



# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

held on

**Thursday, 16 December 2021 at 5:30pm**

at the

**Shire of Morawa Council Chambers,  
26 Winfield Street, Morawa**



WESTERN AUSTRALIA'S  
**WILDFLOWER COUNTRY**

*DISCLAIMER*

*No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.*

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**Item 1 Opening of Meeting**

The President declared the meeting open at 5.30pm.

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elder's past, present and future, in working together for the future of Morawa.

**Item 3 Recording of Attendance****3.1 Attendance****Council**

President (Presiding Member) Councillor Karen Chappel  
Deputy President Councillor Ken Stokes  
Councillor Dean Carslake  
Councillor Jane Coaker  
Councillor Shirley Katona

**Staff**

Chief Executive Officer	Scott Wildgoose
Executive Manager Corporate & Community Services	Jackie Hawkins
Executive Manager Works and Assets	Paul Buist

**Members of the Public**

Nil

**3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

**3.3 Apologies**

Councillor Debbie Collins  
Councillor Yvette Harris

**3.4 Approved Leave of Absence**

Nil

**3.5 Disclosure of Interests**

Agenda Item: 15.2 Chief Executive Officer Annual Performance Review		
Name of Disclosing Member	Nature of Interest	The Nature being
Scott Wildgoose	Financial	The report recommendations relate to employment contract and remuneration.

**Item 4 Applications for Leave of Absence**

Nil

**Item 5 Response to Previous Questions**

Nil

**Item 6 Public Question Time***Important note:*

*'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'*

*Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.'*

**6.1 Public Question Time**

Nil

**6.2 Public Statement Time**

Nil

**6.3 Petitions/Deputations/Presentations/Submissions**

Nil

**Item 7 Questions from Members without Notice**

Nil

<b>Item 8 Announcements by Presiding Member without Discussion</b>
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President's Meetings for the month of November 2021.

Date	Details of Meeting
3 November 2021	Moora Shire - Swimming Pool Discussion. Mid West Development Commission.
5 November 2021	Drought Resilience Training- DPIRD
8 November 2021	Mining Communities Policy Forum
10 November 2021	Honours Panel Meeting
11 November 2021	Shire of Morawa Briefing Session
12 November 2021	New Councillor Seminar- ALGA Board Meeting
16 November 2021	Shire of Morawa Ordinary Council Meeting
17 November 2021	WALGA Finance- Local Government House Trust. Selection Committee Meeting- South East Metro Zone
18 November 2021	Peel Zone Meeting. Central Metro Zone Meeting.
19 November 2021	Gascoyne Zone Meeting Gascoyne Regional Road Grant.
22 November 2021	Northern Country Zone
24 November 2021	Mayors and Presidents Forum State Council Induction
25 November 2021	Australian Insurance Group- Cyclone Seroja Issues
26 November 2021	Mid West Development Commission Audit and Risk.
29 November 2021	Minister Sanderson- Environment and Waste

<b>Item 9 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting</b>
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The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

- President Councillor Karen Chappel
- Deputy President Councillor Ken Stokes
- Councillor Dean Carslake
- Councillor Jane Coaker
- Councillor Shirley Katona



**Item 11 Reports of Officers****11.1 Chief Executive Officer****11.1.1 Actions Performed under Delegated Authority for November 2021**

**Author:** Executive Assistant

**Authorising Officer:** Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that they do not have any conflict of interest in relation to this item.

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**OFFICER RECOMMENDATION/ RESOLUTION**

**211202 Moved: Cr Carslake Seconded: Cr Katona**

**That with respect to Actions Performed under Delegated Authority for November 2021, Council:**

- 1. Accept the Report.**

***CARRIED BY SIMPLE MAJORITY 5/0***

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**PURPOSE**

To report back to Council, actions performed under delegated authority from the period 01 November 2021 to 30 November 2021.

**DETAIL**

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals;
- Building Permits;
- Health Approvals;
- One off delegations to the Chief Executive Officer;
- Dangerous Goods;
- Affixing of Common Seal;
- Other Delegations as provided for in the Delegations Register.

The following outlines the actions performed within the Shire relative to Delegated Authority from the period 01 November 2021 to 30 November 2021. ('the period') and are submitted to Council for information.

***Bushfire***

No delegated decisions were undertaken by Shire pursuant to bushfire matters during the period.

***Caravan parks and campgrounds***

No delegated decisions were undertaken by Shire pursuant to caravan parks and camping grounds during the period.

***Common Seal***

No Common Seal actions were undertaken by the Shire during the period.

***Dangerous Goods Safety Act 2004***

No delegated decisions were undertaken by Shire pursuant to Dangerous Goods Safety matters during the period.

***Food Act 2008***

No delegated decisions were undertaken by Shire pursuant to the Food Act matters during the period.

***Hawkers, traders, and stall holders***

No delegated decisions were undertaken by Shire pursuant to Hawkers, traders, and stall holders during this period.

***Liquor Control Act 1988***

No delegated decisions were undertaken by Shire pursuant to liquor matters during the period.

***Lodging houses***

No delegated decisions were undertaken by Shire pursuant to lodging house matters during the period.

***Public Buildings***

No delegated decisions were undertaken by Shire pursuant to public buildings matters during the period.

***Septic Tank Approvals***

No delegated decisions were undertaken by Shire pursuant to the Health Act 1911 and Health (Treatment of Sewage and Disposal of Effluent Waste) Regulations 1974 during the period.

***Planning Approval***

No delegated decisions were undertaken by Shire pursuant to *Planning & Development Act 2005* during the period.

***Building Permits***

<b><i>Date of decision</i></b>	<b><i>Decision Ref.</i></b>	<b><i>Decision details</i></b>	<b><i>Applicant</i></b>	<b><i>Other affected person(s)</i></b>
19/11/2021	Permit no 211061	Permit granted to build new shed on rural block	1254 Old Three Springs Road, Morawa	



**Other Delegations**

No other delegated decision was undertaken by Shire pursuant to this category during the period.

**LEVEL OF SIGNIFICANCE**

Low – report provided to Council for information purposes.

