



MINUTES

ORDINARY COUNCIL MEETING

19 APRIL 2023

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CONFIRMED

AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 4:30pm.

Affirmation of Civic Duty and Responsibility as Read

I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Nungarin. We collectively declare we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability.

Acknowledgement of Traditional Custodians

We wish to acknowledge the Traditional Custodians of the land we are meeting on, the Njaki Njaki Nyoongar people, and recognise the contribution of Elders past, present and future.

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

The Shire President has in terms of the *Local Government (Administration) Regulations 1996, Reg 14C(2)(a)(iii)*, approved a request from Councillor Dayman to attend the meeting by electronic means.

2.1 ATTENDANCE

Councillors

| | |
|------------------------|-------------------------|
| Shire President | Cr P de Lacy |
| Deputy Shire President | Cr G Coumbe |
| Elected Member | Cr RE O'Connell |
| Elected Member | Cr K Dayman (via Teams) |
| Elected Member | Cr J Davis |
| Elected Member | Cr W Lee |
| Elected Member | Cr M Caughey |

Council Officers

| | |
|--------------------------|------------|
| Chief Executive Officer | Mr L Long |
| Manager Works & Services | Mr D Nayda |

Observers / Visitors

Jacob Tayler (left the meeting at 4:51pm)

2.2 APOLOGIES

Nil

2.3 REQUEST FOR LEAVE OF ABSENCE

Nil

3. DEPUTATIONS AND PETITIONS

3.1 DEPUTATIONS
Nil

3.2 PETITIONS
Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

4.2 PUBLIC QUESTION TIME
Nil

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL AND PROXIMITY INTEREST
Nil

5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT
Nil

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)
Nil

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

7.1 ORDINARY COUNCIL MEETING – 15 March 2023

COUNCIL RESOLUTION 19/04/23

That the Minutes of the Ordinary Council Meeting held on 15 March 2023 be confirmed as being a true and accurate record.

Moved: Cr G Coumbe

Seconded: Cr J Davis

CARRIED 7/0

7.2 OUT OF SESSION CONFIRMATION - APPOINTMENT OF CEO RECRUITMENT PANEL

BACKGROUND

On 20 March 2023, a request for Councillors to consider ‘out-of-session’ the appointment of the CEO Recruitment Panel, Terms of Reference and Position Description all associated with the recruitment of a new CEO was emailed out to Councillors (see report below). The ‘out-of-session request was supported by an absolute majority (all) of Councillors.

| 7.2.1 APPOINTMENT OF CEO RECRUITMENT PANEL | |
|---|--|
| File Ref: | 11.14 |
| Previous Item Ref: | Nil |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements | Absolute Majority |
| Attachment Number: | Attachment A – Terms of Reference Attachment B – CEO Position Description |

COUNCIL RESOLUTION 20/4/23

That Council Resolves the following ‘out-of-session’ consideration be confirmed:

1. Appoint pursuant to the *Local Government (Administration) Amendment Regulations 2021*, the following Councillors to be on the Chief Executive Officers selection panel:
 - a. Cr de Lacy
 - b. Cr Coumbe
 - c. Cr Lee
 - d. Cr Davis
 - e. Cr O’Connell
 - f. Cr Dayman
 - g. Cr Caughey
2. Appoint pursuant to the *Local Government (Administration) Amendment Regulations 2021*, the following independent person to the selection panel:
 - a. Caroline Robinson (NEWROC Executive Officer)
3. Adopt the Terms of Reference (Attachment A) for the selection panel appointed in (1.) and (2.) above.
4. Endorse the “CEO Position Description” (Attachment B).

5. The executive recruitment cost be declared authorised expenditure by amending the approved 2022/23 budget as follows:

| Description | GL N# | Reduce | Increase |
|-------------------------------------|---------------|----------------|----------------|
| Executive Recruitment | 204242 | | \$5,000 |
| Bldg Mtce L186 Danberrin Mun | 204236 | \$5,000 | |

Moved: Cr RE O'Connell

Seconded: Cr M Caughey

CARRIED BY ABSOLUTE MAJORITY 7/0

IN BRIEF

Following the resignation of the current Chief Executive Officer (CEO), Council is required to appoint a recruitment panel who will be involved in the recruitment process and provide Council with a recommendation following interviews.

BACKGROUND

The current CEO tendered his resignation to the Shire President on 15 March 2023 and will be required as per clause 11.4(1) of his contract to give three (3) months' notice making the last day of employment 15 June 2023, unless by mutual agreement an earlier date is agreed upon.

REPORT DETAIL

One of the fundamental roles of Council is the employment of the CEO. The CEO is responsible for implementing the Council's strategic vision and leading the administration. A local government must select a CEO in accordance with the principles of merit, equity and transparency.

Under the *Local Government (Administration) Amendment Regulations, 2021*, the Guidelines for the Local Government CEO Recruitment and Selection were amended February 2021. Local Government Councils are now required to develop Terms of Reference relating to the management and implementation of the future CEO recruitment process and Council are required to endorse the CEO Position Description including selection criteria.

Council is also required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of Councillors, the number of which is to be determined by Council and must include at least one independent person. The independent person cannot be a current elected member, human resource consultant or staff member of the local government. A person is considered to be independent if they are:

- A former elected member or staff member of the local government.
- A former elected member (such as a Shire President) or staff member of another local government.
- A prominent or highly regarded member of the community.
- A person with experience in the recruitment of CEO's and / or senior executives.

The panel will be responsible for assessing applicants and making a recommendation to Council regarding the most suitable applicant. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

To ensure the selection panel are informed of the duties and responsibilities of their role, "Terms of Reference" have been developed and are recommended to be adopted by Council. In addition to the "Terms of Reference" Council is also requested to endorse the Chief Executive Officers Position Description which incorporates the "Selection Criteria".

