



SHIRE OF MENZIES

# Minutes

**FOR THE ORDINARY MEETING OF COUNCIL  
TO BE HELD ON**

**24 JUNE 2021**

**Commencing at 1.00 pm**

**At Tjuntjuntjara**

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

## **FINANCIAL INTEREST**

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

### **Councillors should declare an interest:**

- a) In a written notice given to the Chief Executive Officer (CEO) before the meeting; or
- b) At the meeting, immediately before the matter is discussed.

A member who has declared an interest must not:

- Preside at the part of the meeting relating to the matter; or
- Participate in or be present during the discussion of decision-making procedure relating to the matter unless the member is allowed to do so under Section 5.68 or 5.69 of the *Local Government Act 1995*.

**Councillor Attendance**  
**Shire of Menzies Council Meetings**

<b>Council Meeting Date</b>	<b>Attended in Person</b>	<b>Electronic Attendance</b>	<b>Leave of Absence</b>	<b>Apologies</b>	<b>Absent</b>
26 November 2020	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader	Cr J Lee (MAC Office) Cr V Ashwin (MAC Transportable)			
17 December 2020	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader			Cr J Lee Cr V Ashwin	
28 January 2021	Cr G Dwyer Cr K Mader Cr S Baird	Cr J Dwyer (Kambalda) Cr J Lee (MAC Office) Cr I Baird (Wongary)	Cr J Dwyer Cr V Ashwin		
25 February 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader	Cr J Lee (MAC Office)	Cr V Ashwin	Cr S Baird	
25 March 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader Cr S Baird	Cr I Baird Cr J Lee	Cr V Ashwin		
29 April 2021	Cr G Dwyer Cr J Dwyer Cr K Mader	Cr I Baird (PT) Cr J Lee (MAC)		Cr S Baird	
27 May 2021	Cr G Dwyer Cr K Mader Cr S Baird Cr I Baird	Cr J Dwyer – Kambalda East.		Cr J Lee	

# TABLE OF CONTENTS

<b>1</b>	<b>DECLARATION OF OPENING .....</b>	<b>6</b>
<b>2</b>	<b>ANNOUNCEMENT OF VISITORS .....</b>	<b>6</b>
<b>3</b>	<b>RECORD OF ATTENDANCE .....</b>	<b>6</b>
<b>4</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>6</b>
<b>5</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>6</b>
<b>6</b>	<b>APPLICATION BY MEMBERS .....</b>	<b>6</b>
<b>6.1</b>	<b>APPLICATIONS BY MEMBERS.....</b>	<b>6</b>
<b>7</b>	<b>DECLARATIONS OF INTEREST .....</b>	<b>8</b>
<b>8</b>	<b>NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS.....</b>	<b>8</b>
<b>9</b>	<b>CONFIRMATION/RECEIVAL OF MINUTES.....</b>	<b>8</b>
<b>10</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS.....</b>	<b>8</b>
<b>11</b>	<b>ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>8</b>
<b>12</b>	<b>REPORTS OF OFFICERS .....</b>	<b>9</b>
<b>12.1</b>	<b>FINANCE REPORTS .....</b>	<b>9</b>
<b>12.1.1</b>	<b>Finance Report .....</b>	<b>9</b>
<b>12.1.2</b>	<b>Monthly list of payments for May 2021 .....</b>	<b>12</b>
<b>12.1.3</b>	<b>Monthly investment report for May 2021 .....</b>	<b>15</b>
<b>12.1.4</b>	<b>Adoption of differential rates 2021/22 FY .....</b>	<b>19</b>
<b>12.1.5</b>	<b>Audit report, findings and financial statement FY 19/20.....</b>	<b>22</b>
<b>12.1.6</b>	<b>Significant audit findings FY 19/20.....</b>	<b>25</b>
<b>12.1.7</b>	<b>Sundry debtors write off .....</b>	<b>29</b>
<b>12.1.8</b>	<b>Building Regulations 2012 - minimum fee changes.....</b>	<b>32</b>
<b>12.2</b>	<b>ADMINISTRATION REPORTS .....</b>	<b>36</b>
<b>12.2.1</b>	<b>Adoption of draft Annual Report 2019/20 FY .....</b>	<b>36</b>
<b>12.2.2</b>	<b>Unconfirmed GVROC Council meeting minutes May 2021 .....</b>	<b>39</b>
<b>12.2.3</b>	<b>Regional climate alliance program.....</b>	<b>42</b>
<b>12.2.4</b>	<b>Kakarra Part A native title claim .....</b>	<b>47</b>
<b>12.2.5</b>	<b>Chief Executive Officer remuneration - SGC increase .....</b>	<b>50</b>
<b>12.2.6</b>	<b>Economic stimulus grant application .....</b>	<b>53</b>
<b>13</b>	<b>INFORMATION REPORTS.....</b>	<b>56</b>
<b>13.1</b>	<b>ACTIONS PERFORMED UNDER DELEGATION FOR MAY 2021.....</b>	<b>56</b>
<b>13.2</b>	<b>COMMUNITY SERVICES REPORT FOR MAY 2021 .....</b>	<b>59</b>
<b>13.3</b>	<b>WHS UPDATE FOR MAY 2021 .....</b>	<b>61</b>
<b>13.4</b>	<b>HEALTH AND BUILDING REPORT FOR MAY 2021 .....</b>	<b>62</b>

**14 ELECTED MEMBER MOTION OF WHICH PREVIOUS NOTICE HAS BEEN  
GIVEN ..... 64**

**15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF  
THE MEETING ..... 64**

**16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS..... 64**

**17 NEXT MEETING..... 64**

**18 CLOSURE OF MEETING..... 64**



<b>Carried</b>	<b>6 / 0</b>
----------------	--------------



# 12 REPORTS OF OFFICERS

## 12.1 Finance Reports

12.1.1	Finance Report
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	FIN.551.1
DATE OF REPORT	10 June 2021
AUTHOR	Executive Officer, Sharlene Mik
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti
DISCLOSURE OF INTEREST	NIL
ATTACHMENT	1. Attachment 1 to Finance Report [12.1.1.1 - 18 pages] 2. Attachment 2 to Finance Report [12.1.1.2 - 34 pages]

### SUMMARY:

Statutory Financial Reports are submitted to Council as a record of financial activity for the year to 31 May 2021.