**CONSULTATION**

Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

*Building Act 2011*

*Bushfire Act 1954*

*Dangerous Goods Safety (Explosives) Regulations 2007*

*Health Act 1991*

*Health Act 1911*

*Health (Public Buildings) Regulations 1992*

*Liquor Control Act 1988*

*Local Government Act 1995*

*Planning & Development Act 2005*

*Shire of Morawa Local Planning Scheme No. 2*

*Shire of Morawa Cemeteries 2018 - Local Law*

*Shire of Morawa Dogs 2018 - Local Law*

*Shire of Morawa Extractive Industries 2018 - Local Law*

*Shire of Morawa Fencing 2018 Local Law*

*Shire of Morawa Health 2004 - Local Law*

*Shire of Morawa Public Places and Local Government Property 2018 - Local Law*

*Shire of Morawa Meeting Procedures 2012 - Local Law*

*Shire of Morawa Waste 2018 - Local Law*

*Shire of Morawa Delegations Register (2020)*

**Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)**

**Outcome 4.3** A local government that is respected, professional and accountable.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no known financial implications relating to this Item.

**RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management implications relating to this Item.

**ATTACHMENTS**

Nil

**11.1.2 Shire of Morawa Position on Proposed Local Government Reforms**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION/ RESOLUTION**

211103 Moved: Cr Carslake Seconded: Cr Stokes

That Council:

1. Adopt the commentary in relation to the Local Government reforms as per the attached table
2. Direct the CEO to submit the Shire's comments to the Department of Local Government, Sport and Cultural Industries
3. Direct the CEO to share the Shire's comments with WALGA, the Northern Country Zone and any other Local Governments

*CARRIED BY SIMPLE MAJORITY 5/0*

**PURPOSE**

For Council to put forward their position on the proposed reforms to the Local Government Act 1995 released by the Minister for Local Government.

**DETAIL**

On the 10 November 2021 the Minister for Local Government announced a suite of reforms to the Local Government Act 1995 and subsidiary regulations.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

The Department of Local Government, Sport and Cultural Industries (DLGSC) is inviting comments to inform the implementation of the proposed reforms. The consultation period runs between 10 November 2021 and 5pm on 4 February 2022.

Given this is the most significant package of reforms to the Local Government Act 1995 in over 25 years, it is important that Council provides input into consultation process.

The attached summary of proposed reforms list and accompanying comments has been prepared by the author taking into account Councillor opinions raised through concept and other forums. It is proposed that the attached document be submitted to the DLGSC as the Shire's commentary on the reforms.

A summary of the main commentary points is as per below:

- Theme 1: Early Intervention, Effective Regulation and Stronger Penalties
  - Most items under this theme are supported and only implementational clarifications sought
  - Impost and cost attributed to some of the reforms may be a factor for small Shires
- Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity
  - Support all items in this area
  - Need to be cognisant to make amendments meaningful for smaller Local Governments who have less capacity than larger Local Governments.
- Theme 3: Greater Transparency and Accountability
  - A few areas of concern in this area
  - 3.1 – recording and live streaming of council meetings
    - Agree with the concept but the cost and impost on smaller Local Governments may be unnecessary for the level of interaction the system might receive.
    - If internet or power is unpredictable, can the meeting continue if recording/streaming is interrupted?
    - Why do confidential recordings need to go to DLGSC – Local Governments have been managing their affairs and record keeping for a number of years and it seems overly invasive to be mandated to transfer documents to the Department with no clear justification. The transferring of large data files also comes at a cost.
  - 3.2 Recording all votes in Council Minutes
    - Again, seems an unnecessary change and designed more around making investigations easier than for any community benefit.
    - The nature of Local Government is such that once a decision is made Council should stand behind that decision uniformly in the best interests of the whole community. By making all votes public it may lead to unnecessary media or public scrutiny of Councillors when they are entitled to have differing opinions during the vote.
  - 3.5 CEO KPIs Published
    - It would be interesting to know how many other employees of other organisations or government departments have their KPI's made public. This is generally a private matter between employer and employee.
    - Whilst, KPI's represent one mechanism Council has of goals setting, items such as the Strategic Community Plan set more strategic goals that align with community desires.
    - Council's hire different type's of CEO's to perform different roles depending on the needs of the organisation – public KPIs may lead to unwarranted public scrutiny of CEO's.
    - This would likely mean Council's will move away from developmental or

boundary pushing goals and just implement a KPI program that is simple and measurable.

- Theme 4: Stronger Local Democracy and Community Engagement
  - A few areas of concern in this area also
  - 4.1 Community and Stakeholder Engagement Charters
    - It will be difficult to have a standardised charter that fits each communities needs. The process of each Local Government developing a charter is likely to be an unnecessary burden.
    - Seems to add more work to compliance with a charter of policy and probably less time for engagement, especially in smaller Local Governments with fewer resources.
  - 4.3 Introduction of Preferential Voting
    - Understand the desire to align with State and Federal elections
    - For smaller Local Governments who usually opt to run in house elections for cost reasons, the introduction of preferential voting is likely to make the complexities involved prohibitive to this.
  - 4.5 Tiered Limits on the Number of Councillors
    - Generally agree with the concept of tiering but setting a limit of only five (5) Councillors for smaller Local governments is fraught with danger. Achieving a quorum during harvest and holiday periods will be difficult. Also, how much value can be placed on the debate and decision making if only three (3) Councillors are present.
- Theme 5: Clear Roles and Responsibilities
  - Generally agree with most areas under this theme
- Theme 6: Improved Financial Management and Reporting
  - Strongly support the introduction of standardised financial reporting templates
  - Strongly disagree with mandating more independent than Councillor members on Audit and Risk Committees, and chairing.
    - Extra cost and challenge to find suitable independent members for smaller Local Governments.

In general, the reforms seem to be in line with what has been suggested over the last five (5) years or more. As well as the Shire submitting an individual submission it is also proposed that a joint zone submission be submitted based on the collective view of the individual members. As such the Shire of Morawa submission will be provided to the zone and WALGA.

#### LEVEL OF SIGNIFICANCE

Medium – Providing inputs on key items that affect the sector or community is an important role of Council, however the significance will be measured by how much the DLGSC takes on the comments raised and makes changes to the proposed reforms.

#### CONSULTATION

Senior Management Team  
Shire President  
Council Concept Forum

**LEGISLATION AND POLICY CONSIDERATIONS**

Nil

**FINANCIAL AND RESOURCES IMPLICATIONS**

Unlikely to impact on this year's budget but may require enhanced funding in next year's budget related to some of the reform outcomes.

**RISK MANAGEMENT CONSIDERATIONS**

Commenting on the reform package ensures the organisation and Council has considered the risks that may arise in relation to the reforms if implemented.

**CONCLUSION**

That Council accept the comments as attached and agree to submit them to the DLGSC as the Shire of Morawa's submission on the proposed reform package.

