



# Agenda

## Ordinary Council Meeting

Wednesday 20<sup>th</sup> August 2025

Commencing at 5:00PM

To be held in the Council Chambers,  
Railway Avenue Nungarin



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**Date: 15 August 2025**

**To: Shire President  
Deputy Shire President  
Councillors**



## **NOTICE AND AGENDA - ORDINARY COUNCIL MEETING**

An Ordinary Council Meeting of the Shire of Nungarin will be held in the Council Chambers on 20<sup>th</sup> of August 2025 at 5:00pm to consider and resolve the matters set out in the attached agenda.

**Chief Executive Officer  
David Nayda**

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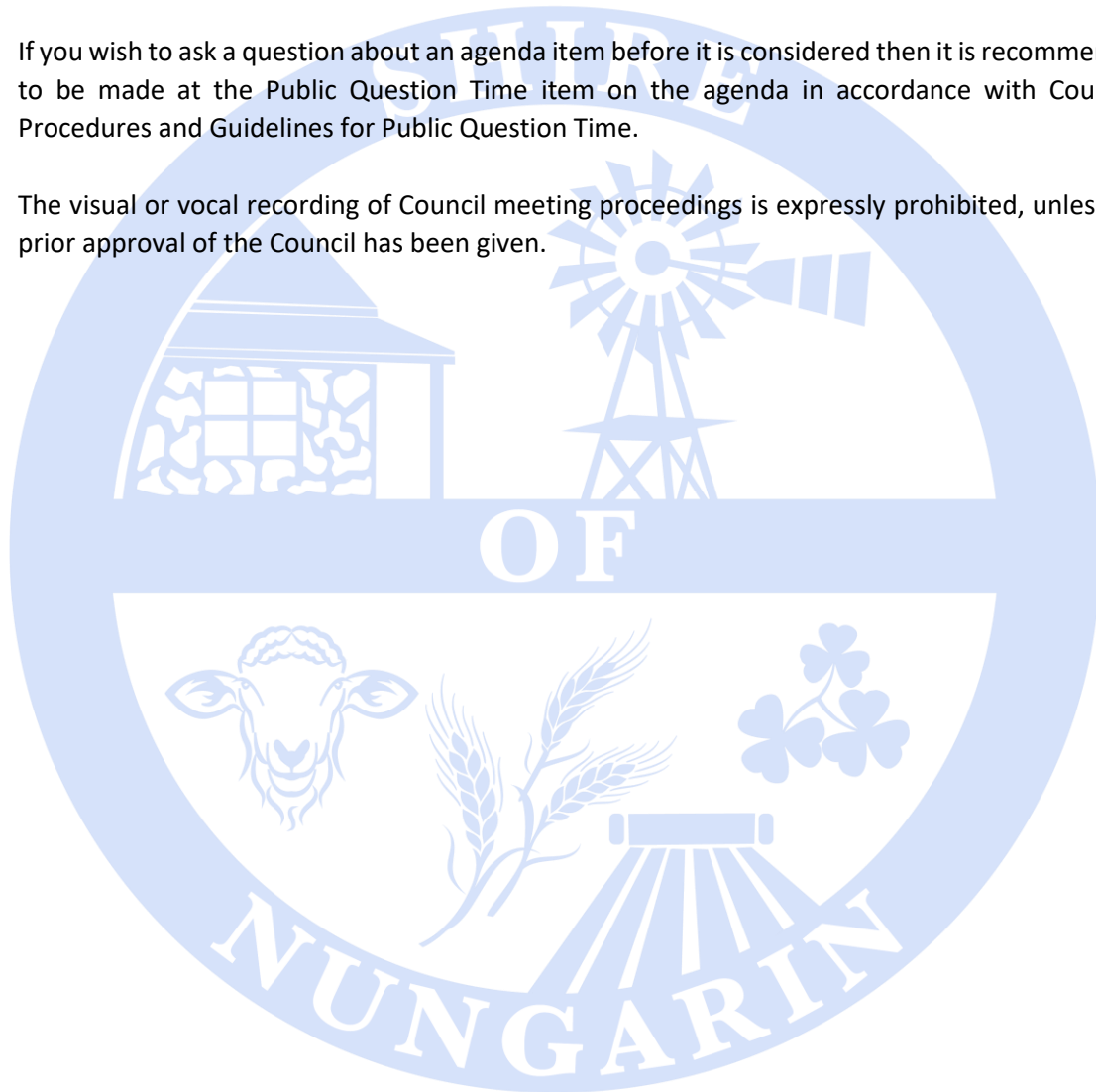
*Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.*

*Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Forum meetings.*

*Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request.*

#### **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.





## ORDINARY COUNCIL MEETING

TO BE HELD ON

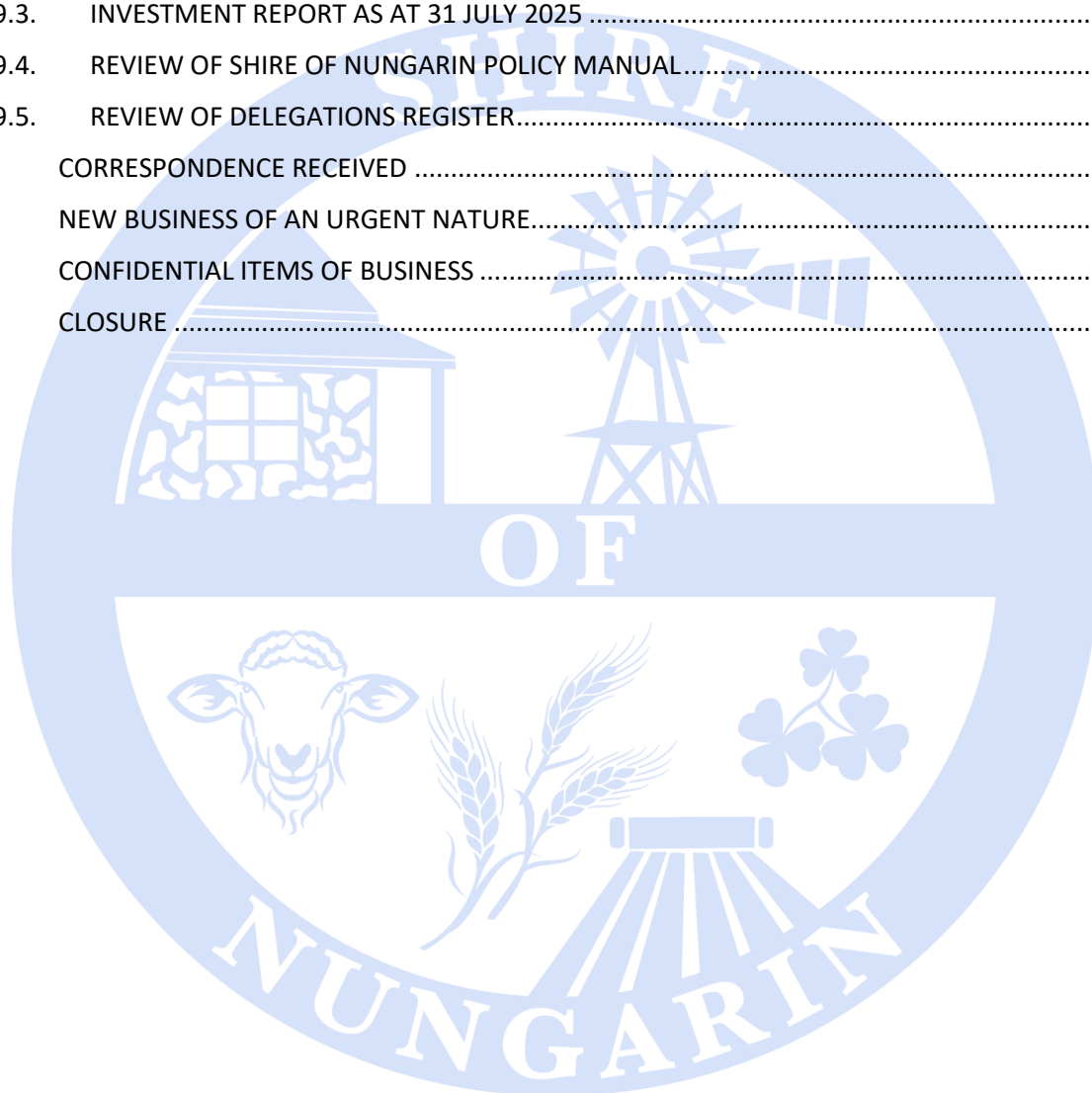
WEDNESDAY 20<sup>th</sup> AUGUST 2025

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## AGENDA and STAFF REPORTS

### ORDINARY COUNCIL MEETING

TO BE HELD IN COUNCIL CHAMBERS, NUNGARIN

ON WEDNESDAY 20<sup>th</sup> AUGUST 2025

#### 1. DECLARATION OF OPENING

The Presiding Member to declare the meeting open at \_\_\_\_pm.