### BACKGROUND:

The Financial Management *Regulation 34* requires Local Government entities to prepare each month a Statement of Financial Activity reporting on the sources and application of funds, as set out in the Annual Budget under *Regulation 22(1)(d)*:

- The annual budget estimates;
- Budget estimates to the end of the month to which the statement relates. Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- Any material variations between year to date for income and expenditure and the relevant budget provisions to the end of the relevant reporting period;
- Identify any significant areas where activity is not in accordance with budget estimates for the relevant reporting period;
- Include an operating statement;
- Include the net current assets; and
- Any other relevant reporting notes.

### COMMENT:

This report contains annual budget, actual amounts of expenditure and income to the end of the month. It shows the material variances between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council informed of the current financial position.

**CONSULTATION:**

Nil

**STATUTORY AUTHORITY:**

*Local Government Act 1995 Section 6.4*  
*Local Government (Financial Management) Regulation 1996, 34*

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

As detailed in the attachment.

**RISK ASSESSMENT:**

Nil

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receive the Statement of Financial Activity for the period ending 31 May 2021 as attached and note any material differences.



<b>12.1.2</b>	<b>Monthly list of payments for May 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM 416</b>
<b>DATE OF REPORT</b>	<b>10 MAY 2021</b>
<b>AUTHOR</b>	<b>Executive Officer, Sharlene Mik</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. List of Payments [12.1.2.1 - 8 pages]

**SUMMARY:**

The list of payments made for the Month of May 2021 be received by Council.

**BACKGROUND:**

Payments have been made by electronic funds transfer (EFT), direct transfer from Council's Municipal Bank account and duly authorised as required by Council Policy. These payments have been made under delegated authority to the Chief Executive Officer and are reported to Council.

**COMMENT:**

The EFT, Direct Debit, Credit Card and Payroll payments that have been made for the Month of May 2021 are attached.

**CONSULTATION:**

Rhona Hawkins – Consultant Deputy Chief Executive Officer.

**STATUTORY AUTHORITY:**

*Local Government (Financial Management) Regulations 1996 Regulation 13.*

**POLICY IMPLICATIONS:**

Policy 4-7 – Creditors – Preparation for Payment

**FINANCIAL IMPLICATIONS:**

\$595,099.76 withdrawn from Municipal Bank Account.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy

**STRATEGIC IMPLICATIONS:**

{custom-field-strategic-implications}

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receive the list of payments for the Month of May 2021 totalling \$595,099.76 being:

1. Electronic Funds Transfer EFT 5942 – 6020, payments from Municipal Fund totalling \$554,242.32
2. Direct Debit payments from the Municipal Fund totalling \$40,857.44
3. Payroll payments from the Municipal Fund totalling \$78,175.03
4. Credit Card payments of \$1,184.71 for the Statement Month of April are included in Direct Debits of 40,857.44

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-5</b>
-----------------------------------	-------------

**Moved:** Cr J Dwyer

**Seconded:** Cr S Baird

**That Council receive the list of payments for the Month of May 2021 totalling \$595,099.76 being:**

- 1. Electronic Funds Transfer EFT 5942 – 6020, payments from Municipal Fund totalling \$554,242.32**
- 2. Direct Debit payments from the Municipal Fund totalling \$40,857.44**
- 3. Payroll payments from the Municipal Fund totalling \$78,175.03**
- 4. Credit Card payments of \$1,184.71 for the Statement Month of April are included in Direct Debits of 40,857.44**

<b>Carried</b>	<b>6 / 0</b>
----------------	--------------

<b>12.1.3</b>	<b>Monthly investment report for May 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>FIN.551.1</b>
<b>DATE OF REPORT</b>	<b>10 June 2021</b>
<b>AUTHOR</b>	<b>Executive Officer, Sharlene Mik</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>NIL</b>
<b>ATTACHMENT</b>	<b>Nil</b>

**SUMMARY:**

This item recommends Council receives the investment report for the month of May 2021.

**BACKGROUND:**

The Chief Executive Officer has delegated authority to invest funds into interest bearing accounts under Delegation 2.5 – Investment of Surplus Funds.

**COMMENT:**

Below are the current investments for the Shire of Menzies as at 31/05/21.

<b>INSTITUTION / ACCOUNT TYPE</b>	<b>SUM</b>	<b>TERM</b>	<b>DATE OF MATURITY</b>	<b>INTEREST RATE</b>	<b>RISK ASSESMENT</b>
NAB – Reserve Term Deposit *6210	\$3,274,067.07	60 Days	03/06/2021	0.05%	Medium
NAB – Reserve Term Deposit – *6410	\$8,536,096.97	71 Days	29/06/2021	0.05%	Medium
NAB – Muni TD *2067	\$1,001,992.22	90 Days	29/06/2021	0.05%	Medium
NAB – Muni TD *6491	\$501,037.30	70 Days	29/06/2021	0.05%	Medium
NAB – Municipal Maximiser	\$29,472.11	Open	Open		Medium
NAB – Reserve	\$102,237.07	Open	Open		Medium

Maximiser					
-----------	--	--	--	--	--

**CONSULTATION:**

Nil

**STATUTORY AUTHORITY:**

***Local Government Act***

2.7 (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.

**3.1. General function**

(1) The general function of a local government is to provide for the good government of persons in its district.

**6.14 Power to invest**

***Local Government (Administration) Regulations***

**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*;

(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 3 years;
- (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.

**POLICY IMPLICATIONS:**

Council Policy 4.9 - Investments

Delegation 2.5 – Investment of Surplus Funds

**FINANCIAL IMPLICATIONS:**

Nil

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
<p>There is always a certain risk in investment of funds as banking institutions are no longer the stable and unfailing institutions they once were.</p> <p>The proposal is to closely manage the Shire's investments and avoid the possibility of loss on the investment.</p> <p>At the same time this proposal still seeks the safest and not necessarily the most profitable return on investments</p>	<p>Medium</p>	<p>Close management of investment.</p> <p>Close attention to financial markets and information.</p> <p>Diversity of investments as much as possible.</p>

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receives the investment report for the month of May 2021.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-6</b>
-----------------------------------	-------------

**Moved: Cr S Baird**

**Seconded: Cr J Dwyer**

**That Council receives the investment report for the month of May 2021.**

<b>Carried</b>	<b>6 / 0</b>
----------------	--------------

<b>12.1.4</b>	<b>Adoption of differential rates 2021/22 FY</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>14 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. Objects and Reasons 2021-22 [12.1.4.1 - 3 pages]</li> <li>2. Differential Rates Model [12.1.4.2 - 1 page]</li> </ol>

#### **SUMMARY:**

The purpose of this report is for Council to adopt the proposed Differential Rates, that have been advertised, for the 2021/22 FY.