**ATTACHMENTS**

*Attachment 1 - 11.1.2 Shire of Morawa Comments – Detailed LG Reforms Table*

**11.1.3 Cyclone Seroja – Temporary Workers Accommodation**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION/ RESOLUTION**

211204 Moved: Cr Carslake Seconded: Cr Katona

That Council:

1. Support the Cyclone Seroja Temporary Worker Accommodation solution proposed by the Department of Fire and Emergency Services under the Disaster Recovery Funding Arrangements.
2. Empower the CEO to take all necessary steps associated with the implementation of the Cyclone Seroja Recovery Temporary Worker Accommodation solution including but not limited to asset acquisition and disposal, adoption of amendment to fees and charges, staff allocation, and Disaster Recovery Funding Arrangement management.

***CARRIED BY ABSOLUTE MAJORITY 5/0***

**PURPOSE**

For Council to consider temporary workers accommodation needs in relation to Cyclone Seroja and the proposed course of action recommended by Department of Fire and Emergency Services (DFES).

**DETAIL**

On the 11 April 2021, Cyclone Seroja caused widespread destruction across the Midwest and the Morawa district. An event of this size and scale in this region is unprecedented and as such the State Government has deployed resources to assist Local Governments with the Recovery process.

To date several funding, social impact, and rebuilding packages have been announced under the Disaster Recovery Funding Arrangements (DRFA).

Throughout the recovery process one of the factors that has hampered recovery is the distances and worker accommodation needs involved with rebuilding and recovery efforts throughout the region. Although the event was 8 months ago many property owners are still awaiting the commencement of reconstruction works.

The unknown variable in relation to works in the current climate is whether workers are even available given closed borders and a stretched construction industry.

The solution proposed by the State and Federal Government under DRFA is to locate Caravan accommodation in local government areas impacted by Cyclone Seroja. The stipulation around the caravans would be such that the applicant would need to verify that their need for the caravan is linked to the impacts of Cyclone Seroja, for instance insurance workers, farm workers that would have previously occupied on farm accommodation damaged by the Cyclone, and utilities providers undertaking recovery activities in the region.

One key consideration for Council is the general complexity of the DRFA process and the break-even methodology applied DRFA. In reality, this initiative is likely to cost the Shire funds in the form of management, reimbursement claims, and other overheads that won't be claimable. The attached letter and Table 1 summarise some of the key issues and activities associated with Temporary Worker Caravans. DRFA would prefer the Shire to contract out the management and cleaning of the caravans but given the way the current caravan park operations work, this is unlikely, and the Shire would need to ensure all cleaning and booking time is clear on timesheets and able to be costed to DRFA. Cleaning of caravan style accommodation is likely to involve a greater degree of Occupational Health and Safety risk than cleaning Caravan Park Cabins or ablutions.

Another issue will be that Wildflower Tourist Season will come around quickly and an alternative arrangement for the caravans would need to be implemented prior to the end of this financial year.

The decision for Council hinges on whether the community need for temporary worker accommodation is sufficient to warrant the operational burden of managing a caravan hire arrangement under the DRFA system.

Current statistics suggest 107 properties were damaged in the Shire of Morawa (approx. 20% of total properties), of these properties 28 are being categorised as severe damage or total loss. Approximately 84 properties have submitted insurance claims and 17 have been identified as being un/underinsured (as of 30 June 2021).

With the larger than usual harvest conditions it can be assumed that the Primary Producer have been pre-occupied and have not fully documented or actioned all damage related to their properties, and demand for recovery services may increase in the post-harvest period.

Temporary worker accommodation is also proposed for Kalbarri, Northampton, Mingenew, and Perenjori, but given distances the workers located in these areas are unlikely to be willing to travel to service Morawa's needs.

It is difficult to determine demand for these accommodation solutions and outside of the tourist season the existing accommodation providers in the town generally have sufficient capacity to accommodate extra workers, however the commercial charges associated with this accommodation may put workers/companies off, also the recovery workers may require longevity that may not fit with the other demands for accommodation such as the mining sector.

It is the authors opinion that due to the impact of Seroja and the work completed by the District Recovery Team to try and find a workable solution that both the State and Federal Government will support, it seems prudent that the Shire offer support to this solution. Although the funding offers to cover the purchase of four caravans, it is believed an initial allocation of two caravans should be purchased and then demand should be reassessed.

To implement this solution, the annual budget would need to be amended to include an Asset Acquisition for the Caravans, a maintenance budget for the caravans and income budget for the hire of caravans and DRFA reimbursements.

It is proposed that the Shire charge would need to cover cleaning hours and overheads. The author believes that hire should be restricted to 3 night or 7-night blocks to reduce the cleaning impost and ensure contractors are onsite for longer. An initial estimate suggests that a charge of \$200 for 7 nights may cover this. Costs such as administration and utilities may not be recoverable under DRFA.

## LEVEL OF SIGNIFICANCE

High – the Shire’s response to this proposal will directly impact the future activities relating to cyclone Seroja and budget considerations.

## CONSULTATION

Senior Management Team

## LEGISLATION AND POLICY CONSIDERATIONS

Various sections of the Local Government Act 1995 and Regulations will relate to this solution. Potentially the Caravan Parks and Camping Grounds Act 1995 may apply depending on the length of stay and operation of the caravans.

### 6.16. Imposition of fees and charges

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

*(2) A fee or charge may be imposed for the following —*

*(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*

*(b) supplying a service or carrying out work at the request of a person;*

*(c) subject to section 5.94, providing information from local government records;*

*(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*

*(e) supplying goods;*

*(f) such other service as may be prescribed.*

*(3) Fees and charges are to be imposed when adopting the annual budget but may be —*

*(a) imposed\* during a financial year; and*

*(b) amended\* from time to time during a financial year.*

*\* Absolute majority required.*

### 6.19. Local government to give notice of fees and charges

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*

*(a) its intention to do so; and*

*(b) the date from which it is proposed the fees or charges will be imposed.*



**FINANCIAL AND RESOURCES IMPLICATIONS**

Whilst the Caravan Purchase and basic cleaning costs will be covered under DRFA and fees. The administration and other costs involved such as CEO time are likely to be felt by the Shire. It is difficult to estimate this impact at this stage but it wouldn't be unreasonable to assume that a project management estimate of 10% of project cost would be lost in management activities and hidden costs.