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|---|
| Focus Area | Our Organisation |
| Community Priority | Skilled and capable shire staff and community leaders |
| Success Measurement | We invest in the wellbeing and development of staff |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Amended Regulation 2021

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out –
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

8. Establishment of selection panel for employment of CEO

- (1) In this clause - independent person means a person other than any of the following –
 - (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.

- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise –
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected land owners)

Nil

Policy Implications

Policy CM 2 – Senior Employees

Risk Management Implications

| Risk Level | Comment |
|------------|---|
| Moderate | It is a legislative requirement for a local government to have a CEO, as such it is important to commence the recruitment process urgently. |

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Whilst no provisions have been made in the 2022/22 budget for the recruitment of a CEO, funds can be reallocated to cover the cost without negatively impacting the budget.

Workforce

Nil

End

8. OFFICER REPORTS

| 8.1 LISTING OF PAYMENTS FOR THE MONTH OF MARCH 2023 | |
|---|---------------------------------------|
| File Ref: | 10.13 |
| Previous Items: | Nil |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Attachment Number | 8.1A – Payment List |

COUNCIL RESOLUTION 21/04/23

That Council Resolves to:

1. Receive the following payments made throughout the month of March 2023:

| | | |
|------------------|---------------------|---------------------|
| Municipal | Cheque | \$ 30,378.27 |
| | EFT | \$154,161.87 |
| | Direct Debit | \$ 11,010.69 |
| | | \$195,550.83 |
| Trust | Cheque – | Nil |
| | Grand Total | \$195,550.83 |

Moved: Cr W Lee
 Seconded: Cr G Coumbe

CARRIED 7/0

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of March 2023.

BACKGROUND

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

As per Regulation 13 of the *Local Government (Financial Management) Regulations 1996* the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

REPORT DETAIL

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribe information.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|---|
| Focus Area | Our Organisation |
| Community Priority | Effective forward planning, and engagement with our community |
| Success Measurement | We deliver sound financial and asset management |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

As per Regulation 13 of the *Local Government (Financial Management) Regulations 1996* the following is required;

- (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;
 - (b) the amount of the payment;
 - (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;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction.
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (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.

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic – (Impact on the Economy of the Shire and Region)**

Nil

Social – (Quality of life to community and / or affected land owners)

Nil

Policy Implications

Nil

Risk Management Implications

| Risk Level | Comment |
|-------------------|---|
| Medium | If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclean compliance return submitted to the Department of Local Government, Sport & Cultural Industries. |

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

end

CONFIRMED

| 8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MARCH 2023 | |
|--|--|
| File Ref: | 10.2.2 |
| Previous Item Ref: | Nil |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer Darren Long, Financial Consultant |
| Declaration of Interest: | Nil |
| Voting Requirements | Simple Majority |
| Attachment Number: | 8.2A – Monthly Statement |

COUNCIL RESOLUTION 22/04/23

That Council Resolves to:

1. **Receives the monthly financial activity statement for the period ending 31 March 2023.**

Moved: Cr W Lee

Seconded: Cr RE O'Connell

CARRIED 7/0

IN BRIEF

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulation 1996*.

BACKGROUND

The *Local Government Act 1995* in conjunction with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a monthly Statement of Financial Activity to be presented to Council detailing the prescribed information within 2 months after the end of the month to which the statement relates.

REPORT DETAIL

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves;
- (j) Loan Borrowings Statement; and
- (k) Trust Statement.

MATERIAL VARIANCE COMMENTARY ON YEAR TO DATE

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income. Attached to this report is a copy of the month by month cumulative budget estimates, set out in the Statement of Financial Activity format.

The Statement of Financial Activity as at 31 March 2023 shows a closing surplus of \$854,553.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|---|
| Focus Area | Our Organisation |
| Community Priority | Effective forward planning, and engagement with our community |
| Success Measurement | We deliver sound financial and asset management |

OTHER STRATEGIC LINKS

Shire of Nungarin 2022/23 Annual Budget

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Finance) Regulations 1996*.

Local Government (Financial Management) Regulations 1996:
Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected land owners)

Nil

Policy Implications

Nil

Risk Management Implications

| Risk Level | Comment |
|-------------------|--|
| Medium | Inadequate financial performance monitoring could lead to over/under budget expenditure which could affect council's financial position and/or financial ratios. |

CONSULTATION

Shires Financial Consultant

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

end

| | |
|--|---------------------------------------|
| 8.3 RESCIND SALE OF LOT 188 (46) DANBERRIN ROAD | |
| File Ref: | 4.27.4 |
| Previous Item Ref: | Res 6859/07/22 |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements | Absolute Majority |
| Attachment Number: | 8.3A – Withdrawal Letter |

COUNCIL RESOLUTION 23/04/23

That Council Resolves to:

1. Revoke Council Resolution 6914/12/22 of the Ordinary Council Meeting of 7 December 2022, which reads as follows, due to the applicant Carol Rowntree no longer wanting to proceed with the purchase of the property:

“1. Accept the “Offer to Purchase” for the amount of \$45,000 (GST not applicable) by Carol Rowntree for Lot 188 (46) Danberrin Road, Nungarin;

2. Authorises the Chief Executive Officer to sign the relevant documents pertaining to the sale of Lot 188 (46) Danberrin Road, Nungarin;

3. Allocate all conveying cost and associated expenditure to account GL 209321; and

4. Increase account CL414510 to transfer the net income to the Building Reserve.

Moved: Cr K Dayman

Seconded: Cr W Lee

CARRIED BY ABSOLUTE MAJORITY 6/0”

Moved: Cr G Coumbe

Seconded: Cr J Davis

Third: Cr M Caughey

CARRIED BY ABSOLUTE MAJORITY 7/0

IN BRIEF

The purpose of this report is to revoke the above resolution due to the applicant no longer proceeding with the purchase of the property.