#### **BACKGROUND:**

The rate modelling attached to this report has been based on no increases in any rate category.

In 2020 the State Government requested a zero rate increase due to Covid-19 and this was adopted with the rates set in 2020. Leaving rates unchanged is again considered appropriate at this time as ratepayers and businesses recover from a long period of instability and uncertainty resulting from Covid-19. The Shire is in a strong financial position and has managed expenditure in a way that allows Rates to remain unchanged.

CPI QTR 1 2021 rose by 0.6% with with the annual trimmed mean CPI inflation rate at an all-time low of 1.1% (Source: WA Treasury Corporation).

#### **COMMENT:**

Even though the rate in the dollar is the same as 2020/2021 it is still necessary for a local government to give local public notice of its intention to levy differential rates. These rates must be advertised for a period of no less than twenty-one (21) days.

The valuations that form the rate base are set by the Valuer General. Council must determine the rate in the dollar to set that will return sufficient income to ensure the effective operations of council for the forthcoming year.

The differential rates as proposed meet the requirements of the Local Government Act (1995).

The proposed rates were advertised in the Kalgoorlie Miner (29/05/2021), Menzies Matters (28/05/2021), Shire of Menzies Facebook (28/05/2021) and on town noticeboards (29/05/2021). The 21 day period has now lapsed with no objections received by the due date.

**CONSULTATION:**

Rhona Hawkins – Financial Consultant (A/CFO)

**STATUTORY AUTHORITY:**

*Local Government Act 1995 S6.36(1)*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The Budget for 2021/22 FY incorporates no increases to Rates.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Council’s statutory reports provide inaccurate financial information.	Low	Internal and external audit. Regular reporting of financial results.
Council does not raise the correct level of income.	Low	Council can currently fund its operations and capital works, and has adequate Reserves to draw on if necessary.
Insufficient working capital to meet Council’s financial commitments.	Low	
Inability to fund the maintenance, replacement and renewal of infrastructure assets.	Low	

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.



<b>12.1.5</b>	<b>Audit report, findings and financial statement FY 19/20</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM409</b>
<b>DATE OF REPORT</b>	<b>11 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. D 21 10239 Transmittal Letter to CEO - Shire of Menzies - 30 June 2020 (1) [<b>12.1.5.1</b> - 1 page]</li> <li>2. D 21 10237 Final Management Letter Attachment - Shire of Menzies - 30 June 2020 (1) [<b>12.1.5.2</b> - 3 pages]</li> <li>3. D 21 10238 Opinion - Shire of Menzies - 30 June 2020 [<b>12.1.5.3</b> - 3 pages]</li> <li>4. D 21 10588 Financial Statement- Shire of Menzies- For the year ended 30 June 2020 [<b>12.1.5.4</b> - 52 pages]</li> </ol>

#### **SUMMARY:**

The audited Financial Statements and Audit Findings have been provided by the independent auditors. This paper provides the audit committee with the documents for review.

#### **BACKGROUND:**

Local governments are subject to annual audits by agents appointed by the Office of the Auditor General (OAG).

The 2019/20 audit was conducted by RSM via external means.

The Regulations require that the audit be completed and presented to the Audit Committee and Council prior to 31<sup>st</sup> December 2020. The auditors completed the audit on 31 May 2021 which varies the requirements resulting in adoption by Council required within two (2) months of receipt of the report.

An exit brief was conducted with a staff and Councillors attending the Briefing session held on 27 May 2021 via a video conference with the OAG and RSM.

#### **COMMENT:**

The Audited Financial Statements are presented to Council upon recommendation of the Audit Committee. The Audited Financial Statements will then be incorporated into the Annual Report to be presented at an Annual Electors Meeting.

**CONSULTATION:**

Office of the Auditor General.  
RSM  
Rhona Hawkins – A/CFO (Consultant).

**STATUTORY AUTHORITY:**

*Local Government Act 1995 S7.9 and S7.12(A).*  
*Local Government (Audit) Regulations 10.*

**POLICY IMPLICATIONS:**

There are no policy implications resulting from the recommendation of this report.

**FINANCIAL IMPLICATIONS:**

There are no financial implications resulting from the recommendation of this report.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

- 4.2 An efficient and effective organisation.
- 4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

**VOTING REQUIREMENTS:**

Absolute Majority



<b>12.1.6</b>	<b>Significant audit findings FY 19/20</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM410</b>
<b>DATE OF REPORT</b>	<b>11 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

The audited Financial Statements and Audit Findings have been provided by the independent auditors. This paper provides the audit committee with the significant findings from the Audit and planned actions to rectify the issues identified.

### **BACKGROUND:**

Local governments are subject to annual audits by agents appointed by the Office of the Auditor General (OAG).

The 2019/20 audit was conducted by RSM via external means.

The *Local Government Act 1995* specifies certain duties of Local Government with respect to Audits:

- (3) *A local government must —*
  - (aa) *examine an audit report received by the local government; and*
  - (a) *determine if any matters raised by the audit report, require action to be taken by the local government; and*
  - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must —*
  - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
  - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

### **COMMENT:**

Although there was only one (1) significant finding, the following details all findings and the actions taken:

**SHIRE OF MENZIES**

**PERIOD OF AUDIT: 1 JULY 2019 TO 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE FINAL AUDIT**

**1. Completeness of tender register**

**Finding**

During our review of the Shire's Tenders Register, we noted a failure to record the tenderer's details and the successful tenderer. This information is required to be recorded in accordance with the Shire's purchasing policy and in order to comply with regulation 17 of the Local Government (Functions and General) Regulations 1996.

**Rating: Significant**

**Implication**

Non-compliance with the Shire's purchasing policy to maintain a complete tender register increases the risk of breaching regulation 17 of the Local Government (Functions and General) Regulations 1996.

Furthermore, without a complete tender register, there is an increased risk that the Shire's 'Value for Money' objectives are not achieved and potential for bias in the supplier selection process.

**Recommendation**

The requirement for full compliance with the Shire's purchasing policy and proper record keeping must be communicated to all staff and be closely monitored by the Shire's administration. In this way the risk of non-compliance with Local Government (Functions and General) Regulations 1996 can be reduced to an acceptable level.

**Management Comment**

*The Shire carried out a review of the Tender Register from 1 July 2019 to 30 June 2020 and confirmed that the relevant details were not being recorded correctly. This has been rectified and records are now kept in accordance with the required regulations. Please see the extract of the new Tender Register.*

**Responsible Person:** Brian Joiner, Chief Executive Officer  
**Completion Date:** 17 May 2021

**SHIRE OF MENZIES**

**PERIOD OF AUDIT: 1 JULY 2019 TO 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE FINAL AUDIT**

**Prior Year Issue**

**2. Review of Open Purchase Orders**

**Findings**

**2019-20**

Prior year issue is not resolved as we still noted long outstanding open purchase orders (POs).