**RISK MANAGEMENT CONSIDERATIONS**

Various risks exist with this solution.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Comments</b>
The caravans are unused and the cost to the Shire results in no benefit	Low – the chances of some workers utilising the accommodation if it is onsite is high. The utilisation rate may still be low.	Medium – a low utilisation rate will suggest the worker are able to find alternate accommodation and the cost to the Shire is likely to be lower if the caravans aren't heavily used.	The risk of underutilisation is much more likely than no utilisation but the impacts on the Shire are likely to be more in the reputational area for investing time and money into an unnecessary solution. The flipside is, what if we don't and it is needed.
Injury to cleaner	Medium – with the confined working space of a caravan and the steps, the chance of an injury is higher than in other areas we clean.	Medium – the types of injury are likely to be minor in general however this will depend on the layout of the actual caravans purchased.	Contracting out cleaning would transfer some of the risk to another entity but this is unlikely so the Shire will have to spend time developing clear safe work practices and procedure for the cleaning processes.
The Shire's charge doesn't cover costs	Medium – it is hard to predict what the exact cost will be and some workers will make more mess than others.	Low – to some extent DRFA will cover shortfall and the actual costs are likely to be low.	This process is more about community outcome than cost.
An alternate arrangement for tourist season can't be set up.	Medium – power and sewerage utilities may be difficult and time consuming to implement.	Medium – the Shire may have to cease using the worker caravans during tourist season which may impact works	The trade off between cyclone recovery workers and tourists will be a difficult call to make as determined which does more community good is hard and depends on what context.

**CONCLUSION**

There is a need for additional accommodation for temporary workers in the Shire of Morawa for works as part of the recovery process from Cyclone Seroja. DFES has developed options to install caravans at the Morawa Caravan Park for the use of workers in relation to Cyclone recovery works, but DFES are unable to administer this solution. It has been requested that the Shire of Morawa purchase up to four caravans and undertake the management and administration of this project.

**ATTACHMENTS**

*Attachment 1 – 11.1.3 Letter from DFES regarding proposed solution- 1 December 2021.*

<b>11.1.4</b>	<b>Application for Exploration Licence – No.705976 &amp; No.70/5977 on Various Lots and Reserves.</b>
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**Author:** Planning Officer

**Authorising Officer:** Chief Executive Officer

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION/ RESOLUTION

211205 Moved: Cr Stokes

Seconded: Cr Katona

That with respect to Application for Exploration Licence – No.70/5976 & No.70/5977 on Various Lots and reserves, Council:

1. Raise no objection in principle to the Application subject to the following conditions:-
  - a. That dust suppression is carried out so that others are not adversely affected;
  - b. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
  - c. Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread;
  - d. All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
  - e. All rubbish is to be disposed of in the appropriate manner;
  - f. A firefighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
  - g. No drill holes are to extend under any public roadways or interfere with road drainage;
  - h. All drill holes are to be capped as soon as possible/practical after drilling; and
  - i. No drilling is to occur within any Shire gravel pits.

*CARRIED BY SIMPLE MAJORITY 5/0*

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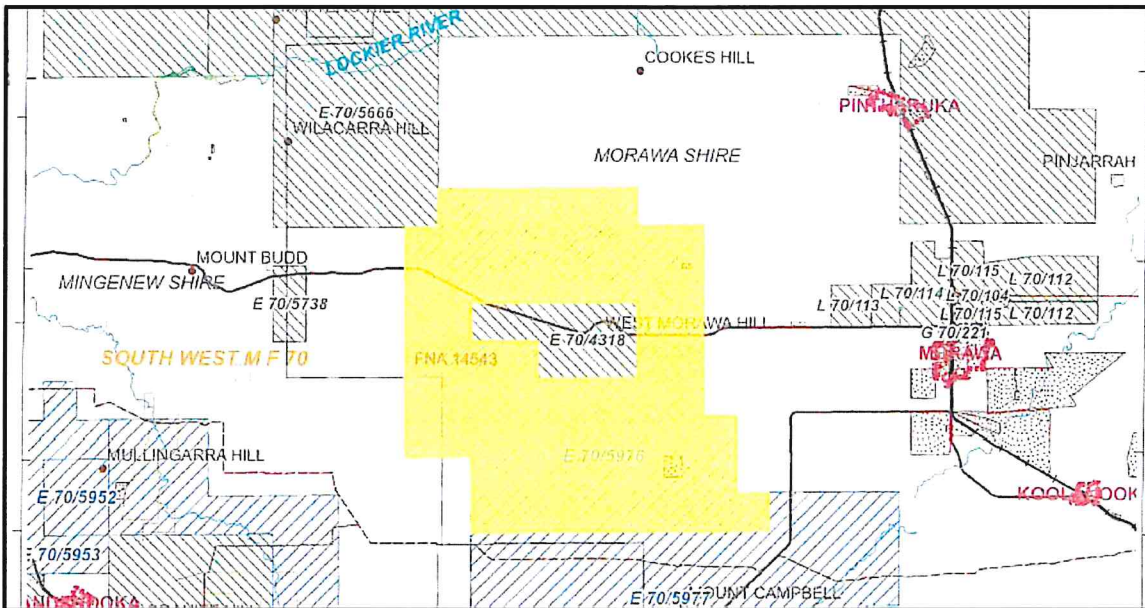
#### PURPOSE

This report seeks Council's consideration in relation to two (2) application for an exploration license over various lots that has been submitted on behalf of Centrex Potash Pty, by Hetherington Exploration & Mining Title Services.

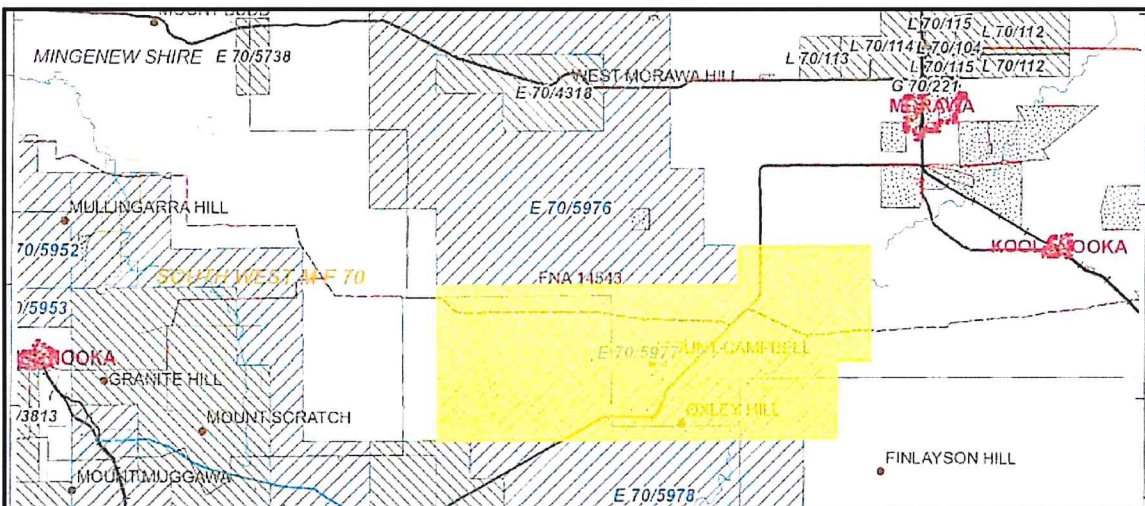
#### DETAIL

Council has received notice of an application for an exploration licence from Hetherington Exploration & Mining Title Services for a mining exploration licence over various lots in the locality of west Morawa.