##### **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  
Deputy Shire President  
Elected Member  
Elected Member  
Elected Member

Cr P de Lacy  
Cr G Coumbe  
Cr RE O'Connell  
Cr K Dayman  
Cr A Eksanow

Elected Member  
Elected Member

Cr W Lee  
Cr M Caughey

**Council Officers**

Chief Executive Officer  
Manager Works & Services  
Manager Corporate Services

Mr D Nayda  
Mr A Wootton  
Miss S Sergeant

**Observers / Visitors**

**2.2. APOLOGIES**

**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**

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

**7. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION**

**7.1. CONFIRMATION MINUTES ORDINARY COUNCIL MEETING – 25<sup>th</sup> OF JULY 2025**

**OFFICER RECOMMENDATION**

Moved:.....

Seconded: .....

That the Minutes of the Ordinary Council Meeting held on 25<sup>th</sup> of July 2025 be confirmed as being a true and accurate record.

(Not) Carried by Simple Majority /

For:

Against:

## 8. CONFIRMATION OF MINUTES RECEIVED

### 8.1. RECEIPT OF MINUTES NEWROC MEETING HELD 5<sup>th</sup> AUGUST 2025

#### OFFICER RECOMMENDATION

Moved:.....

Seconded: .....

That the Minutes of the NEWROC Meeting held on 5<sup>th</sup> of August 2025 be received.

(Not) Carried by Simple Majority /

For:

Against:

### 8.2. RECEIPT OF MINUTES RAIL TRAIL MEETING HELD ON 7<sup>th</sup> AUGUST 2025

#### OFFICER RECOMMENDATION

Moved:.....

Seconded: .....

That the Minutes of the Rail Trail Meeting held on 7<sup>th</sup> of August 2025 be received.

(Not) Carried by Simple Majority /

For:

Against:

### 8.3. RECEIPT OF MINUTES COUNTRY ZONE MEETING HELD 13<sup>th</sup> JUNE 2025

#### **OFFICER RECOMMENDATION**

**Moved:**.....

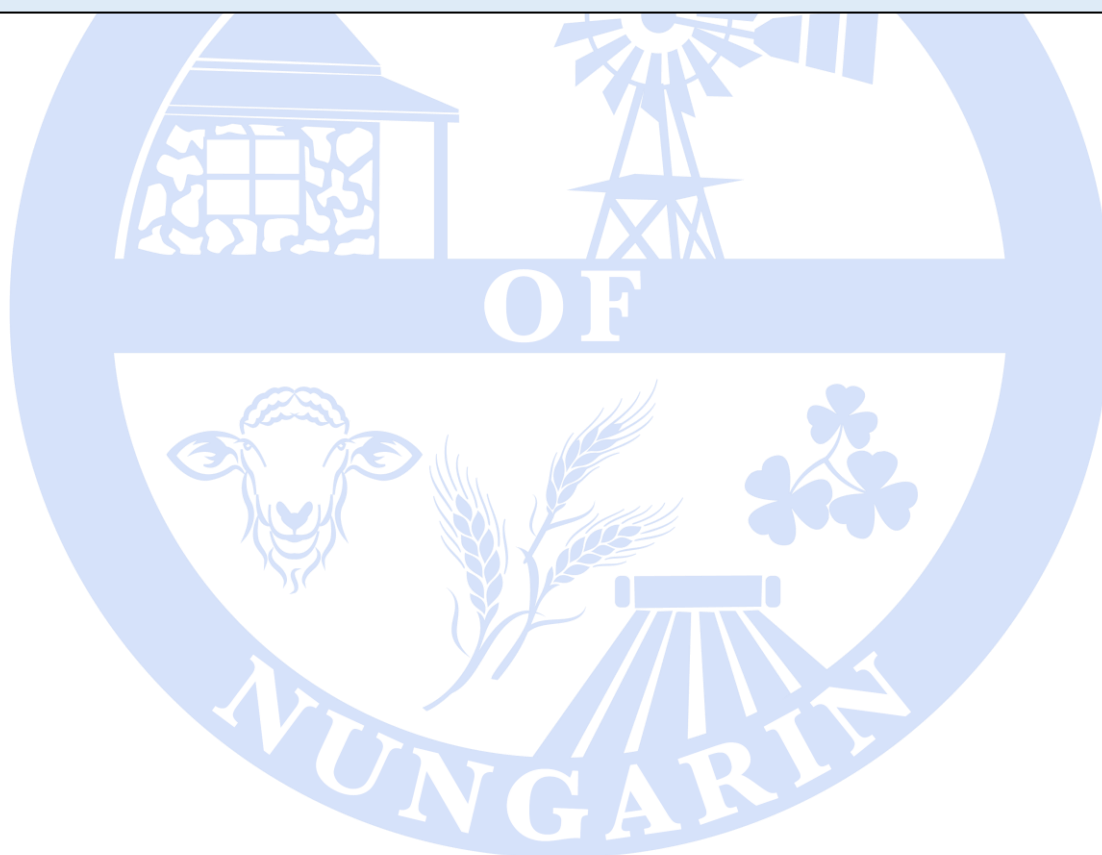
**Seconded:** .....