**2018-19**

During our audit, we noted there is no evidence of review of open POs. As at 30 April 2019, open POs totalled \$95,275 with some POs dating back to December 2018.

**Rating: Moderate**

**Implication**

Failure to ensure timely review of open POs increases the risk of improper or unauthorised expenditure. In addition, potential exists for incorrect disclosure of expenditure commitments in the financial statements.

**Recommendation**

Long outstanding open POs should be reviewed and followed up on a regular basis. POs, which are no longer required, should be closed or cancelled in a timely manner.

**Management Comment**

*Open purchase orders to be reviewed on a quarterly basis as a task for the quarterly internal compliance review. Responsible officers are to ensure that their purchase orders are reviewed on monthly basis.*

*As previously advised, standing orders are raised for expenses where no purchase order can be raised in advance. This is common practice in all Councils however the Shire is open to other ways to manage these expenses.*

**Responsible Person:** Brian Joiner, Chief Executive Officer  
**Completion Date:** 17 May 2021

**CONSULTATION:**

Office of the Auditor General.  
RSM  
Rhona Hawkins – A/CFO (Consultant).

**STATUTORY AUTHORITY:**

*Local Government Act 1995 S7.9 and S7.12(A).*  
*Local Government (Audit) Regulations 16.*

**POLICY IMPLICATIONS:**

There are no policy implications resulting from the recommendation of this report.

**FINANCIAL IMPLICATIONS:**

There are no financial implications resulting from the recommendation of this report.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
N/A		

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER/COMMITTEE RECOMMENDATION:**

That Council Adopts the significant audit findings report for FY 2019/2020.



<b>12.1.7</b>	<b>Sundry debtors write off</b>
<b>LOCATION</b>	<b>Tjuntjuntjara</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM405</b>
<b>DATE OF REPORT</b>	<b>17 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. Confidential Sundry Debtors List [12.1.7.1 - 1 page]

**SUMMARY:**

For Council to consider writing off the sum of \$410.00 of Debtors Invoices which have been outstanding for 12 Months.

**BACKGROUND:**

Two of these invoices are for Post Box fees which we have since closed because of non-payment. All of the other invoices are for Dog Registrations.

In 2019 Murdoch University visited Menzies to conduct free sterilisation for animals in the town. Sterilization and Microchipping were free however vaccinations and registration fees were chargeable. Dog Registration forms were filled in and registration tags were given out on the day without the residents being charged. Invoices were sent after the fact, however only a minimal amount was recovered.

**COMMENT:**

Statements have been sent to these residents on a regular basis however payment has not been forthcoming. The registrations for the dogs have now expired as it was only for 1 year, so we are very unlikely to collect the money.

**CONSULTATION:**

Rhona Hawkins – Consultant Deputy Chief Executive Officer.

**STATUTORY AUTHORITY:**

*Local Government Act 1995 Section 6.12*

6.12. Power to defer, grant discounts, waive or write off debts:

- (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.

\* *Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

*[Section 6.12 amended: No. 64 of 1998 s. 39.]*

**POLICY IMPLICATIONS:**

4.6 – Debt Recovery – Outstanding Rates and Sundry Debtors.

**FINANCIAL IMPLICATIONS:**

A Loss of \$410.00 in revenue to the Shire of Menzies.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.



<b>12.1.8</b>	<b>Building Regulations 2012 - minimum fee changes</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>External</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>18 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

**SUMMARY:**

This paper is for council to adopt changes in fees and charges for 2021/22 FY as a result of Department of Mines, Industry Regulation and Safety (DMIRS) increasing some minimum fees.

**BACKGROUND:**

Council adopted fees and charges for 2021/22 FY at the May OCM. DIMRS has now advised that the minimum fees for some services will now rise, and these changes need to be reflected in Council's fees and charges.

**COMMENT:**

Minimum fees prescribed in Divisions 1 and 2 of Schedule 2 of the Building Regulations 2012 (the Regulations) will increase by 5 per cent on 1 July 2021. The minimum fee will increase from \$105 to \$110.

Note that this increase **does not** apply to the following fees and charges:

- the fee for inspection of pool barriers prescribed in regulation 53 of the Regulations;
- the fee for approval of battery powered smoke alarms prescribed in regulation 61 of the Regulations;
- the fee for an application where a declaration is sought prescribed in Item 1 of Division 3 of Schedule 2 of the Regulations; or
- the building services levy prescribed in regulation 12 of the Building Services (Complaint Resolution and Administration) Regulations 2011.

The following table reflects the changes to Council's fees and charges with the increases highlighted in yellow:

<b>2020/2021 FEES AND CHARGES</b>
<b>BUILDING FEES</b>

<b>Building Act 2011 - Fees and Levies</b>					
Item	Building Classification	Multiplier	Trigger	Minimum or Set Fee	Application Fee
Certified Application for a Building Permit	1a & 10	0.19%	\$ 48,421	\$ 110.00	GST Free
Certified Application for a Building Permit	1b, 2 - 9	0.09%	\$ 102,222	\$ 110.00	GST Free
Uncertified Building Application	1a & 10	0.32%	\$ 28,750	\$ 110.00	GST Free
Demolition Permit	1a & 10	-	Fixed	\$ 110.00	GST Free
Demolition Permit	1b, 2 - 9	Per storey	Per Storey	\$ 110.00	GST Free
Extend Time which an Occupancy Permit or Building Approval Certificate has Effect	-	-	Fixed	\$ 110.00	GST Free
Occupancy Permit - Completed Building	-	-	Fixed	\$ 110.00	GST Free
Temporary Occupancy Permit - Incomplete Building	-	-	Fixed	\$ 110.00	GST Free
Modification of an Occupancy Permit	-	-	Fixed	\$ 110.00	GST Free
Occupancy Permit for a Permanent Change to Classification	-	-	Fixed	\$ 110.00	GST Free
Occupancy Permit or Building Approval Certificate for Strata or Subdivision	-	\$11.60 / Unit	No. of Units	\$ 115.00	GST Free
Occupancy Permit - Unauthorised Works	-	0.18%	\$ 51,111	\$ 110.00	GST Free
Replace Occupancy Permit for Existing Building			Fixed	\$ 110.00	GST Free
Building Approval Certificate - Unauthorised Building Work	-	0.38%	\$ 24,210	\$ 110.00	GST Free
Building Approval Certificate for Existing Building - Authorised Building Work	-	-	Fixed	\$ 110.00	GST Free

### **CONSULTATION:**

Dave Hadden (EHO).