The land subject to the application is a combination of privately owned land and State reserves. A copy of the application is included as *Attachment 1*.



**Exploration Licence Application No. 70/5976**



**Exploration Licence Application No.70/5977**

Where Council believes there are good grounds to raise an objection to the application, an objection may be lodged to the application with the Mining Registrar within 21 days of being served the Notice (before 22 December 2021). In relation to the matter before Council, the Shire is not aware of any such grounds to raise an objection to the application.

Under Sections 23 to 26 of the *Mining Act 1978*, mining may be carried out on certain classes of land with the written consent of the Minister for Mines and Petroleum. The *Mining Act 1978* and its associated Regulations sets out the process for a variety of licences and lease types, including requirements for mineral exploration. A guideline summary of exploration licences from Department of Mines and Petroleum documentation is provided as follows:

## 12. Exploration Licence

- On 28 June 1991 a graticular boundary (or block) system was introduced for Exploration Licences.
- The minimum size of an Exploration Licence is one block, and the maximum size is 70 blocks, except in areas not designated as mineralised areas, where the maximum size is 200 blocks.
- An Exploration Licence is not marked out.
- An application may be made at any Mining Registrar's office (see Appendix A); or lodged electronically via the department's website using MTO.
- An application fee and rental is payable.
- There is no limit to the number of licences a person or company may hold but a security (\$5,000) is required in respect of each licence.
- Term and Compulsory Surrender:
  - For licences applied for prior to 10 February 2006, the term is five years plus two possible extensions of two years and further periods of one year thereafter. At the end of both the third and fourth year of its term, the licensee is required to surrender 50 per cent of the licence.
  - For licences applied after 10 February 2006, the term is five years plus possible extension of five years and further periods of two years thereafter, 40 per cent of ground to be surrendered at the end of year six.
- The holder of an Exploration Licence may in accordance with the licence conditions, extract or disturb up to 1000 tonnes of material from the ground, including overburden, and the Minister may approve extraction of larger tonnages.

Source: – Exploration Licence Guidelines from DMP Mining Act Guidelines Basic Provisions.

An exploration licence remains in force for a period of 5 years although this can be extended by the Minister for Mines and Petroleum.

## LEVEL OF SIGNIFICANCE

Low significance – response required to be lodged at the mining register's office on or before 22 December 2021.

## CONSULTATION

Chief Executive Officer

## LEGISLATION AND POLICY CONSIDERATIONS

*Mining Act 1978*

There are no known policy implications in relation to this item.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial implications in relation to this item.

**RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management implications in relation to this item.

**CONCLUSION**

That subject to conditions that address protecting the local amenity and Shire Road reserves, it is considered appropriate that Council raise no objection to the Application for Exploration Licence – No. 70/5976 & No.70/5977 by Hetherington Exploration & Mining Title Services.

**ATTACHMENTS**

*Attachment 1 – 11.1.4 Applications for mining tenement*

## 11.2 Executive Manager Corporate & Community Services

### 11.2.1 Statement of Financial Activity – November 2021

<b>Author:</b>	Corporate & Community Services Officer
<b>Authorising Officer:</b>	Executive Manager Corporate & Community Services
<b>Disclosure of Interest:</b>	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

#### OFFICER'S RECOMMENDATION/ RESOLUTION

211206 Moved: Cr Stokes Seconded: Cr Katona

That Council receive;

- 1) the Statement of Financial Activity for the period ending 30 November 2021.
- 2) the Bank Reconciliation Report for period ending 30 November 2021
- 3) the attached List of Payments for the period ending 30 November 2021
- 4) with respect to the Chief Executive Officer authorisations and reporting to Council;
  - 4.1) information presented to this meeting in regard to reimbursement applications made by the Chief Executive Officer for the period ending 30 November 2021.

**CARRIED BY SIMPLE MAJORITY 5/0**

#### PURPOSE

The Statement of Financial Activity is prepared to provide Council with a comprehensive report on the financial position on a monthly basis.

The Statement of Financial Activity Report will include the Monthly Financial Report, Bank Reconciliation Report and the List of Payments made.

#### DETAIL

In accordance with the provisions of Section 6.4 of the *Local Government Act 1995* and Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*, a local government is to prepare each month a Statement of Financial Activity (**Attachment 1**) reporting on the revenue and expenditure as set out in the Annual Budget each month.

Under the regulations the report must include the following items,

- Annual Budget estimates
- Budget estimates to the end of the month to which the statement relates,

- Actual amounts of expenditure, revenue, and income.
- Material variances between budget and actual
- Net current assets
- The report is to be accompanied by documents containing an explanation of the net current assets, material variances and other relevant supporting documentation.

As part of the monthly report a bank reconciliation report will be completed and included as **Attachment 2**. The summary of the report for 30 November is as follows:

Account	Balance
Municipal Account	2,075,884.43
Municipal Online Account	1,027,100.61
Trust Account	3,342.41
Reserve Account	3,438,934.34
Term Deposits (Reserves)	2,100,000.00
<b>Total Cash &amp; Investments</b>	<b>\$8,645,261.79</b>

Pursuant to Section 5.42 of the *Local Government Act 1995*, Council has resolved to delegate to the Chief Executive Officer the authority to make payments from the municipal and trust funds.

As a result of this delegation there is a requirement under the *Local Government (Financial Management) Regulations 1996* – Reg 13(3) for a list of payments to be prepared and presented to Council.

The list of accounts paid for the period 1 November 2021 to 30 November 2021 is presented as an attachment to this report (**Attachment 3**) and is summarised in the table below.

Bank	Payment Description	Amount
Municipal	Electronic Funds Transfers (EFT)	365,855.63
Municipal	Cheques No: 12024	35,145.96
Municipal	Direct Debit Transactions	21,345.72
Municipal	Bank Transfers / Payroll / Other Payments	116,976.69
Municipal	Corporate Credit Cards	648.80
Trust	Electronic Funds Transfers (EFT)	0.00
	<b>TOTAL</b>	<b>\$539,972.80</b>

### Reimbursement Applications

There have been \$1591.88 of reimbursements claimed by the Chief Executive Officer during the month of November.