BACKGROUND

At the Ordinary Council meeting of 16 November 2022 Council resolved as follows:

“COUNCIL RESOLUTION 6903/11/22

That Council Resolves to:

1. *Acknowledge the “Offer to Purchase” for the amount of \$45,000 (ex GST) by Carol Rowntree for Lot 188 (46) Danberrin Road, Nungarin;*
2. *Advertise the potential sale of Lot 188 (46) Danberrin Road, Nungarin in accordance with s3.58(3) of the Local Government Act 1995;*
3. *In addition to the required advertising in (2.) above further advertise the proposed sale of the property by letter drop to the community, the Shire Website and Facebook Page;*
4. *Following compliance with (2.) and (3.) above formally consider the “Offer to Purchase” Lot 188 (46) Danberrin Road, Nungarin; and*
5. *Allocate proceeds received from the sale of land in (1.) above to the Building Reserve GL 102030.*

*Moved: Cr RE O’Connell
 Seconded: Cr K Dayman*

CARRIED BY ABSOLUTE MAJORITY 7/0”

The above resolution cannot be revoked as it has been enacted upon already . Only Council Resolution 6914/12/22 needs to be revoked as it will not be enacted upon.

REPORT DETAIL

The original applicant Carol Rowntree has advised the Shire, due to difficulties in securing a building contractor she will not be able to proceed with the purchase of the property.

Whilst the subject resolution is recommended to be revoked, the property is still listed for sale through Council Resolution 6859/07/22. However, with the recent change in depot staff it may be prudent to place the sale of the property on hold until such time as the depot has recruited a new staff member.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|---|
| Focus Area | Our Economy |
| Community Priority | Economic Development |
| Success Measurement | Housing and rental stock assists in the attraction and retention of the local workforce |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic – (Impact on the Economy of the Shire and Region)**

Nil

Social – (Quality of life to community and / or affected land owners)

Nil

Policy Implications

Nil

Risk Management Implications

| Risk Level | Comment |
|-------------------|--|
| Medium | Keeping the property on the “books” does hold some risk in that it will need continuous maintenance. |

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

end

| 8.4 PROPOSED SALE OF LOT 5 (50) RAILWAY AVENUE NUNGARIN | |
|--|---|
| File Ref: | A1031 |
| Previous Item Ref: | Res 8/02/23 |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements | Absolute Majority |
| Attachment Number: | 8.4A – Genevieve Talbot submission 8.4B – Nicholas Malaspina submission 8.4C – CONFIDENTIAL Legal Advice |

COUNCIL RESOLUTION 24/04/23

That Council Resolves to:

1. Accept the “Offer to Purchase” for the amount of \$6,500 (not subject to GST) by Jacob Tayler for Lot 5 (50) Railway Avenue, Nungarin subject to:
 - a. The purchaser reimburse the Shire for the cost of obtaining a valuation in accordance with s3.58 of the Local Government Act 1995;
 - b. The purchaser reimbursing the Shire for the cost of placing the advertisement in the West Australian in accordance with s3.58 of the Local Government Act 1995; and
 - c. The existing transportable building is not part of the sale and will be removed from the property at the Shire’s cost prior to transfer being finalised.
2. The building in the front of the lot either be restored or demolished within a period of eighteen (18) months from the date of transfer, or such further time as approved by the Chief Executive Officer.
3. Allocate all conveying costs and associated expenditure to account GL209321; and
4. Increase account GL414510 to transfer the net income to the Building Reserve.

Moved: Cr K Dayman
Seconded: Cr M Caughey

CARRIED BY ABSOLUTE MAJORITY 7/0

IN BRIEF

Following the required advertising Council is requested to formally consider whether it will be willing to accept the “Offer to Purchase” relating to Lot 5 (50) Railway Avenue, Nungarin.

BACKGROUND

Council at its Ordinary Council Meeting of 16 November 2022 resolved as follows:

“COUNCIL RESOLUTION 8/02/23

That Council Resolves to:

1. *Acknowledge the “Offer to Purchase” for the amount of \$6,500 (not subject to GST) by Jacob Tayler for Lot 5 (50) Railway Avenue, Nungarin.*
2. *Advertise the potential sale of Lot 5 (50) Railway Avenue, Nungarin in accordance with s3.58(3) of the Local Government Act 1995.*
3. *In addition to the required advertising in (2.) above further advertise the proposed sale of the property by letter drop to the community, the Shire Website and Facebook Page.*
4. *Following compliance with (2.) and (3.) above formally consider the “Offer to Purchase” Lot 5 (50) Railway Avenue, Nungarin, subject to:*
 - a. *The Purchaser being responsible for the cost of obtaining a valuation in accordance with s3.58 of the Local Government Act 1995; and*
 - b. *The Purchaser being responsible for the cost of placing the advertisement in the West Australian in accordance with s3.58 of the Local Government Act 1995.*
 - c. *The existing transportable building is not part of the sale as is to be removed from the property at the Councils cost prior to transfer of the property being finalised.*
5. *Allocate proceeds received from the sale of land in (1.) above to the Building Reserve GL 102030.*

Moved: Cr W Lee

Seconded: Cr RE O'Connell

Carried by Absolute Majority 6/0”

REPORT DETAIL

As required by the *Local Government Act 1995*, the proposed sale of the subject lot was advertised in the West Australian newspaper, Shire of Nungarin Facebook Page, Shire of Nungarin Instagram, Shire of Nungarin Website, the NewsLink and a postal drop.

