



ORDINARY COUNCIL MEETING MINUTES

16TH AUGUST 2023

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PUBLIC QUESTION TIME

1. The order of business allows for a Public Question time at the beginning of the meeting.
2. If you wish to ask a question about an agenda item before it is considered then it is recommended to be made at the Public Question Time item on the agenda in accordance with Council's Procedures and Guidelines for Public Question Time.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

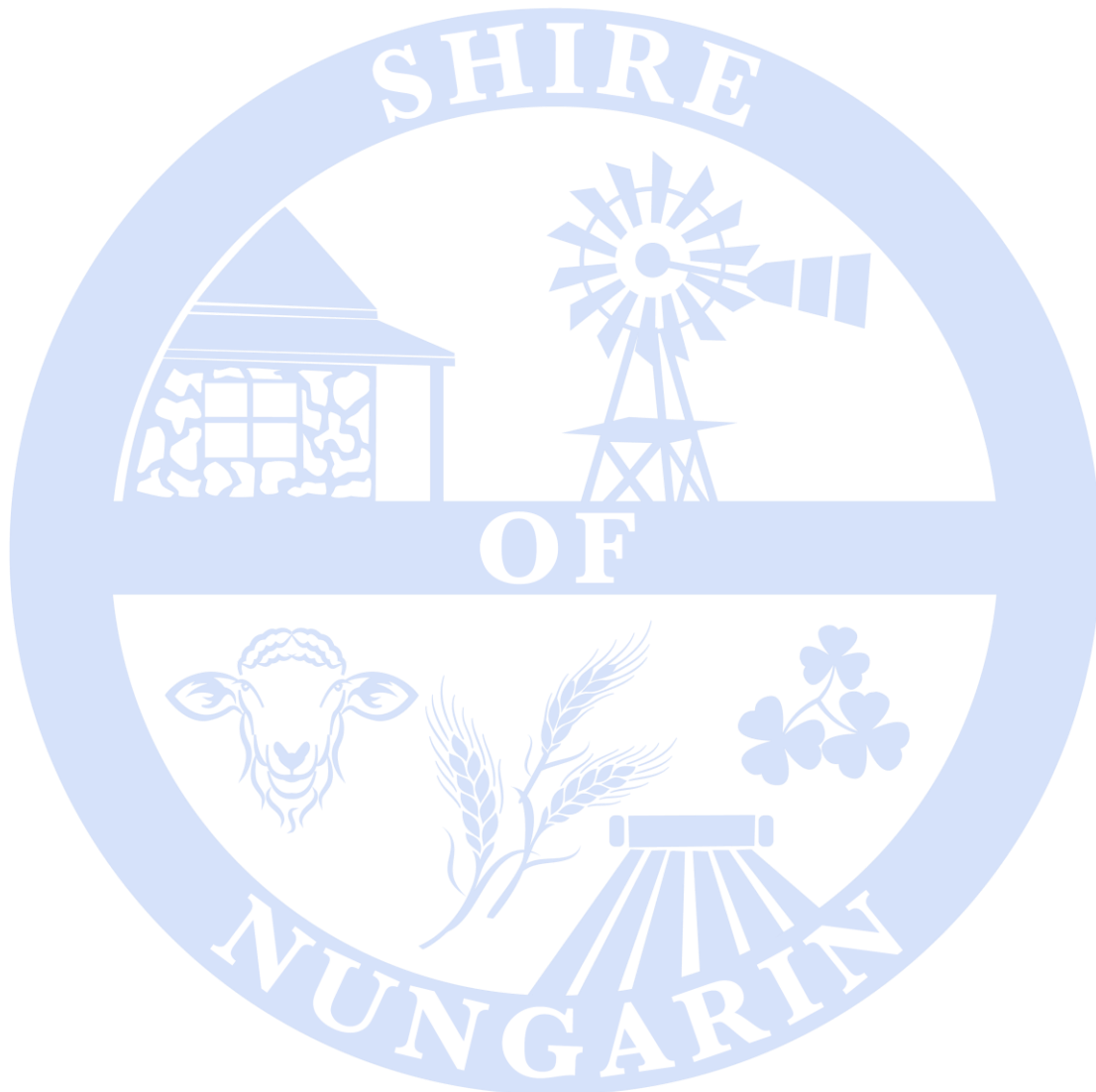


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AGENDA

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

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
Elected Member	Cr J Davis
Elected Member	Cr M Caughey

