|--|
| WALGA Kimberley Country Zone | Cr E Archer (Member) Cr P White (Deputy Member) |
| Regional Collaborative Group Board | Cr E Archer (Member) Cr P White (Deputy Member) |
| Local Government Development Assessment Panel | Cr A Twaddle (Member 1) Cr P Coggins (Member 2) Cr P White (Proxy 1) Cr C Kloss (Proxy 2) |

Working Parties/Working Groups

There are a number of working parties which Council has previously formed. Councillors appointed prior to 21 October, 2017 are shown in brackets:

Native Title Working Party (Crs E Archer, I Prouse and J Oscar); established in March 2003 this working party was formed to advise Council on native title matters and claims.

Community Grants Working Group (Crs E Archer, C Kloss and P Coggins); established April, 2010. The Working Group was formed to assist with the consideration and prioritisation of annual community grant applications.

Ports Project Group (Crs E Archer, P White, A Twaddle, P McCumstie and P Coggins). Formed in 2013 to guide the direction of the three strategic ports projects the Shire has involvement with.

Kimberley Planning Infrastructure Framework (KPIF) Working Group (Crs E Archer, I Prouse, CEO Stephen Gash and Shire Planner Noel Myers) formed 15 May 2014 to review the Draft Kimberley Regional Planning and Infrastructure Framework Summary – March 2014 and provide feedback to the Western Australian Planning Commission.

Additional Portfolios

Prior to 21 October, 2017 nominated elected members also had responsibility for the following general portfolios which do not come under the headings as listed above:-

| ORGANISATION | REPRESENTATIVE/S |
|-------------------------------------|-------------------------|
| Youth Affairs – Derby | Cr I Prouse |
| Youth Affairs – Fitzroy Crossing | Cr J Oscar |
| Aged and Seniors – Derby | Cr P White |
| Aged and Seniors – Fitzroy Crossing | Cr A Kogolo |
| Education – Derby | Cr P White |
| Education – Fitzroy Crossing | Cr J Oscar |

| | |
|---|-------------------------------|
| Community Safety and Crime Prevention | Cr C Kloss |
| Community Safety and Crime Prevention | Cr J Oscar |
| Sport and Recreation – Derby | Cr P Coggins |
| Sport and Recreation – Fitzroy Crossing | Cr A Kogolo |
| Regional Prison Reference Group | Cr P White |
| Mining and Exploration | Crs P White and P McCumstie |
| Derby Volunteer Marine Rescue Group | Crs A Twaddle and P McCumstie |
| Derby Aboriginal Short Stay Accommodation Advisory Group | Cr E Archer |

Kimberley Development Commission Board Nomination

Council has received a request from the Kimberley Development Commission seeking nominations for one (1) local government representative on its Board. In accordance with the *Regional Development Commission's Act 1993*, nominees for the vacancy must be members of the Council of a local government in the region and are to be nominated by Local Governments in the region.

The four Kimberley local governments are each invited to nominate two Councillors.

Cr E Archer has been the Local Government Representative from 2012 to 2017.

Kimberley Zone Representatives

The Shire of Derby/West Kimberley is currently represented by Cr E Archer and Cr P White. This item is seeking nominations of representatives. Noting a WALGA State Council representative needs to be a Zone Delegate.

VOTING REQUIREMENT:

Absolute majority.

OFFICER RECOMMENDATION:

That all Elected Member representation prior to 21 October, 2017 on Council Committees, External Committees/Organisations, Internal Working Parties/Groups and Miscellaneous Portfolios be dissolved.

COUNCIL COMMITTEES

CEO Performance Review Committee (no delegated power)

That by Absolute Majority Council APPROVES up to five elected members to be appointed to the CEO Performance Review Committee.

That by Absolute Majority Council APPOINTS the following Elected Members to the CEO Performance Review Committee.

Compliance and Strategic Review Committee (no delegated power)

That by Absolute Majority Council APPROVES four elected members to be appointed to the Compliance and Strategic Review Committee.

That by Absolute Majority Council APPOINTS the following Elected Members to Compliance and Strategic Review Committee. (Note. This action appoints the Councillors to the Committee).

Shire of Derby West Kimberley Recovery Committee (no delegated power)

That by Absolute Majority Council APPROVES four elected members to be appointed to the Shire of Derby West Kimberley Recovery Committee.

That by Absolute Majority Council APPOINTS the following Elected Members to Shire of Derby West Kimberley Recovery Committee. (Note. This action appoints the Councillors to the Committee).

Housing and Works Committee (has delegated power)

That by Absolute Majority Council APPOINTS the following Elected Members and Staff to Shire of Derby West Kimberley Recovery Committee. (Note. This action appoints the Councillors to the Committee).

CEO, Stephen Gash

DTDS, Wayne Neate

EXTERNAL REPRESENTATION – COMMITTEES/ORGANISATIONS

That Council APPROVES the nomination of the following Elected Members to the external Committees/Organisations as detailed below:

Kimberley Zone Representatives

Member

Deputy Member

Regional Collaborative Group Board

Member

Deputy Member

Kimberley Development Commission Board Nomination

Local Government Development Assessment Panel (DAP)

Member 1

Member 2

Proxy 1

Proxy 2

Regional Roads Group

Member

Proxy

Derby Visitors Centre Board of Management

Pastoralists and Graziers Association

Kimberley Zone Control Authority

Land Conservation District Committee (West Kimberley and North Kimberley)

Derby Chamber of Commerce/Small Business Centre

Fitzroy Futures Governing Committee

Derby Aboriginal Health Service – Local Advisory Committee

District Health Advisory Council for Derby

Proxy

District Health Advisory Council for Fitzroy Crossing

Proxy

WORKING PARTIES/GROUPS

That Council APPROVES the nomination of the following Elected Members to the Council Working Parties/Groups as detailed below:

Native Title Working Party

Community Grants Working Group

Ports Project Group

MISCELLANEOUS PORTFOLIOS

Youth Affairs

Derby

Fitzroy Crossing

Aged and Seniors

Derby

Fitzroy Crossing

Education

Derby

Fitzroy Crossing

Community Safety and Crime Prevention

Derby

Fitzroy Crossing

Sport and Recreation

Derby

Fitzroy Crossing

Regional Prison

Mining and Exploration

Derby Volunteer Marine Rescue Group

Derby Aboriginal Short Stay Accommodation Advisory Group

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 128/2017

Moved: Cr C Kloss

Seconded: Cr G Davis

That Council defer item 13.2.4 until the November Ordinary Council Meeting to enable discussion at the November Council Forum, with the exception of the Regional Roads Group.

Regional Roads Group

Member Cr P White
Proxy Cr G Haeawa
Proxy Cr G Davis

CARRIED 9/0

13.3 TECHNICAL SERVICES

Nil

13.4 DEVELOPMENT SERVICES

Nil

13.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES

Nil

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 NEW BUSINESS OF AN URGENT NATURE

Nil

**16.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
(CONFIDENTIAL MATTERS)**

Nil

17.0 CLOSURE

17.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Thursday, 30 November 2017 at the Karrayili Adult Education Centre, Fitzroy Crossing.

17.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 6.44pm

| |
|--|
| <p>These minutes were confirmed at a meeting on</p> <p>.....</p> <p>Signed:</p> <p>Presiding Person at the meeting at which these minutes were confirmed.</p> <p>Date:</p> |
|--|