These reimbursements were linked to vehicle maintenance and conference accommodation and have been assessed by the finance team as being legitimate business expenses.

### LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes only



## CONSULTATION

Chief Executive Officer  
Executive Manager Corporate & Community Services

## OFFICER'S COMMENTS

The month of November has seen the Certificate of completion for the Nanekine road project being submitted to main roads. The budget review amendments adopted in November 2021 have now been uploaded and are reflected in the attached financial reports.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 5.42 *Local Government Act 1995* Delegation of some powers and duties to the CEO.

Section 2.7 of the *Local Government Act 1995* states:

Role of council

- (1) The council —
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

*Local Government (Financial Management) Regulations 1996*

Regulations 34(1)

- (1) A local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) for each month.

Regulation 13

- (1) If the local government has delegated authority 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.
- (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

Procurement Policy

Use of Corporate Credit Card Policy

CEO Leave Authorisations and Other Approvals Policy

- Strategic Community Plan 2018-2028

**Outcome 4.3** A local government that is respected, professional and accountable.

**Outcome 4.5 Long Term Financial Viability****FINANCIAL AND RESOURCES IMPLICATIONS**

As presented.

**RISK MANAGEMENT CONSIDERATIONS**

The risks identified as part of this report being inaccurate information is mitigated by Council receiving financial statements on a monthly basis and in the form that is in accordance with the Local Government Act 1995 and associated regulations in the format called Statutory Reporting and is considered Low Risk.

**CONCLUSION**

Council is requested to receive the attached Statement of Financial Activity, the Bank Reconciliation report, the list of accounts paid by the Chief Executive Officer and the list of any work related expenses/reimbursements submitted by the Chief Executive Officer.

**ATTACHMENTS**

*Attachment 1* – 11.2.1 Monthly Financial Report for the period ending 30 November 2021.

*Attachment 2* – 11.2.1 Bank Reconciliation for the period ending 30 November 2021.

*Attachment 3* – 11.2.1 List of Accounts Paid for the period ending 30 November 2021.

**11.2.2 Cash Reserves Management Policy**

**Author:** Executive Manager Corporate & Community Services

**Authorising Officer:** Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declare that both have no conflicts of interest pertaining to this item.

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**OFFICER RECOMMENDATION/ RESOLUTION**

**211207 Moved: Cr Stokes Seconded: Cr Carslake**

**That Council:**

- 1. Adopt Council Policy FIN10 – Cash Reserves Management Policy**
- 2. Direct the CEO to give a minimum of one month’s local public notice of the adoption of Council Policy – Cash Reserves Management and the changes to reserve purposes and uses of funds such that:**
  - a. The name, use of funds and purpose of the Road Reserve be changed such that it now be known as the Emergency Response Reserve with the purpose that funds are to be used to fund insurance excesses and emergency response activities in relation to unbudgeted events impacting the community or Shire assets outside of Council control.**
  - b. Combine Aged Care Units Reserve and Aged Care Unit 5 Reserve and change the purpose of the consolidated reserve to fund capital works expenditure relating to existing or new Aged Care Units.**
  - c. Creation of a new reserve titled Capital Works Reserve with the purpose to reserve funds for the Shire to allocate towards expenditure on capital works, specifically the renewal or creation of Shire assets.**
  - d. Closure of Building Reserve, Old Hospital Reserve and Business Units Reserve with all unspent funds reallocated to the Capital Works Reserve for future capital works on these or other Shire assets.**
  - e. Combine the Community Development and Economic Development Reserves with a combined purpose to fund significant community or economic development projects within the Shire of Morawa.**
  - f. Creation of an Unspent Grants and Contributions Reserve to provide a designated area to hold the balance of unexpended grants and contributions until they can be expensed in line with funding conditions.**

*All other changes to reserves are for clarification purposes and don’t represent a deviation from the existing purpose.*

**CARRIED BY ABSOLUTE MAJORITY 5/0**

## PURPOSE

In line with recent staffing changes, it was deemed appropriate to review the reasoning around the existence of cash backed reserves and the purposes for which they are held. The purpose of this report is for Council to adopt a policy position around Cash Reserve Management and to realign the purpose of some reserves to broaden their terms of reference and make them more accessible for delivering particular outcomes if needed.

## DETAIL

The Shire of Morawa currently holds over \$5m in cash backed reserves and it is important for both Council and the administration to be clear on the purpose for which these funds are held, and to have a plan for future fund management.

The attached Council Policy – Cash Reserve Management divides all of the Shire’s reserves across four key focus areas addressing:

- Business Risk
- Financial management
- Strategic Goals
- Statutory Obligations

Through consistency in the identification, administration and use of reserve funds it will add greater clarity for all involved.

Many of the Shire’s existing reserves will remain unchanged or have minor edits to clarify their title or purpose for greater transparency, the reserve changes proposed in the new policy are:

The Road Reserve which provided a provision for emergency road expenditure was deemed to be too narrow in scope and as such the policy renames and repurposes the reserve to an Emergency Response Reserve. The Emergency Response Reserve funds are for insurance excesses or emergency works or response activities in relation to unbudgeted events impacting the community or Shire assets. The funds in this reserve can still be applied to roads in response to flood events etc. but it also opens the reserve up to respond to damage to other infrastructure as occurred during the Cyclone Seroja event.

The Aged Care Units Reserve and Aged Care Unit 5 Reserve are to be combined into one reserve. All of the Aged Care Units other than Units 1-4 are under the Shire’s management without the encumbrance of a joint venture arrangement. As such the reserve funds should be used to maintain the provision or further provision more broadly than individual units. Except in the case of units 1-4 which are separated due to the Joint Venture Arrangement and ownership remaining with Department of Housing.

The Capital Works Reserve seeks to provide a centralised area where the Shire can allocate funds for major capital works outside of the normal operational maintenance schedules. The Building, Old Hospital and Business Units Reserves are to be closed with all funds repurposed to the Capital Works Reserve. General maintenance on these assets is in operational budgets and as such major works will form part of a capital works schedule and may be funded from this reserve, but the repurpose allows the Shire to use the funds for other assets in need.

The combination of the Community and Economic Development Reserves into one reserve is a logical consolidation of funds to allow for the greatest level of targeted gains. In general economic or community gains of a large scale require a significant initial investment, as such it

makes sense to maximise the total funds available in this area. The projects of most benefit are likely to have community and economic opportunities attributed to them.