As a result of the consultation two (2) submissions were received, from Genevieve Talbot (**Attachment 8.4A**) and from Nicholas Malaspina (**Attachment 8.4B**). Neither of the two submissions objected to the sale of the property but did make the following higher offer to purchase the property:

- Genevieve Talbot - \$6,550; and
- Nicholas Malaspina - \$6,950.

It should be noted; the process being followed is not the same as a public tender but rather a 'private treaty'. Therefore, Council is not required to accept the highest offer. However, should Council wish to entertain one of the two submission the process as outlined in s3.58 of the Local Government Act 1995 would need to be followed. The potential purchaser, who is also a resident in Nungarin currently operates a mobile mechanical repair service and is looking for a site at which he can establish a mechanical workshop.

The opinion is held that since there were no objections to the sale of the land with the higher offer only being \$450 more than the original offer by Jacob Tayler, and the sale will result in an additional business opening and further activating the main street, that the property be sold to Jacob Tayler.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|---|
| Focus Area | Our Organisation |
| Community Priority | Effective forward planning, and engagement with our community |
| Success Measurement | We deliver sound financial and asset management |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

A new business along the main street will further activate the streetscape, potentially attracting additional patrons to town who may make also spend in the other existing businesses.

Social – (Quality of life to community and / or affected land owners)

The further activation of the main street does provide a sense of security and could potentially attract other investors to town.

Policy Implications

- CM 10 Disposal of Property

Risk Management Implications

| Risk Level | Comment |
|-------------------|---|
| Low | The sale of the property has a very low to no risk to Council, having been a property that was acquired by Council years ago. |

CONSULTATION

- Community consultation via Facebook, Instagram, Website, NewsLink and postal drops.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

CONFIRMED

| 8.5 LOCAL GOVERNMENT ELECTIONS | |
|---------------------------------------|---|
| File Ref: | 11.2 – 11.2.2 |
| Previous Item Ref: | Nil |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements | Absolute Majority |
| Attachment Number: | 8.5A – Letter from Hon John Carey MLA 8.5B – Quotation from WAEC |

COUNCIL RESOLUTION 25/04/23

That Council Resolves to:

- 1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commission to be responsible for the conduct of the 2023 ordinary election together with any other elections or polls which may be required;**
- 2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, the method of conducting the election will be as a postal election using the Priority Australia Post delivery service, and;**
- 3. Endorse the allocation of \$12,000 in the 2023/24 annual budget for the WAEC to conduct the Shire of Nungarin's ordinary postal election.**

Moved: Cr K Dayman

Seconded: Cr J Davis

CARRIED BY ABSOLUTE MAJORITY 7/0

IN BRIEF

The next Local Government election is due to be held on 21 October 2023. In accordance with the *Local Government Act 1995 (the Act)*, Council can opt to conduct an election either as an in-person election or a postal election. Current legislation dictates, if a Council decides to conduct a postal election, the Western Australian Electoral Commission (WAEC) must conduct the election, with the cost of the election to be recouped by the WAEC on the basis of full accrual cost recovery.

This year's election is significant as it will be voting using the optional preferential system. This will add a degree of complexity to the system. The Shire has received a cost estimate from the WAEC to conduct the election as a postal ballot, being the only option if using the WAEC.

Council is required to make a decision, from the options available, for the conduct of the 2023 Local Government Election.

BACKGROUND

Due to the increase in complexity most Local Governments will be considering to utilize the services of the Electoral Office in managing the election process as it streamlines the process and ensures a compliant process.

REPORT DETAIL

The Shire has traditionally held an in-person election. Local government elections occur on the third Saturday in October every two years. Councillors each serve a term of four years. The Shire has four Councillors whose term expires in 2023.

Council does have the option of a postal voting which in the opinion of the WAEC has the potential to attract larger numbers of voters. Alternatively, Council may opt for the traditional in-person voting system. However, this may increase the cost to Council for the WAEC to run the election process.

In the recent years no election was required due to the nominations not being contested. Should this be the case again the cost to Council for having the WAEC run the process is estimated to be \$6,000.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|--|
| Focus Area | Our Organisation |
| Community Priority | Skilled and capable shire staff and community |
| Success Measurement | Elected members are trained and supported to make well informed decisions. |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Local Government (Elections) Regulations 1997*

Local Government Act 1995

s.4.61. Choice of methods of conducting election

- (1) The election can be conducted as a Postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic – (Impact on the Economy of the Shire and Region)**

Nil

Social – (Quality of life to community and / or affected land owners)

Nil

Policy Implications

Nil

Risk Management Implications

| Risk Level | Comment |
|-------------------|---|
| Medium | With the added complexity in the election process, there is a possibility the election process could be questioned in the case of an election needing to be held. This would result in a delay as well as reputational damage to the Council. |

CONSULTATION

- Western Australian Electoral Commission (WAEC)

RESOURCE IMPLICATIONS**Financial**

The adoption of the recommendation would require Council to ensure the cost, estimated to be \$11,500 for the WAEC to run the election is included in the 2023/24 budget. This cost estimate was provided by the WAEC based on the following:

- 160 electors
- Response rate of approximately 70%
- 4 vacancies
- Count to be conducted at the offices of the Shire of Nungarin
- Appointment of a local Returning Officer
- Regular Australia Post delivery service to apply for the lodgement of the election packages.