Council Officers

A/Chief Executive Officer	Mr J Merrick
Manager Works & Services	Mr D Nayda
Manager Corporate Services	Ms C Pearse

Observers / Visitors

2.2 APOLOGIES

Cr W Lee

2.3 REQUEST FOR LEAVE OF ABSENCE

3. DEPUTATIONS AND PETITIONS

3.1 DEPUTATIONS

3.2 PETITIONS

4. PUBLIC QUESTION TIME

- a. Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.
- b. During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.
- c. Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.
- d. All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary Council Meeting, and at a Special Council Meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the Presiding Member.
- e. The Presiding member will control Question Time and ensure each person wishing to ask a question states their name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask questions will be given two (2) minutes within which to address their question to Council. The Presiding Member may shorten or lengthen this time at their discretion.

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL AND PROXIMITY INTEREST

5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

CR E O'Connell declared an impartiality to item 10

CR E O'Connell declared an impartiality to item 8.4

CR P de Lacy declared an impartiality to item 8.4

CR K Dayman declared an impartiality to item 8.4

6. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) Acknowledgement of ACEO

Acknowledgement of ACEO – John Merrick

7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

7.1 ORDINARY COUNCIL MEETING – 20th July 2023

COUNCIL RESOLUTION 57/08/23

That the Minutes of the Ordinary Council Meeting held on 20th July 2023 be confirmed as being a true and accurate record.

Moved: Cr K Dayman
 Seconded: Cr M Caughey

CARRIED

8. OFFICER REPORTS

8.1 LISTING OF PAYMENTS FOR THE MONTH OF JUNE 2023

File Ref:	10.13
Previous Items:	Nil
Applicant:	Nil
Author and Title:	John Merrick, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.1A – Payment List

COUNCIL RESOLUTION 58/08/23

That Council Resolves to:

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

Municipal	Cheque	\$701.35
	EFT	\$315,034.70
	Direct Debit	\$8,522.03
		\$324,258.08
Trust	Cheque –	Nil
	Grand Total	\$324,258.08

Moved: Cr G Coumbe
 Seconded: Cr J Davis

CARRIED

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 June 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

8.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JUNE 2023	
File Ref:	10.2.2
Previous Item Ref:	Nil
Applicant:	Nil

Author and Title:	John Merrick, Acting Chief Executive Officer Darren Long, Finance Consultant
Declaration of Interest:	Nil
Voting Requirements	Simple Majority
Attachment Number:	8.2A – Monthly Statement

COUNCIL RESOLUTION 59/08/23

That Council Resolves to:

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

Moved: Cr K Dayman

Seconded: Cr RE O'Connell

CARRIED

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:

- Statement of Comprehensive Income by Function/Program;
- Statement of Comprehensive Income by Nature/Type;
- Statement of Financial Activity;
- Summary of Net Current Asset Position;
- Statement of Explanation of Material Variances;
- Statement of Financial Position;
- Statement of Cash Flows;
- Detailed Operating and Non-Operating Schedules;
- Statement of Cash Back Reserves;
- Loan Borrowings Statement; and
- Trust Statement.

As the 2023-24 budget has not yet been adopted, no comparatives are provided for this month's reporting.

The Statement of Financial Activity as at 31 July 2023 shows a closing surplus of \$1,561,184.

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
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Medium	Inadequate financial performance monitoring could lead to over/under budget expenditure which could affect council's financial position and/or financial ratios.
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CONSULTATION