**That the Minutes of the Country Zone Meeting held on 13<sup>th</sup> of June 2025 be received.**

**(Not) Carried by Simple Majority /**

**For:**

**Against:**



**9. OFFICER REPORTS**

<b>9.1. LISTING OF PAYMENTS FOR THE MONTH OF JULY 2025</b>	
<b>File Ref:</b>	N/A
<b>Previous Items:</b>	Nil
<b>Responsible Officer:</b>	David Nayda Chief Executive Officer
<b>Author and Title:</b>	Selina Sergeant Manager of Corporate Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	8.1A – Payment Listing July 2025

**OFFICER RECOMMENDATION**

Moved:.....

Seconded: .....

That Council in relation to the Payment Listing for July 2025, resolves to formally accept and acknowledge the contents of the report.

The following payments were outgoing throughout July 2025:

**Municipal:**

- EFT: \$220,676.94
- Cheque: \$0.00
- Direct Debit: \$30,393.02
- Credit Card: \$6,903.68
- Direct Wages: \$80,888.95
- Trust: \$0.00
- Grand Total: \$338,862.59

(Not) Carried by Simple Majority: /

For:

Against:

**IN BRIEF**

The purpose of this report is to present the listing of payments made from the Shire's Municipal, Trust and Credit Card funds throughout the month of July 2025.

**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 is required to be submitted to Council showing the prescribe information.

#### **SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033**

<b>Focus Area</b>	Community
<b>Aspiration</b>	Responds to the needs of all residents
<b>Objective</b>	Celebration of local culture, heritage and place

#### **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 for each account which requires council authorization in that month:

- (i) the payee's name;
- (ii) the amount of the payment;
- (iii) sufficient information to identify the transaction and;
- (iv) 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**

Nil

**Social**

Nil

**Policy Implications**

Nil

**Risk Management Implications**

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

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS****Financial**

Nil

**Workforce**

Nil



<b>9.2. MONTHLY FINANCIAL REPORT JULY 2025</b>	
<b>File Ref:</b>	N/A
<b>Previous Items:</b>	Nil
<b>Responsible Officer:</b>	David Nayda Chief Executive Officer
<b>Author and Title:</b>	Darren Long Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	9.2A – Monthly Financial Report July 2025

**OFFICER RECOMMENDATION**

Moved: .....

Seconded: .....

That Council, regarding the Monthly Financial Report for July 2025, resolves to formally accept and acknowledge the contents of the report

(Not) Carried by Simple Majority /

For:

Against:

**IN BRIEF**

For Council to consider the monthly financial report for the period ending 31<sup>st</sup> July 2025.

**SUMMARY KEY ISSUES**

The *Local Government Act 1995* and Regulations require local government to prepare monthly reports containing the information that is prescribed.

**BACKGROUND**

The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* require local governments to prepare monthly reports containing the information that is prescribed.

**SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033**

<b>Focus Area</b>	Our organisation
<b>Aspiration</b>	Effective forward planning, and engagement with our community
<b>Objective</b>	Deliver sound financial and asset management

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

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

## **OFFICER COMMENT**

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

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



## **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<sup>st</sup> July 2025 shows a closing surplus of \$2,112,450

## **SUSTAINABILITY AND RISK CONSIDERATIONS**

### **Economic**

Nil

### **Social**

Nil

### **Policy Implications**

Nil

### **Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	N/A

## **CONSULTATION**

Financial Consultant – Darren Long

## **RESOURCE IMPLICATIONS**

### **Financial**

Nil

### **Workforce**

Nil

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<b>9.3. INVESTMENT REPORT AS AT 31 JULY 2025</b>	
<b>File Ref:</b>	N/A
<b>Previous Items:</b>	Nil
<b>Responsible Officer:</b>	David Nayda Chief Executive Officer
<b>Author and Title:</b>	Darren Long Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	Nil

**OFFICER RECOMMENDATION**

Moved: ..... Seconded: .....

That the Investment Report as at 31<sup>st</sup> July 2025 be received.

(Not) Carried by Simple Majority /

For:

Against:

**IN BRIEF**

For Council to receive the investment Report as at 31<sup>st</sup> July 2025.

**BACKGROUND**

Money held in the Municipal Fund of the Shire of Nungarin that is not required for the time being, may be invested in accordance with the *Local Government Act 1995* and the *Trustees Act 1962* Part III.

**REPORT DETAIL**

There were no investments made during the month of July 2025.

INVESTMENT REGISTER						
1 JULY 2025 TO 31 JULY 2025						
COMMONWEALTH BANK – FIXED TERM DEPOSIT						
ACCOUNT N <sup>o</sup>	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 31.07.2025	INVESTMENT TRANSFERS	CLOSING BALANCE 31.07.2025
38132004	-	-	-	-	-	-

### SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033

<b>Focus Area</b>	Our organisation
<b>Aspiration</b>	Effective forward planning, and engagement with our community
<b>Objective</b>	We deliver sound financial and asset management

### OTHER STRATEGIC LINKS

No Strategic Plan implications

### STATUTORY ENVIRONMENT

#### ***Local Government Act 1995***

#### **6.14. Power to invest**

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
  - (a) make provision in respect of the investment of money referred to in subsection (1); and
  - (b) [deleted];
  - (c) prescribe circumstances in which a local government is required to invest money held by it; and
  - (d) provide for the application of investment earnings; and
  - (e) generally provide for the management of those investments.

#### ***Local Government (Financial Management) Regulations 1996***

#### **19. Investments, control procedures for**

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
  - (a) the nature and location of all investments; and

- (b) the transactions related to each investment.

**19C. Investment of money, restrictions on (Act s. 6.14(2)(a))**

- (1) In this regulation —

**authorised institution** means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959 (Commonwealth)* section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

**foreign currency** means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
  - (b) deposit for a fixed term of more than 12 months;
  - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
  - (d) invest in bonds with a term to maturity of more than 3 years;
  - (e) invest in a foreign currency.

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic**

Nil

**Social**

Nil

**Policy Implications**

Council Policy 3.07 applies to the investment of surplus funds.

**Risk Management Implications**

Risk Level	Comment
Low	

**CONSULTATION**

Financial Consultant – Darren Long

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

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<b>9.4. REVIEW OF SHIRE OF NUNGARIN POLICY MANUAL</b>	
<b>File Ref:</b>	N/A
<b>Previous Items:</b>	Nil
<b>Responsible Officer:</b>	David Nayda Chief Executive Officer
<b>Author and Title:</b>	David Nayda Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	8.4A

**OFFICER RECOMMENDATION****Moved:** .....**Seconded:** .....**That Council resolves to:****Review and accept the Shire of Nungarin Policy Manual.****(Not) Carried by Simple Majority: /****For:****Against:****IN BRIEF**

It is good practice to review policies on an annual basis to ensure policies remain applicable and operational.

**BACKGROUND**

- 1) To provide Council with a formal written record of policy decisions;
- 2) To provide employees with clear directions to respond to issues and act in accordance with Council's directions;
- 3) To enable Councillors to adequately handle general enquiries relating to the role of Council;
- 4) To support Council in maintaining an ongoing process for reviewing policy decisions, ensuring alignment with community expectations, current legislative developments, and prevailing circumstances; and
- 5) To provide residents with timely access to advice regarding Council policy matters.

Council decisions on single issues are not considered policy.

Changes to policy will only be made as a result of:

- 1) An annual operational review;
- 2) A Council decisions arising from an agenda item;
- 3) Creation of new policy items; or
- 4) Addition of more compliance or clarity to existing policy items.