### **STATUTORY AUTHORITY:**

*Local Government Act 1995*  
*Building Act 2011*  
*Building Regulations 2012*

### **POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Building approval fees and charges are set at a cost recovery level only.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
N/A		

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council Adopt the new minimum fees as prescribed under the Building Regulations 2012.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-11</b>
-----------------------------------	--------------

**Moved:** Cr J Dwyer

**Seconded:** Cr I Baird

**That Council Adopt the new minimum fees as prescribed under the Building Regulations 2012.**

<b>Carried</b>	<b>6 / 0</b>
----------------	--------------



## 12.2 Administration Reports

<b>12.2.1</b>	<b>Adoption of draft Annual Report 2019/20 FY</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>14 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. Annual- Report- 2019-2020 draft [12.2.1.1 - 97 pages]

### **SUMMARY:**

The purpose of this report is for Council to adopt the draft Annual Report for the 2021/22 FY.

### **BACKGROUND:**

The Local Government Act (s5.54) (1) requires the local government to adopt its Annual Report by December 31<sup>st</sup> of the financial year. The Audit Report for 2019/2020 FY was received on 31 May 2021.

As such, Section 5.54(2) of the Regulations applies and requires the Annual Report to be accepted by the local government no later than two months after the auditor's report becomes available.

Additionally, the Local Government Act 1995 stipulates that the Local Government must hold a General Meeting of Electors not more than 56 days after accepting the Annual Report.

By adopting the annual report at this OCM and holding an Electors Meeting on 29 June 2021, all the requirements of the Act and Regulations will be met.

### **COMMENT:**

The delay in producing the Annual Report is due to the Audit Report not being received until 31 May 2021. The delays have largely been due to the contracted audit firm having to conduct the audit externally.

### **CONSULTATION:**

Rhona Hawkins – Financial Consultant (A/CFO)

**STATUTORY AUTHORITY:**

*Local Government Act 1995 S5.27; 5.53; 5.54; 5.55; 5.55A*  
*Local Government (Financial Management) Regulations 5.54(1) & (2)*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
N/A		

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council:

1. Adopts the draft Annual Report for the Financial Year 2019/2020; and
2. Approves an Electors Meeting to be held at 1700 on 29 June 2021 in the Menzies Town Hall.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-12</b>
-----------------------------------	--------------

**Moved: Cr J Dwyer**

**Seconded: Cr S Baird**

**That Council:**

- 1. Adopts the draft Annual Report for the Financial Year 2019/2020; and**
- 2. Approves an Electors Meeting to be held at 1700 on 29 June 2021 in the Menzies Town Hall.**

<b>Carried</b>	<b>6 / 0</b>
----------------	--------------

<b>12.2.2</b>	<b>Unconfirmed GVROC Council meeting minutes May 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>14 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. Unconfirmed Minutes GVROC Council Meeting 28 05 21 [12.2.2.1 - 27 pages]</li> <li>2. Action Sheet GVROC Meeting 28 May 2021 [12.2.2.2 - 1 page]</li> </ol>

**SUMMARY:**

This item recommends Council accepts the unconfirmed Minutes from the GVROC meetings of 28 May 2021.

**BACKGROUND:**

The Shire of Menzies is a member of the Goldfields Voluntary Regional Organisation of Councils (GVROC).

The unconfirmed minutes of each of the meetings are attached for Councillor information.

**COMMENT:**

The GVROC secretariat does not provide confirmed Minutes of the Meetings. Members are advised if the Minutes are amended at any future meetings.

Significant changes to the confirmed minutes will be provided to Council.

**CONSULTATION:**

Nil.

**STATUTORY AUTHORITY:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Council pays membership fees to the GVROC and contributes to projects organised by the NGWG.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
N/A		

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council Accepts the unconfirmed Minutes from the GVROC meetings of 28 May 2021.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-13</b>
-----------------------------------	--------------

**Moved:** Cr J Dwyer

**Seconded:** Cr S Baird

**That Council Accepts the unconfirmed Minutes from the GVROC meetings of 28 May 2021.**

<b>Carried</b>	<b>6 / 0</b>
----------------	--------------

<b>12.2.3</b>	<b>Regional climate alliance program</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>14 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

This item recommends Council endorse the GVROC resolution to participate in the GVROC Goldfields Climate Alliance.

### **BACKGROUND:**

The Shire of Menzies is a member of the Goldfields Voluntary Regional Organisation of Councils (GVROC).

Groupings of Local Governments in Western Australia are invited to submit an expression of interest to establish a climate alliance to take action on climate change, energy and sustainability projects through regional partnerships. Through the Program, two pilot climate alliances will be established.

The two Alliances will have access to \$210,000 each financial year between 2021-23 to employ Regional Climate Alliance Coordinators and deliver climate change adaptation and mitigation projects.

The Program is being administered by WALGA on behalf of the Department of Water and Environmental Regulation and is an initiative under the State Government's *Western Australian Climate Policy (2020)*.

Information on the program is available at WALGA - Climate Change | WALGA.

At the GVROC meeting held on 28 May 2021, the meeting resolved:

#### ***That the GVROC:***

- 1. Notes the EOI regarding the Regional Climate Alliance Program.***
- 2. Supports a Goldfields Climate Alliance of GVROC LGAs for this program and requests each LGA CEO to liaise with the Shire of Dundas CEO as***

***the lead LGA to complete and submit an application by the due date of 21 June 2021.***

- 3. Agree to provide up to \$50,000 towards the hiring of consultants to assist in completing the application on behalf of the GVROC Goldfields Climate Alliance.***

#### **COMMENT:**

The current resolution does not commit the Shire of Menzies to any financial support for the Alliance at this time. If the submission was successful there would be a shortfall in the contribution required towards a fulltime person. It has been proposed that the shortfall be covered within the finances of GVROC.

To cover this cost within the finances of the GVROC, it required the GVROC to endorse out of session an increase to the current annual LGA subscriptions from \$10,000 per annum to \$15,000 per annum. This increase would then be ratified and reflected in the GVROC Financials and budget item for the 2021/22 year at the next GVROC meeting to be held on 30 July 2021 in Leonora.