Workforce

As part of the election process staff may be required to assist the Returning Officer.

end

| 8.6 ANNUAL REPORT FOR 2021/22 AND ANNUAL ELECTORS MEETING | |
|--|--|
| File Ref: | 3.13 & 11.4.1 |
| Previous Item Ref: | Nil |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer Darren Long, Financial Consultant |
| Declaration of Interest: | Nil |
| Voting Requirements | Absolute Majority |
| Attachment Number: | 8.6A – 2021/22 Annual Report and Audit Financial Statements |

COUNCIL RESOLUTION 26/04/23

That Council Resolves to:

- 1. Adopt the Annual Report including the Audited Financial Statements and Auditors Report for the year ending 30 June 2021.**
- 2. Endorse the content of the “Report Detail” in the agenda item as the Shire of Nungarin report to the Minister.**
- 3. Hold an Electors’ General Meeting at 6:00pm on 17 May 2023.**

Moved: Cr M Caughey

Seconded: Cr RE O’Connell

CARRIED BY ABSOLUTE MAJORITY 7/0

IN BRIEF

- Council is requested to consider and adopt the Shire of Nungarin Annual Report for the 2021/22 financial year.
- Consider advertising the annual electors meeting to be held on Wednesday 17th May 2023 at 6:00pm.

BACKGROUND

In accordance with the *Local Government Act 1995*, local governments are required to accept the annual report by absolute majority no later than 31 December after the relevant financial year. However, the Audited Financial Statements were only received from the Auditor General in March 2023.

Further, 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. In this regard it is recommended the Electors’ General Meeting be held on 17 May 2023 to ensure compliance with the *Local Government Act 1995*.

REPORT DETAIL

The Shire of Nungarin's Annual Report is an account of the Shire's activities throughout the 2021/22 financial year which highlights the progression and achievements towards the strategic objectives detailed in Council's Strategic Community Plan.

The annual report which includes the 2021/22 annual financial report and auditors report once adopted will be available on Council's website as well as at the Administration Office for public viewing. Copies will be provided to ratepayers and community members upon request.

Initially, Council's annual audit for 2021/220 was to be undertaken by RSM Australia Pty Ltd on behalf of the Office of the Auditor General (OAG). However, due to unknown circumstance RSM Australia Pty Ltd was no longer available. The OAG appointed Dry / Kirkness who completed the audit on behalf of the OAG.

Details of management issues, suggestions etc. are contained within a separate management report and are addressed on an ongoing basis. A copy of the 2021/22 Annual Financial Statements can be found at **Attachment 8.6A**.

Following adoption of the Annual Report, the Annual Financial Statements and the official audit report the document will be presented to the Electors at the annual General Electors meeting. It is also a requirement that a copy of the audit report and Financial Statements be forwarded to the Dept. of Local Government.

Confirm with Darren, if the management letter should be included in the report

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|--|
| Focus Area | Our Organisation |
| Community Priority | Effective forward planning and engagement with our community |
| Success Measurement | We deliver sound financial and asset management |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

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 —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (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; and
 - (f) the financial report for the financial year; and

- (g) such information as may be prescribed in relation to the payments made to employees; and
- (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
 - (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; and
 - (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.

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.

5.55. Notice of annual reports

The CEO 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.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

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.

Local Government (Administration) Regulations 1996

15. Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general

electors’ meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

Local Government Act 1995

7.9 Requires the Auditor to examine the accounts and annual financial report by 31 December following the end of the financial year. The Office of the Auditor General has not complied with this requirement.

7.12A Sets out the requirements for local governments in respect to audits. This includes the need to prepare a report to the Minister within 3 months of receiving the audit report if the auditor identifies any items it considers significant.

Local Government (Audit) Regulations 1996

10. Requires the audit report to be forwarded to the Audit Committee within 30 days of completing the audit.

16. Describes the functions of the audit committee.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

The Annual Report demonstrates to the community sound management of the Shire’s resources during the 2021/22 financial year.

Social – (Quality of life to community and / or affected land owners)

The Annual Report outlines achievements that demonstrate the Shire’s commitment to improving the quality of life in the community.

Policy Implications

Nil

Risk Management Implications

| Risk Level | Comment |
|------------|---|
| High | Council is required to prepare and accept an annual report at the conclusion of each financial year which is then publicised to the community. Council risks not being compliant with the <i>Local Government Act 1995</i> and Regulations requirements. There is also a reputational factor where Council could fail to communicate to the community in a transparent and accountable way. |

CONSULTATION

Throughout the preparation of the Annual Financial Report the Shire’s Auditors Dry / Kirkness consulted the Shires’ Financial Consultant Darren Long, as well as Shire staff.

In March 2023 the Auditors together with the Auditor Generals' Office had an exit meeting to present the Annual financial Report attended a number of Councillors.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

End

CONFIRMED

| 8.7 REGULATION 17 AUDIT OF THE LOCAL GOVERNMENT (AUDIT) REGULATION 1996 | |
|--|--|
| File Ref: | 10.16 |
| Previous Item Ref: | Nil |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements | Simple Majority |
| Attachment Number: | 8.7A – 2019 Review 8.7B – 2023 Review |

COUNCIL RESOLUTION 27/04/23

That Council Resolves to:

- 1. Receive the Audit Report pursuant to *Regulation 17 of the Local Government (Audit) Regulations 1996*.**
- 2. Request the Chief Executive Officer to continue working towards resolving all issues identified in the recommendation of the Audit Report received in (1.) above.**

Moved: Cr W Lee

Seconded: Cr G Coumbe

CARRIED 7/0

IN BRIEF

To present the review and actions identified from the report relating to legislative compliance, internal controls, and risk management, in accordance with regulation 17 of the Local Government (Audit) Regulations 1996 (the Regulations), prepared by Darren Long Consulting.