## **REPORT DETAIL**

The policy manual for the Shire of Nungarin was last reviewed and approved by the Council in October 2022 and is due for a review.

Currently, there are small alterations to the existing policies adopted by the Council; it is recommended that an annual review of current policies be conducted in line with local government best practices and as advised within the policy manual itself.

Councillors are requested to review the current policy which involves going through the existing policies to ensure they are still relevant, effective, and in line with any legislative changes or new circumstances that may have arisen over the past years. This process is crucial to maintaining the integrity of the Council's operations and to ensure the policies continue to serve the best interests of the Shire of Nungarin.

## **OTHER STRATEGIC LINKS**

Nil

## **STATUTORY ENVIRONMENT**

Policies which are required as a result of statutory legislation are to contain a statement providing a reference to the relevant legislation.

Council is no longer required by legislation to conduct annual reviews of its policies, however it is considered "best practice" to do so.

## **SUSTAINABILITY AND RISK CONSIDERATIONS**

### **Economic**

Policies may have an impact on financial and economic processes and decisions, particularly those in the Finance category.

### **Social**

Nil

### **Policy Implications**

The review encompasses all policies. Please refer to 'Attachment 8.4a' for details on the policies subject for review.

### **Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	Not having certain policies could be a breach of various Acts, further, policies also provide guidance to the community on a number of matters, without which could result in community angst in certain areas.

**CONSULTATION**

Legal Advice was sought where considered necessary.

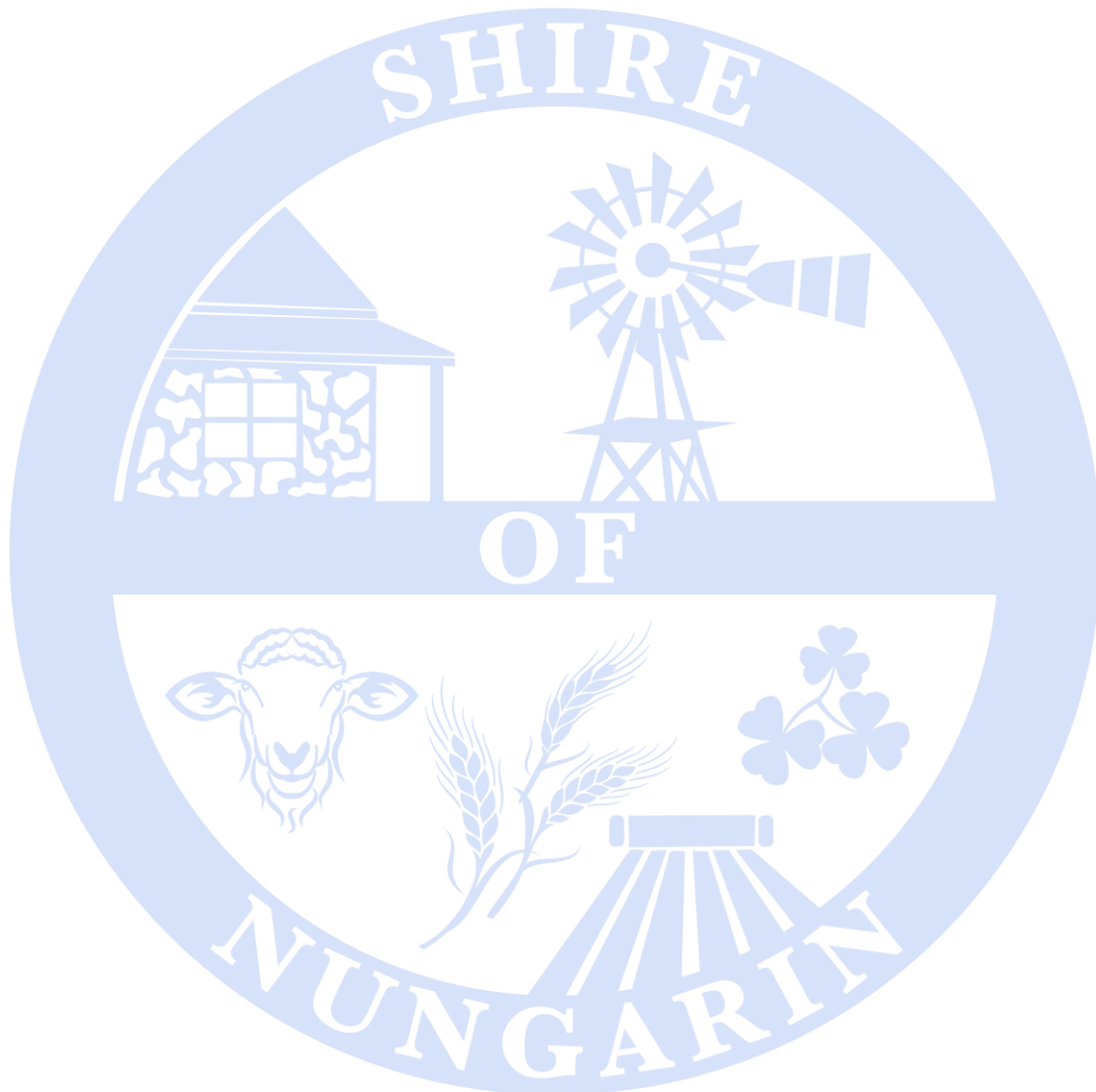
**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil



<b>9.5. REVIEW OF DELEGATIONS REGISTER</b>	
<b>File Ref:</b>	N/A
<b>Previous Items:</b>	Nil
<b>Responsible Officer:</b>	David Nayda Chief Executive Officer
<b>Author and Title:</b>	David Nayda Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	8.5A

**OFFICER RECOMMENDATION**

**Moved:** ..... **Seconded:** .....

**That Council endorse the attached Shire of Nungarin Register of Delegations.**

**(Not) Carried by Simple Majority: /**

**For:**

**Against:**

**IN BRIEF**

Council is required to review and endorse its Delegations Register annually.

**BACKGROUND**

A major review of the Delegations register was undertaken by Council in 2021 following recommendations from the Department and to reflect amendments to the Local Government Act.

**REPORT DETAIL**

The current Register of Delegations has been included as an attachment to this item. No changes are proposed to the Delegation Register adopted by Council at it's Ordinary Council Meeting of 15 December 2021. With a change the condition in 2.8.12 this year.

**OLD**

Value of property that may be disposed under this Delegation shall not exceed \$100,000 including plant and assets with a depreciated value not exceeding \$100,000, in accordance with the provisions of section 5.43(d) of the *Local Government Act 1995*.



**NEW**

Council delegate its authority and power to the Chief Executive Officer to dispose of surplus equipment, materials, tools, etc with a market value of less than \$20,000 by-

- 1) Calling a request for proposals; or
- 2) Holding of a surplus goods sale at the Council depot; or
- 3) Any other fair means;

Subject to-

- (a) The items not being listed on Councils Asset Register; and
- (b) The items being either no longer required, no longer serviceable or are outmoded.

**SHIRE OF NUNGARIN INTEGRATED STRATEGIC PLAN 2023 - 2033**

<b>Focus Area</b>	Sound governance
<b>Aspiration</b>	Statutory compliance
<b>Objective</b>	Timely decision enactment

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

**s.5.16 – Delegation of some powers and duties to certain committees**

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation. \* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

**s.5.17 – Limits on delegation of powers and duties to certain committees**

- (1) A local government can delegate —
  - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
  - (c) any power or duty that requires a decision of an absolute majority of the council; and
  - (d) any other power or duty that is prescribed; and

- (e) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (f) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
  - (g) the local government's property; or
  - (h) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

#### s.5.18 – Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

#### s.5.42 – Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).
- \* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

#### s.5.43 – Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

#### s.5.44 – CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has

been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

#### s.5.45 – Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984
  - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
  - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

#### s.5.46 – Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

#### *Local Government (Administration) Regulations 1996*

#### r.18G – Delegations to CEOs, limits on (Act s.5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

#### r.19 – Delegates to keep certain records (Act s.5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

### **SUSTAINABILITY AND RISK CONSIDERATIONS**

#### **Economic**

Nil

#### **Social**

Nil

#### **Policy Implications**

Nil

#### **Risk Management Implications**

<b>Risk Level</b>	<b>Comment</b>
Medium	

### **CONSULTATION**

Nil

### **RESOURCE IMPLICATIONS**

#### **Financial**

Nil

#### **Workforce**

Nil

**10. CORRESPONDENCE RECEIVED**

**11. NEW BUSINESS OF AN URGENT NATURE**

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

**12. CONFIDENTIAL ITEMS OF BUSINESS**

**13. CLOSURE**

There being no further business the meeting closed at .....