The increase to GVROC subscriptions has been previously raised and discussed at GVROC meetings over the last 12 months, where it was agreed that given there has not been an increase since the GVROC's inception in 2007, that it was time for this to be reviewed and brought forward as part of the 2021/22 GVROC budget for consideration at our next meeting.

With the current GVROC Financial reserves, plus the increase of \$5,000 per year in annual subscriptions, this will initially allow the GVROC to meet the costs of the Alliance Coordinator for the two-year period, and subsequently then look at further projects post that two-year period.

Under the current \$10,000 per year subscription, the existing expenses, including the GVROC Executive Officer, are greater than the \$90,000 contributed by all nine LGA members. Increasing this to \$15,000 each annually, will bring contributions up to \$135,000 per year, providing additional funds over expenses to look at implementing further regional projects as they arise.

On this basis the following out of session recommendation was put to each of the GVROC Delegates for endorsement.

#### **RECOMMENDATION**

**That the GVROC:**

- 1. Endorse an increase to the current annual LGA subscriptions from \$10,000 per annum to \$15,000 per annum, commencing from the 2021/22 financial year.**
- 2. Endorse a commitment for a further \$124,000 over two years towards meeting the costs of the Regional Alliance Climate Coordinator along with the existing \$50,000 committed at the GVROC meeting on 28 May 2021.**

3. Note that the Regional Alliance Climate Coordinator, will be hosted by the City of Kalgoorlie Boulder.

**CONSULTATION:**

Nil.

**STATUTORY AUTHORITY:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Increase in GVROC subscription from \$10,000pa to \$15,000pa to be budgeted in FY 2021/22.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

3.2 A natural environment for the benefit and enjoyment of current and future generations.

3.2.2 Promote reduced environmental impact within the Shire.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

1. Endorse the participation of the Shire of Menzies in the Regional Climate Alliance Program; and
2. Endorse an increase to the current annual LGA subscriptions from \$10,000 per annum to \$15,000 per annum, commencing from the 2021/22 financial year; and
3. Endorse a commitment from GVROC for a further \$124,000 over two years towards meeting the costs of the Regional Alliance Climate Coordinator along with the existing \$50,000 committed at the GVROC meeting on 28 May 2021; and
4. Note that the Regional Alliance Climate Coordinator, will be hosted by the City of Kalgoorlie Boulder.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-14</b>
-----------------------------------	--------------

**Moved: Cr J Lee**

**Seconded: Cr K Mader**

That Council:

1. **Endorse the participation of the Shire of Menzies in the Regional Climate Alliance Program; and**
2. **Endorse an increase to the current annual LGA subscriptions from \$10,000 per annum to \$15,000 per annum, commencing from the 2021/22 financial year; and**
3. **Endorse a commitment from GVROC for a further \$124,000 over two years towards meeting the costs of the Regional Alliance Climate Coordinator along with the existing \$50,000 committed at the GVROC meeting on 28 May 2021; and**
4. **Note that the Regional Alliance Climate Coordinator, will be hosted by the City of Kalgoorlie Boulder.**

<b>Carried</b>	<b>5 / 1 (Cr G Dwyer voted against)</b>
----------------	---



<b>12.2.4</b>	<b>Kakarra Part A native title claim</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>14 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil.</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. W C 2020 005 Notification letter to LG A-Shire of Menzies [12.2.4.1 - 2 pages]</li> <li>2. W C 2020 005-006 Notice [12.2.4.2 - 1 page]</li> </ol>

#### **SUMMARY:**

This report provides information regarding a native title claim lodged by the Kakarra Part A Native Title Claim Group that incorporates a portion of the Shire of Menzies.

#### **BACKGROUND:**

On 16 June 2021 advice was received of a native title claim, WAD297/2020 that affected the Shire of Menzies and the City of Kalgoorlie-Boulder. Details of the claim are contained within the attachments.

#### **COMMENT:**

In conjunction with the City of Kalgoorlie-Boulder, the Shire has retained Squire Patton Boggs to act on our behalf. They have filed a Notice of Intention to Become a Party to the native title claim on behalf of the Shire. Squire Patton Boggs currently act on behalf of the Shire in three (3) other native title claims.

#### **CONSULTATION:**

Holly Phillips – Chief of Staff (City of Kalgoorlie-Boulder)

#### **STATUTORY AUTHORITY:**

*Native Title Act 1993 (Cth)*  
*Local Government Act 1995*

#### **POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Legal costs are budgeted for issues that arise.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Determination affects other non-Indigenous property rights.	Low	Native Title Act 1993

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.2 Effectively represent, promote and advocate for the community and district.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council Notes the filing of the native title claim and the engagement of legal representation.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-15</b>
-----------------------------------	--------------

**Moved:** Cr I Baird

**Seconded:** Cr K Mader

**That Council Notes the filing of the native title claim and the engagement of legal representation.**

<b>Carried</b>	<b>6 / 0</b>
----------------	--------------

The CEO left the meeting at 2.06pm

<b>12.2.5</b>	<b>Chief Executive Officer remuneration - SGC increase</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>14 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>CEO declares a financial interest as it deals with his remuneration</b>
<b>ATTACHMENT</b>	<b>Nil</b>

**SUMMARY:**

This report provides Council with the effects of an increase to the Superannuation Guarantee Contribution on the CEO's remuneration.

**BACKGROUND:**

As part of the CEO's contract of employment, Council determines a Total Remuneration Package (TRP) that must be in accordance with the determination set by the Salary and Allowances Tribunal.

**COMMENT:**

The Superannuation Guarantee Rate is currently 9.5%. On 01 July 2021 this increases to 10%. If the increase is applied to the CEOs current salary, there would be a corresponding increase in the TRP for the CEO.

Council has two options:

1. Increase the TRP of the CEO by the corresponding increase in the Superannuation Guarantee Rate; or
2. Maintain the TRP of the CEO acknowledging that the cash component of the TRP will decrease to compensate for the increase in the Superannuation Guarantee Rate.

If option 1 is chosen, the TRP of the CEO will remain within the TRP range for Band 4 classification which is applicable to the Shire of Menzies.

**CONSULTATION:**

Nil.

**STATUTORY AUTHORITY:**

*Local Government Act 1995*

*Local Government Chief Executive Officers and Elected Members Determination No 1 of 2021*

*Superannuation Guarantee (Administration) Act 1992*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

SGC increase is budgeted for all staff in 2021/2022 FY.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council Resolve to increase the TRP of the CEO in accordance with the Superannuation Guarantee Rate increase of 0.5%.