BACKGROUND

In 2013, regulation 17 of the Regulations were amended to include a requirement for the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal controls, and legislative compliance on a biennial basis. In 2018, regulation 17 was amended to change the frequency of the review requirement from biennial to triennial.

In accordance with regulation 16 of the Regulations, a local government's audit committee is responsible for reviewing the CEO's report, before providing a copy of the report and the results of its review to Council.

Pursuant to Regulation 17(1) of the Local Government (Audit) Regulations 1996, the Chief Executive Officer is to review the appropriateness and effectiveness of the systems and procedures relating to:

- a. Legislative compliance;

- b. Internal control; and
- c. Risk management.

REPORT DETAIL

Regulation 17 of the Regulations require the CEO to conduct a review of systems and procedures relating to legislative compliance, risk management and internal controls on a triennial basis. As a result of the reviews conducted, a total of 33 opportunities for improvement were identified across the three areas of review, down from the 51 identified in the 2019 review. Of the 33 opportunities identified work has commenced on the following, with the remainder to be addressed over the coming months:

- That the CEO consider the formalisation of internal procedure manuals for key processes so there is clear documentation on how tasks and processes should be performed;
- That the CEO consider implementing a new internal control procedure where the MCS undertakes the role of checking customer sales invoices raised and to certify debtor batch listings by verifying the sales invoices to the Debtor Invoice Batch Report.
- That the CEO consider implementing a new certification stamp for supplier invoices that incorporates an initial and check box for verifying the additions on the supplier invoice for accuracy, verifying the GST amount matches that specified on the invoice, verifying if GST credits can be claimed on the supplier invoice, and verifying the supplier's ABN and GST registration status.
- That the CEO implement new internal control procedures to ensure the certification stamp on supplier invoices is signed by the ordering/receiving officer that goods have been received in appropriate condition or services have been rendered at the appropriate standard and also the 'Authorised for Payment' certification line.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|---|
| Focus Area | Our Organisation |
| Community Priority | Effective forward planning, and engagement with our community |
| Success Measurement | We deliver sound financial and asset management |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- Regulation 17 of the *Local Government (Audit) Regulations 1996*

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected land owners)

Nil

Policy Implications

Nil

Risk Management Implications

| Risk Level | Comment |
|------------|---|
| Medium | A review of the review of systems and procedures relating to legislative compliance, risk management and internal controls is a legislative requirement, not under taking this would result in the Shire not being compliant with legislation and would likely result in a significant finding during an audit. |