**LEVEL OF SIGNIFICANCE**

Medium – adoption of a Council Policy provides a strong governance stance for Council, however policies can always be revised if the details aren't meeting the Shire's needs.

**CONSULTATION**

Senior Management Team  
Council Concept Forum

**LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government Act 1995 Division 4 Section 6.11*  
*Local Government (Administration) Regulations 1996*  
*Australian Accounting Standards*

**FINANCIAL AND RESOURCES IMPLICATIONS**

At this stage the proposed modifications have no impact on the current budget as it is just a movement of existing funds. The fund management proposals in the policy are likely to lead to increased reserve allocations in future budgets.

**RISK MANAGEMENT CONSIDERATIONS**

Well managed cash backed reserve are an important mitigator of financial risk.

**CONCLUSION**

It is recommended that Council adopt the Council Policy – Cash Reserve Management and direct the CEO to implement the necessary changes to reserves and their fund management moving forward.

**ATTACHMENTS**

*Attachment 1 – 11.2.2 Council Policy FIN10 – Cash Reserves management Policy*

**11.2.3 Morawa Country Women's Association – Service Charges**

**Author:** Executive Manager Corporate & Community Services

**Authorising Officer:** Chief Executive Officer

**Disclosure of Interest:** The Author-Authorising Officer declare that both have no conflicts of interest pertaining to this item.

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**OFFICER RECOMMENDATION/ RESOLUTION**

**211208 Moved: Cr Carslake Seconded: Cr Coaker**

**With respect to the request from the Morawa branch of the Country Women's Association (CWA) to waive the sewerage charge on 24 Dreghorn Street, Council:**

- 1. Supports the request and authorises staff to write off the following amounts:**
  - a) Annual sewerage charge for 2021-2022 of \$989.83**
  - b) Accrued interest on the outstanding charges of \$4.48.**
- 2. Tasks the CEO to do a full review of all Shire charges applied on properties held by not-for-profits and bring a report to Council prior to 2022-2023 budget deliberations.**

***CARRIED BY ABSOLUTE MAJORITY 5/0***

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**PURPOSE**

The Shire has received a letter from the Morawa branch of the Country Women's Association (CWA) requesting financial assistance by way of waiving the 2021-2022 sewerage charges and for future years if membership numbers remain low. The committee members stated that they are happy to pay the ESL levy each year and have paid the fee for the 2021-2022 year already.

**DETAIL**

Since the 2015-2016 financial year Council have assisted the Morawa branch of the Country Women's Association by waiving the annual charges and interest raised on their property at 24 Dreghorn Street Morawa. Council have also donated the amount of the ESL charged on the property, as the ESL does not belong to the Council and therefore cannot be waived.

Value of charges waived:

Year of Assistance	Sewerage	ESL (Donation)	Interest	Total
2015-2016	772.10	68.00	24.13	864.23
2016-2017	772.10	71.00	30.86	873.96
2017-2018	772.10	71.00	24.47	867.57
2018-2019	940.00	82.00		1,022.00
2019-2020	961.00	84.00		1,045.00
2020-2021	961.00	84.00	0.72	1,045.72

The CWA in recent years has not been as active in the community as it once was. This can be attributed to the reduction in memberships that the organisation currently has. When the CWA does do things for the community they are always well received and supported. It is disappointing to see that a valuable community organisation may at some time in the future become inactive-unviable.

## LEVEL OF SIGNIFICANCE

Low

## CONSULTATION

Rates Officer  
CWA Committee members

## LEGISLATION AND POLICY CONSIDERATIONS

*Local Government Act 1995 section 6.12 (1) (c);*

- (1) Subject to subsection (2) and any other written law, a local government may –
- (a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money which is owed to the local government.

Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

## FINANCIAL AND RESOURCES IMPLICATIONS

Council has for many years been assisting the CWA financially by waiving all rates and charges on the property at 24 Dreghorn Street. The amount waived each year is approximately \$1,500.

## RISK MANAGEMENT CONSIDERATIONS

A minimal risk exists that by providing this financial assistance to the CWA other community and not for profits may also decide to request assistance by Council, which could put pressure on Council's budget

**CONCLUSION**

As the CWA is a not for profit organisation that does good work in the community even in the limited capacity it can achieve with reduced numbers, it would be appropriate for Council to consider waiving the sewerage charges and any interest owing on this property. With the CWA committee themselves stating that they are happy to pay the ESL levy charged each year then Council should not look at donating the corresponding amount to them as done in previous years.

**ATTACHMENTS**

Attachment 1 – 11.2.3 Correspondence requesting the waiving of the sewerage fees for 2021-2022



### 11.3 Executive Manager Works & Assets

#### 11.3.1 Tender to Purchase New Prime Mover

**Author:** Executive Manager Works and Assets

**Authorising Officer:** Chief Executive Officer

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION/ RESOLUTION

211209      Moved: Cr Carslake      Seconded: Cr Stokes

That with regards to tender RFT 01-2021, purchase of a new Day Cab Prime Mover, Council

1. Resolve to award the tender to AV Truck Services Pty Ltd for the price of \$265,585.64 (excluding GST and Trade-in)
2. Accept the trade-in price of \$48,000 (excluding GST) for the old Prime Mover Vehicle Disposal

*CARRIED BY SIMPLE MAJORITY 5/0*

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#### PURPOSE

The purpose of this report is for Council to consider a capital purchase, via tender for a new Day Cab Prime Mover.

#### DETAIL

On the 22 October 2021, the Shire opened a tender via WALGA E-Quotes for a Day Cab Prime Mover. The tender/RFQ period was for four weeks, closing 19 November 2021.

The tender requested the supply of one Day Cab Prime Mover with the following key features:

- Engine output 500-600 hp
- GVM (kg) 24500, GCM (kg) 90000
- 2021 compliant plate model

At the close of the Tender Period the Shire has received three quotes from three suppliers:

- AV Truck Services Pty Ltd
- Purcher International Pty Ltd
- Truck Centre WA Pty Ltd

The Chief Executive Officer, Executive Manager Works and Assets, and Technical Officer conducted an assessment of the submissions and determined that the AV Truck Services Vehicle represented the best value purchase. All vehicles presented are able to meet the Shire's operational needs, the only concern around AV Truck Services is that they don't have a Geraldton Branch, but the Shire has been using IVECO vehicles for a number of years and has established relationships with mechanics etc. who are able to maintain them.