OR

That Council Resolve to maintain the current TRP of the CEO.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-16</b>
-----------------------------------	--------------

**Moved: Cr J Dwyer**

**Seconded: Cr I Baird**

**That Council Resolve to increase the TRP of the CEO in accordance with the Superannuation Guarantee Rate increase of 0.5%.**

<b>Carried</b>	<b>6 / 0</b>
----------------	--------------

The CEO reentered the meeting at 2.10pm.

<b>12.2.6</b>	<b>Economic stimulus grant application</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>14 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. Proposed Contribution by Michael Crowley to the Shire Council of Menzies 1 [12.2.6.1 - 1 page]</li> <li>2. Financial Assistance Grant Program Application M Crowley [12.2.6.2 - 2 pages]</li> </ol>

#### **SUMMARY:**

This item provides Council with the applications for the economic stimulus grant scheme.

#### **BACKGROUND:**

Small business in the Shire have suffered through Covid and the impacts from reduced tourism visitation to the region. Many Councils have provided a scheme for small business to apply for grants where they can demonstrate that it will be used to stimulate activity within the region.

The Shire of Menzies budget review identified funding that could be made available for a small business stimulus grant scheme.

At the OCM held 25 March 2021 Council resolved:

*That Council approve an allocation of \$50,000 funding to the small business stimulus grant scheme with applications, for scheme funding, to be presented to Council.*

#### **COMMENT:**

The intention of the grants is to provide either:

- New product from an existing business.
- Enhanced product from an existing business.
- Increased hours of operations.
- Activity from a business that increases employment in the Shire.
- Support for growing tourism or industry.
- Improved amenity for residents.

The grant applicant has requested funding to provide a water bore on Mining Lease M29/143. The application states that it will allow further mining potentially supporting more employment in the region.

**CONSULTATION:**

Nil.

**STATUTORY AUTHORITY:**

*Local Government Act (1995)*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Council has approved a budget allocation of \$50,000 to the scheme with up to \$10,000 for any single applicant.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

1.1 An engaged and inclusive community.

1.1.1 Facilitate, encourage and support community volunteers, groups, events and initiatives.

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.1.3 Encourage and support community engagement and collaboration.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council Approve the application from Mike Crowley as it has provided, in sufficient detail, evidence that funding would provide an economic stimulus.

**COUNCIL DECISION:**

**Moved: Cr I Baird                      Seconded:**

**That Council Approve the application from Mike Crowley as it has provided, in sufficient detail, evidence that funding would provide an economic stimulus.**

This motion was lost due to lack of a seconder.

## 13 INFORMATION REPORTS

### COUNCIL DECISION:

<b>Council Resolution Number:</b>	<b>CM-17</b>
-----------------------------------	--------------

**Moved:** Cr J Dwyer

**Seconded:** Cr S Baird

That Council receive the Information Reports for the month of May 2021.

<b>Carried</b>	<b>6 / 0</b>
----------------	--------------

<b>13.1</b>	<b>Actions performed under delegation for May 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>14 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"><li>1. Application by MGK Resources [13.1.1 - 6 pages]</li><li>2. Application by Marda Operations Pty Ltd [13.1.2 - 4 pages]</li><li>3. Application by Saturn Minerals Ltd [13.1.3 - 32 pages]</li><li>4. Application by Peter Wiltshire [13.1.4 - 2 pages]</li><li>5. Application by GTS Equipment and Labour Hire Pty Ltd [13.1.5 - 3 pages]</li><li>6. Application by David Mc Kenna [13.1.6 - 4 pages]</li></ol>

### SUMMARY:

To report to the Council actions performed under delegated authority for the month of March 2021.

### COMMENT:

To increase transparency this report has been prepared for the Council to identify all actions performed under delegated authority for:

- Bushfire
- Common Seal
- Planning Approvals
- Building Permits
- Health Approvals
- Ranger Related Issues
- Mining / Exploration / Miscellaneous Applications

### **Bushfire**

The following decisions were undertaken by the Shire of Menzies pursuant to the Bushfire matters for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Common Seal**

The following decisions were undertaken by the Shire of Menzies pursuant to the Common Seal for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Planning Approvals**

The following decisions were undertaken by the Shire of Menzies pursuant to the Planning applications for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Health Approvals**

The following decisions were undertaken by the Shire of Menzies pursuant to Health approvals for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Building Permits (including Septic Tank approvals)**

The following decisions were undertaken by the Shire of Menzies pursuant to Building Permits (including Septic Tank approvals) for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Ranger Related Dog Issues**

The following decisions were undertaken by the Shire of Menzies pursuant to Ranger related dog issues for the month.

<i><b>Date of decision</b></i>	<i><b>Decision ref:</b></i>	<i><b>Decision details</b></i>	<i><b>Applicant</b></i>	<i><b>Other affected person(s)</b></i>

### **Applications**

The following Mining/Prospecting/Exploration/Miscellaneous Applications were made for the month of January 2021.

<b>Applicant Name</b>	<b>Application Type</b>	<b>Application Details</b>
MGK Resources	General Purpose Lease	G 29/29
MGK Resources	General Purpose Lease	G 29/30
Marda Operations Pty Ltd	Mining Lease	M 77/1300
Saturn Minerals Ltd	Miscellaneous Licence	L 31/79-85
Saturn Minerals Ltd	Miscellaneous Licence	L 39/310-312
Saturn Minerals Ltd	Miscellaneous Licence	L 40/37-39
Peter Andrew Wiltshire	Mining Lease	M 40/350-G
GTS Equipment & Labour Hire Pty Ltd	Prospecting Licence	P 29/2655
David McKenna	Earthworks on Tenement	P 29/2368

<b>13.1</b>	<b>Actions performed under delegation for May 2021</b>
-------------	--

<b>13.2</b>	<b>Community services report for May 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM335</b>
<b>DATE OF REPORT</b>	<b>18 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

**SUMMARY:**

The purpose of the report is to advise Council of Community Service Activates for the month of May 2021.