CONSULTATION

- Manager Corporate Services
- Manager Works and Services

RESOURCE IMPLICATIONS

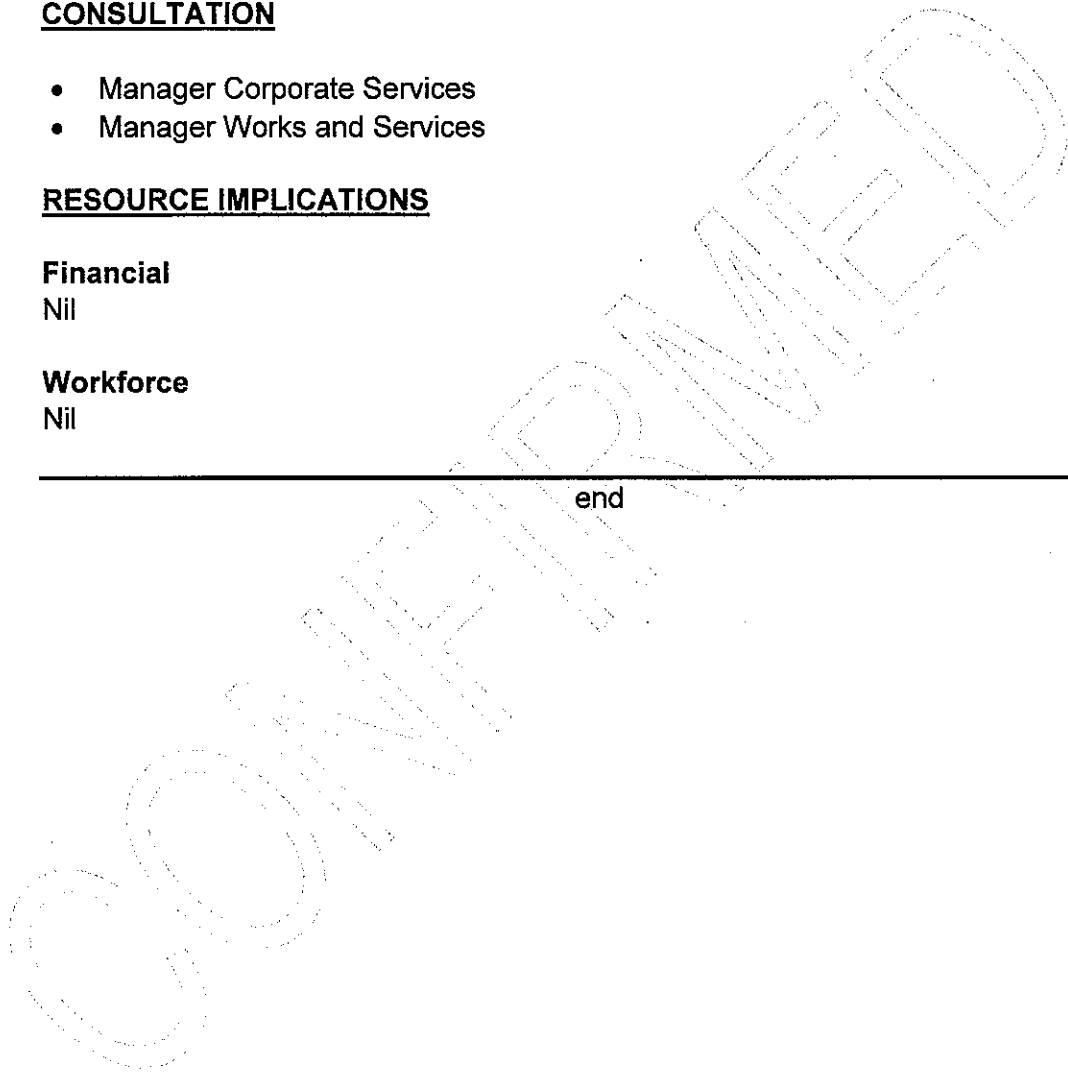
Financial

Nil

Workforce

Nil

end



| 8.8 OFFICE OF THE AUDITOR GENERAL – AUDITOR’S REPORT AND MANAGEMENT LETTER | |
|---|--|
| File Ref: | 11.11 |
| Previous Item Ref: | Nil |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements | Simple Majority |
| Attachment Number: | 8.8A - Auditors Report 8.8B – Management Letter |

COUNCIL RESOLUTION 28/04/23

That Council Resolves to:

- 1. Note the Auditor General’s Report Attachment 8.8A.**
- 2. Note the management responses as outlined in the Management Letter Attachment 8.8B.**

Moved: Cr RE O’Connell

Seconded: Cr J Davis

CARRIED 7/0

IN BRIEF

Council remains informed, Council is requested note the Auditor General’s Report and Management Letter.

BACKGROUND

As part of the annual financial audit undertaken by the Office of the Auditor General, the Auditor General provides an “Independent Auditor’s Report” outlining the auditors opinion. In addition, the Auditor General also provide a “Management Letter” outlining the findings identified during the audit.

REPORT DETAIL

As a result of the 2021/22 financial audit, the Auditor General provided the following opinion (**Attachment 8.8A**):

“I have audited the financial report of the Shire of Nungarin (Shire) which comprises:

- The Statement of Financial Position at 30 June 2022 and the Statement of Comprehensive Income by Nature or Type, Statement of Changes in Equity, and Statement of Cash Flows and Rate Setting Statement for the year then ended.*
- Notes comprising a summary of significant accounting policies and other explanatory information.*

In my opinion, the financial report is:

- *Based on proper accounts and records.*
- *Presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2022 and its financial position at the end of that period.*
- *In accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not consistent with the Act, Australian Accounting Standards.”*

In addition to the Auditor General's Report / opinion the Auditor General also provides a Management Letter (**Attachment 8.8B**) outlining any findings identified during the audit. The findings are categorised as follows:

- Significant:** Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.
- Moderate:** Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor:** Those findings that are not of primary concern but still warrant action being taken.

With regard to the 2021/22 financial Audit, nine (9) findings have been reported of which six (6) have since the completion of the audit been addressed.

(1) Purchase quotations (Moderate rating):

As a result of the remote location and difficulty in obtaining quotes for various works, Council adopted a new purchasing policy which will address this matter. Staff with delegated authority have been made aware of the new policy and its requirements.

Further, to ensure compliance going forward a “purchasing form” confirming compliance with the new Purchasing Policy CM 9 will be developed and staff will be required to attach this form to purchase orders were relevant.

(2) Fair value of roads infrastructure assets (Moderate rating):

A desktop assessment is done annually by the Shires' Financial Consultant to determine if there is any potential significant impact on the valuations. This was done for the subject financial year and sent to the auditors on 28 September 2022 with no further enquiries.

Further, since the last revaluation of the asset, there has been significant volatility with regard to inflation, in addition, there have been a number of factors that have also contributed to the high inflation, particularly, COVID-19 pandemic.

Nonetheless, the Shire as required by the LG Act 1995, is planning to budget for the revaluation of this asset class to be done in the 2023/24 budget. The opinion

is held, that the inflation volatility will begin to settle and the markets return to pre-pandemic levels or close too, resulting in more stable conditions.

(3) Supplier invoices not signed (Moderate rating):

A process has been put in place requiring the relevant area manager to sign all invoices confirming receipt of goods / work prior to payment.

(4) Supplier Masterfile amendments (Moderate rating):

Monthly Audit reports have been run for the past several months now and are signed by the Manager Corporate Services with the CEO counter signing reports. The opinion is held that the Shire does comply with the exception of confirming the ABN. However, a process has been put in place to ensure ABN lookup is completed prior to supplier setup or amendment and a new supplier / Supplier Change of Details form is used. All changes to suppliers are now checked by the Corporate Service Officer, confirmed by the Manager Corporate Services.

(5) Risk Management Policy (Moderate rating):

Council adopted Policy CM 6 – Risk Management on 19 October 2022.

(6) Corporate business plan expired (Moderate rating):

The Shires' Integrated Strategic Plan 2023 – 2033 which incorporates the Corporate Business Plan was adopted by Council at its Ordinary Council Meeting of 16 November 2022.

The remaining three (3) findings identified as moderate are as follows:

(1) No Workforce Plan (Significant rating):

Finding: Section 5.56 of the *Local Government Act 1995* requires a local government to plan for the future of the district, and the plans made are to be in accordance with any regulations made about planning for future of the district.

Section 19DA(3)(c) of the *Local Government (Administration) Regulations 1996*, requires a corporate business plan for a district to develop and integrate matters relating to resources, which includes workforce planning. Section 19DA(4) requires the corporate business plan to be reviewed every year.

Management Comment:

It is acknowledged that a plan is a requirement of the Act, A workforce plan will be prepared and considered by Council within the current financial year.

(2) IT security control environment (Moderate rating):

Finding: There is no Cyber Security Response Plan and no documented process for the Shire to follow should a cyber-attack occur.