Shires Financial Consultant Darren Long

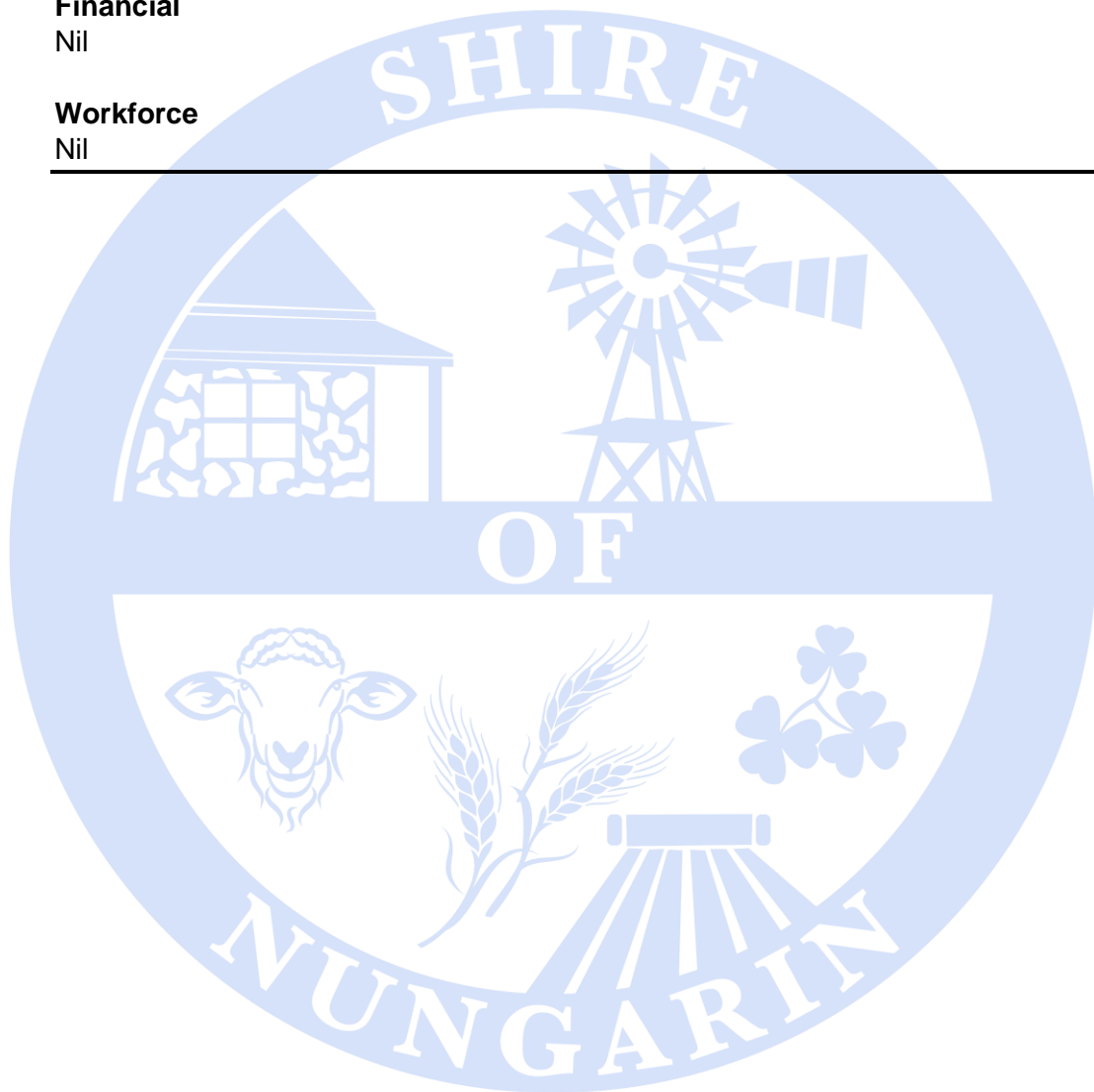
RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil



8.3 CEO RECRUITMENT	
File Ref:	
Previous Items:	Nil
Applicant:	Nil
Author and Title:	John Merrick, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority / Absolute Majority
Attachment Number	8.3A – 8.3B –

COUNCIL RESOLUTION 60/08/23

That Council Resolves by absolute majority to:

1. Consider its endorsement of the attached Position Description, inclusive of the Selection Criteria for the position of CEO.
2. Consider its endorsement of the attached advertisement in “The West Australian” newspaper and “Seek”, along with the application/information package.
3. Determine the structure and membership of the Selection Panel to undertake the selection and appointment of the CEO. Selection Panel to involve all Council Members and an Independent Panel member being Caroline Robinson.

Moved: Cr J Davis
Seconded: Cr G Coumbe

CARRIED BY ABSOLUTE MAJORITY



IN BRIEF

Council is required to adopt a formal process for the recruitment of its new CEO in accordance with current legislation and guidelines.