**LEVEL OF SIGNIFICANCE**

High – the provision of a day cab prime mover is an essential piece of Shire machinery

**CONSULTATION**

The Tender process was managed via WALGA E-Quotes

**LEGISLATION AND POLICY CONSIDERATIONS**

Local Government Act 1995 S.3.57

Local Government (Functions and General) Regulations 1996

Shire Purchasing Policy

**FINANCIAL AND RESOURCES IMPLICATIONS**

All selling prices quoted were within the Shire's budgeted purchase price of \$320,000.

Purchase of Iveco International Pro Star Day Cab \$292,144.20 (\$265,585.64 excluding GST)  
AV Truck Services Pty Ltd minus trade in of 2004 Iveco Powerstar \$52,800 (\$48,000 Excluding GST) Shire cost 239,344.20 GST inclusive.

**RISK MANAGEMENT CONSIDERATIONS**

The purchase of a new Day Cab Prime Mover has a low-risk consideration.

**CONCLUSION**

The Shire having followed the WALGA E-Quotes process received three responses for the provision of a new Motor Grader. It is recommended that the Council support the purchase of a new Day Cab Prime Mover from AV Truck Services Pty Ltd.

**ATTACHMENTS**

*Attachment 1 – 11.3.1 Evaluation of RFT 01-2021*

**Item 12 Reports of Committees**

Nil

**Item 13 Motions of Which Previous Notice Has Been Given**

Nil

**Item 14 New Business of an Urgent Nature**

Nil

**Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)****15.1 Closure of the Meeting to the Public**

<b>Author:</b>	Chief Executive Officer
<b>Authorising Officer:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	The CEO has a conflict of interest in relation to this item given it is a review directly related to his performance, however the regulations stipulate that the process should be by agreement.

**OFFICER'S RECOMMENDATION/ RESOLUTION**

211210      Moved: Cr Carslake                      Seconded: Cr Coaker

That Council closes the meeting to the public under section 5.23 (2)(a) and (c) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012 s 6.2* so that it can consider the following Items:

- 15.2      CEO Performance Review Evaluation

**CARRIED BY SIMPLE MAJORITY 5/0**

**PURPOSE**

This item seeks Council's approval under s5.23 (2) of the *Local Government Act 1995* to move into camera or closed session to consider confidential matters:

**DETAIL**

Under s5.23 (2) of the *Local Government Act 1995*, Council must resolve to move into camera or closed session. The following Items are 'confidential matters' as addressed below:

- 15.2      Confidential Item – CEO Performance Review Evaluation

**LEVEL OF SIGNIFICANCE**

High – Confidential Items

**CONSULTATION**

Senior Management Team

**LEGISLATION AND POLICY CONSIDERATIONS**

## Local Government Act 1995

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) *a matter affecting an employee or employees;*
- (b) *the personal affairs of any person;*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) *a matter that if disclosed, would reveal —*
  - (i) *a trade secret;*
  - (ii) *information that has a commercial value to a person;*
  - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
- (f) *a matter that if disclosed, could be reasonably expected to —*
  - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (ii) *endanger the security of the local government's property;*
  - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

**Shire of Morawa Meeting Procedures Local Law 2012**

The key parts include:

**6.2 Meetings not open to the public**

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried— (a) the presiding member is to direct everyone to leave the meeting except— (i) the members; (ii) the CEO; and (iii) any officer specified by the presiding member; and (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of

the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

**Strategic Community Plan 2018 to 2028 (desktop Review June 2020)**

**Outcome 4.3** A local government that is respected, professional and accountable.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Any known financial implications are addressed in the respective reports.

**RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management considerations.

**CONCLUSION**

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012* s 6.2 so that it can consider the reports as addressed.

**ATTACHMENT**

Nil

Mr Scott Wildgoose, Jackie Hawkins and Paul Buist left the meeting at 5.38pm.

<b>15.2</b>	<b>Confidential Report – Chief Executive Officer Annual Performance Review</b>
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**Author:** Dr Shayne Silcox of Strategic Leadership Consulting – Independent Consultant.

**Authorising Officer:** Chief Executive Officer – For process purposes only.

**Disclosure of Interest:** The Author declares that they do not have any conflicts of interest in relation to this item.

The Authorising Officer, The Chief Executive Officer, declares a financial interest in relation to this matter and advises Council they have authorised the report for process purposes only.

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## COUNCIL RESOLUTION

211211      Moved: Cr Stokes                      Seconded: Cr Carslake

That Council:

- a) Notes the Salaries and Allowances Tribunal Determination of 8 April 2021 and the determination variation of the 24 June 2021 (effective 1st of July 2021).
- b) Notes the outcomes of the Elected Member Performance Survey undertaken in November 2021 with the Chief Executive Officer being assessed at *'Meets Expectations'* in this year's performance appraisal.
- c) Adopts the performance criteria metrics for the 2021-2022 performance period outlined in section 5.4 of the confidential report, and, that the Shire President in a written document advise the CEO of the agreed performance criteria.
- d) Increases clause 12 of Schedule 2, by \$1,000, so the clause will now read *"Professional development Maximum \$2,000 each year"*.
- e) Applies Option four (4) of the Confidential Consultant Report to include a Regional Isolation Allowance up to \$10,000 to the employment contract of the CEO. (Note: any superannuation guarantee associated with the payment of allowance is to be included in the Total Reward Package).
- f) Requests that the Shire President finalise the Contract of Employment amendments as required on behalf of Council.
- g) Schedules the next review of the Chief Executive Officers performance and total remuneration package (TRP) for considered by Council no later than November 2022.

- h) Complies, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 18, by resolution of an absolute majority of the council, endorse this review.
- i) Complies, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by requesting the Shire President to notify the Chief Executive Officer of results of this performance review.

**CARRIED BY ABSOLUTE MAJORITY 5/0**

*Scott Wildgoose returned to meeting 5.40pm – the Shire president provided a verbal update on the Council Resolution to the CEO.*

### 15.3 Reopening of the Meeting to the Public

#### OFFICER'S RECOMMENDATION/ RESOLUTION

211212      Moved: Cr Carslake      Seconded: Cr Katona

That Council reopens the meeting to the public.

**CARRIED BY SIMPLE MAJORITY 5/0**

*Jackie Hawkins and Paul Buist returned to meeting 5.42pm*

### Item 16 Closure

#### 16.1 Date of Next Meeting

The President declared that a Special Meeting of Council is to be held at 5:45pm on Tuesday 21 December 2021 for the purpose of adopting the 2020-2021 Annual Report. This meeting will be preceded by an Audit Committee meeting at 5:00pm for the same purpose.

#### 16.2 Closure

There being no further business, the President declared the meeting closed at 5.43pm.



.....Presiding Member