Management Comment:

It is acknowledged that an ICT Strategy Plan is required and will be prepared and considered by Council within the current financial year

(3) Information and communication technology (ICT) disaster recovery plan (Moderate rating):

Finding: There is no ICT Disaster Recovery Plan in place.

Management Comment:

It is acknowledged that an ICT Disaster Recovery Plan is required and will be prepared and considered by Council within the current financial year.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|---|
| Focus Area | Our Organisation |
| Community Priority | Effective forward planning, and engagement with our community |
| Success Measurement | We deliver sound financial and asset management |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected land owners)

Nil

Policy Implications

Nil

Risk Management Implications

| Risk Level | Comment |
|-------------------|---|
| Medium | Annual audits are an invaluable tool to use to ensure compliance with the Act, continued non-compliance may result in a report being presented to parliament. |

CONSULTATION

- Finance & Audit Committee
- Councillors (OAG exit meeting)

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

end

| 8.9 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER | |
|--|---------------------------------------|
| File Ref: | 11.15 |
| Previous Item Ref: | Nil |
| Applicant: | Nil |
| Author and Title: | Leonard Long, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements | Absolute Majority |
| Attachment Number: | Nil |

COUNCIL RESOLUTION 29/04/23

That Council Resolves to:

1. Appoint either the Manager Corporate Services or Manager Works and Services as the Acting Chief Executive Officer, should Council appoint a permanent Chief Executive Officer during the current round of advertising and the commencement date is within four (4) to six (6) weeks.
2. Approve the remuneration of the above Acting Chief Executive Officer to be 100% of the cash component of the outgoing CEO’s total reward package.
3. Nominates the Shire President in conjunction with the Deputy Shire President to appointment an Acting Chief Executive Officer should the successful candidate’s commencement date be more than six(6) weeks from the date of the outgoing CEO official last day, or until such time as a substantive Chief Executive Officer has been recruited and commences employment with the Shire, but not for a period exceeding twelve (12) months, subject to the following:
 - a. The remuneration of the above Acting Chief Executive Officer to be 100% of the cash component of the outgoing CEO’s total reward package.
 - b. The Acting Chief Executive Officer to have the same use of a Council vehicle as the outgoing Chief Executive Officer.

Moved: Cr M Caughey
 Seconded: Cr G Coumbe

CARRIED BY ABSOLUTE MAJORITY 7/0

IN BRIEF

Council is to consider either appointing one of the current managers should a Chief Executive Officer (CEO) be appointed through the current recruitment process or appoint an Acting CEO should the current recruitment process not be successful.

BACKGROUND

The Shire is currently undertaking a recruitment process for the replacement of the outgoing CEO. It is likely, due to the departure date of the outgoing CEO and the potential commencement date of the incoming CEO that there will not be a CEO, as such it is imperative for Council to ensure there is an acting CEO during any overlapping period.

REPORT DETAIL

The current recruitment process is well underway with the application submission period ending on 21 April 2023. It is anticipated, should acceptable candidate applications be received the recruitment process could be finalised no later than the first week in May.

Depending on the outcome of the recruitment process and the required notice period the incoming CEO would need to provide, the commencement date could be anything from four (4) weeks to three (3) months. This would result in a potential commencement date of between June 2023 and September 2023.

With the outgoing CEO's last day being 31 May 2023 (leave until 15 June 2023) and the official employment end date being 15 June 2023, there is a possibility of the CEO position being unoccupied for more than 48 hours.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 – 2033

| | |
|----------------------------|---|
| Focus Area | Our Organisation |
| Community Priority | Skilled and capable shire staff and community leaders |
| Success Measurement | We invest in the wellbeing and development of staff |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*

SUSTAINABILITY AND RISK CONSIDERATIONS**Economic – (Impact on the Economy of the Shire and Region)**

Nil

Social – (Quality of life to community and / or affected land owners)

Nil

Policy Implications

Policy CM 9 – Appointment of Acting Chief Executive Officer.

Risk Management Implications

| Risk Level | Comment |
|-------------------|---|
| High | The role of the CEO is considered to be crucial to achieving good governance and for fulfilling the functions prescribed in s5.41 of the <i>Local Government Act 1995</i> . Not having a CEO for a period longer than 48hrs is a breach of the Act. |

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

end

CONFIRMED

9. MINUTES OF COMMITTEES

(Minutes of the various Committees and other Forums where Council is represented by an Elected member is listed below for Councillors information only.)

- 9.1 Local Health Advisory Group – 24 February 2023 (Attachment 9.1A)**
- 9.2 Newtravel – 23 February 2023 (Attachment 9.2A)**
- 9.3 DOAC – 13 March 2023 (Attachment 9.3A)**
- 9.4 GECZ – 13 February 2023 (Attachment 9.4A)**
- 9.5 LEMC – 21 February 2023 (Attachment 9.5A)**

10. DELEGATES REPORTS

10.1 Cr O’Connell

- **(Attachment 10.1A)** Councillors O’Connell submitted an additional report which was tabled at the meeting as **Attachment 10.1B.**

10.2 Cr Coumbe

- Attended the GECZ meeting.
- A Fire Engineer has been appointed to evaluate the proposed shed at the museum.
- Collie veterans car club 7 October 23.
- Decision to be made on the 2024 vintage rally date.

10.3 Cr Davis

- Attended Biosecurity meeting, looking for funding for wild dogs. Still having issues with people using the track along the fence road.

10. NEW BUSINESS OF AN URGENT NATURE

CEO leave request approved.

11. CONFIDENTIAL ITEMS OF BUSINESS

Nil

12. CLOSURE

The being no further business the meeting closed at 5:24pm



Presiding Member

17/05/2023
Date