BACKGROUND

In July 2021, Council adopted the Standards for CEO Recruitment, Performance and Termination in response to the Departmental guidelines following the introduction of the Local Government (Administration) Amendment Regulations 2021 under section 22 of the Local Government Amendment Act 2019.

These Model CEO Standards provide a framework for Local Governments to select a new CEO, review performance and terminate a contract early, in accordance with the principles of merit, probity, fairness, equity and transparency.

The regulations include the requirements to establish a selection panel comprised of Council members and at least one independent person to conduct the selection process and to establish a performance review process by agreement between the Local Government and the new CEO.

An “Independent Person” means a person other than a Council Member, an employee of Council or a HR consultant engaged by the Local Government.

Council is also required to endorse the Position Description for the position of CEO, together with the Selection Criteria, proposed statewide advertisement, and the Application/Information Package to be provided to applicants.

REPORT DETAIL

Attachments include a copy of the “Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination”; the current Position Description inclusive of the Selection Criteria, and, a proposed advertisement for the position for “The West Australian” newspaper.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Administration
Aspiration	Community Support and Leadership
Objective	Good Governance

OTHER STRATEGIC LINKS

Organisational planning and leadership.

STATUTORY ENVIRONMENT

Local Government Act 1995.
 Section 5.39A – CEO Recruitment’
 Regulation 18A(2)(da) – State-wide advertising.
 Regulation 18FA – model standards.
 Schedule 2 (clauses 3 – 14) – LG(Administration) Amendment Regulations – Position description, Standards and Advertising.
 Regulations – Division 2 – Selection Panel.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

A competent CEO will provide sound leadership to the organisation.

Social

Improved quality of life to community and / or affected land owners

Policy Implications

The appointment of a CEO is a Statutory requirement for all Local Governments.

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

Council, Staff and members of the community.

RESOURCE IMPLICATIONS

Financial

Recruitment costs are factored into current budgets.

Workforce

It is vital that staff have the benefit of sound leadership from the CEO.

end

8.4	CRC LEASE RENEWAL
File Ref:	
Previous Items:	Nil
Applicant:	Nil
Author and Title:	John Merrick, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority / Absolute Majority
Attachment Number	8.4A

COUNCIL RESOLUTION 61/08/23

That Council Resolves to:

1. Resolves to extend the existing lease for a period of 5 years commencing on the 4th January 2023 and expiring on January 4th 2028.
2. Prior to the expiry in 2028, Council may consider a further extension of 5 years at its discretion.
3. That the disposition of the property be advertised publicly in accordance with Section 3.58 of the Local Government Act 1995.
4. Authorise the Shire President and the Acting CEO to use the common seal and sign the document on behalf of Council.

Moved: Cr G Coumbe
Seconded: Cr M Caughey

CARRIED

IN BRIEF

The current lease expired in January 2023.

BACKGROUND

Item 3 of the Schedule within the agreement specifies that an extension of the lease has not been determined by either party at the time of signing.

REPORT DETAIL

The Nungarin CRC(Inc) Management Committee is reportedly prepared to continue its tenure under the current arrangement.

SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

Focus Area	Social
Aspiration	Reliable key services
Objective	Retention of the Post Office

OTHER STRATEGIC LINKS

nil

STATUTORY ENVIRONMENT

nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic –

nil

Social

Access to a valuable community service.

Policy Implications

Refer to any policy that may relate to issue.

Risk Management Implications

Risk Level	Comment
Medium	

CONSULTATION

CRC Management Committee, Shire President, Office staff.

RESOURCE IMPLICATIONS

Financial

negligible

Workforce

nil

end

9. DELEGATES REPORTS

(Elected member who are delegates to other Forums may present a verbal or written report)

Cr O’Connell (ATTACHMENT 9.1A)

Cr K Dayman

Cr G Coumbe

Cr P de Lacy

10. NEW BUSINESS OF AN URGENT NATURE

(New business of an urgent nature approved by the Presiding Member)

11. CONFIDENTIAL ITEMS OF BUSINESS

12. CLOSURE

The being no further business the meeting closed at 5:14pm

Presiding Member

Date