**BACKGROUND:**

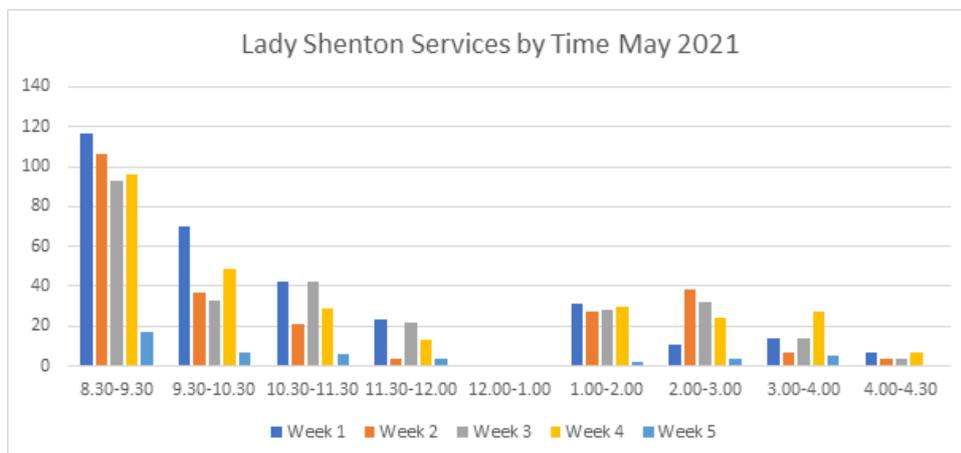
The Lady Shenton Building accommodate the Community Resource Centre, Menzies Visitor Centre and the Menzies Caravan Park management.

The Youth Centre Ngalipaku Building forms a key part of the Menzies Youth and Community Precinct and operates as a space to host youth and community events.

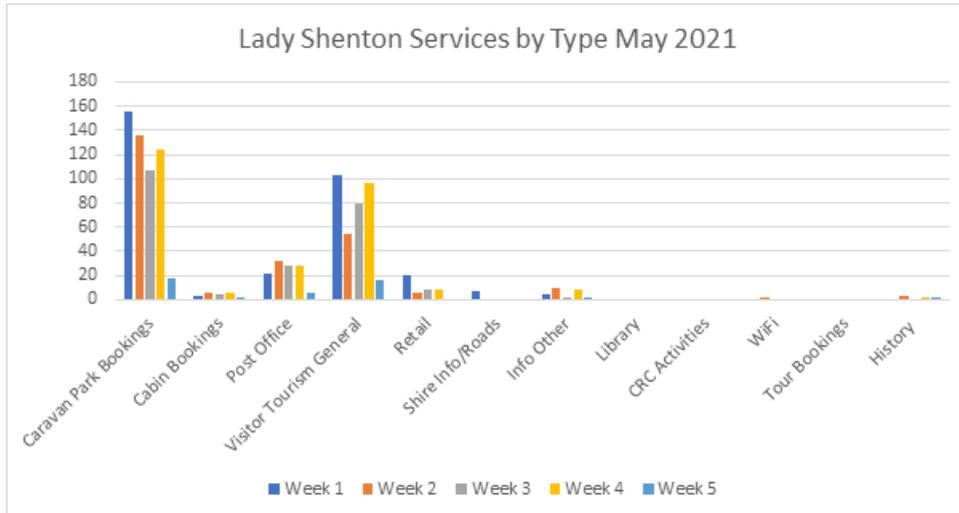
**COMMENT:**

**Lady Shenton**

The Lady Shenton received 1147 visitors in May 2021.

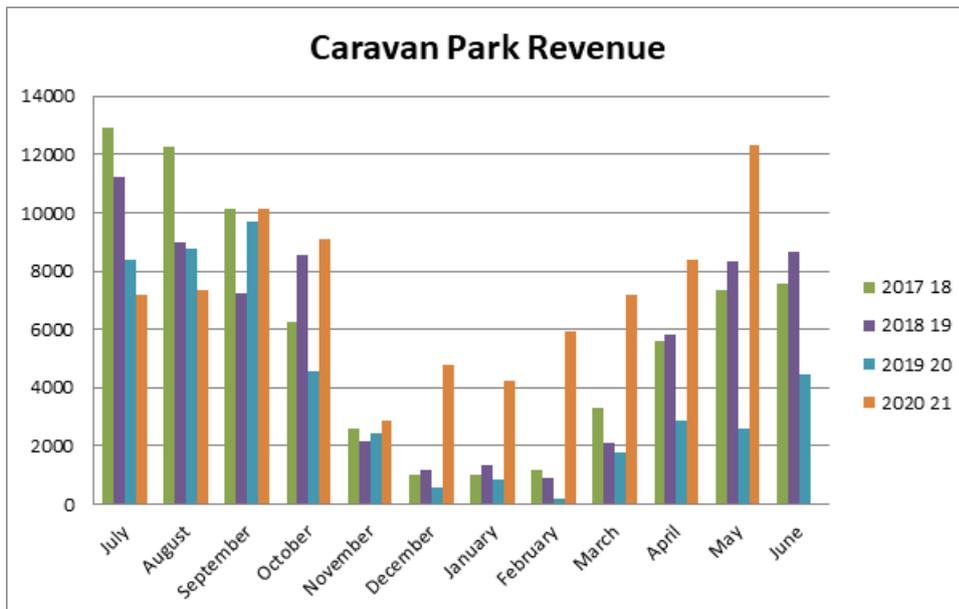


*Caravan Park Bookings* was the most popular in May 2021.



### Caravan Park

Caravan park revenue increased from April (2021) to May (2021).



13.2

Community services report for May 2021

<b>13.3</b>	<b>WHS update for May 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM413</b>
<b>DATE OF REPORT</b>	<b>11 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

**SUMMARY:**

To report to the Council WHS actions undertaken, to improve safety and reduce organisational risk, during the month of May 2021.

**BACKGROUND:**

WHS Committee meetings have been held monthly since April 2021. Other safety meetings are held on a weekly basis.

**COMMENT:**

To ensure that Council has appropriate oversight of safety management activities this information report is produced with key activities undertaken.

06<sup>th</sup> May – Weekly Management and Works Crew Safety Meeting.

05<sup>th</sup> May – WHS Committee Monthly Meeting.

13<sup>th</sup> May – Weekly Management and Works Crew Safety Meeting.

20<sup>th</sup> May – Weekly Management and Works Crew Safety Meeting.

27<sup>th</sup> May – Weekly Management and Works Crew Safety Meeting.

24<sup>th</sup> to 28<sup>th</sup> May – WHS staff training and complete WHS inspection of all Menzies worksites.

<b>13.3</b>	<b>WHS update for May 2021</b>
-------------	--------------------------------

<b>13.4</b>	<b>Health and building report for May 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>18 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

**SUMMARY:**

To advise the council of the activities of the Environmental Health Officer / Building Surveyor for the month of May 2021.

**BACKGROUND:**

The Environmental Health Officer / Building Surveyor undertakes inspections in the Shire of Menzies in relation to legislative requirements as set out in the Public Health Act 2016, Building Act 2011 and associated regulations.

**COMMENT:**

The following is a report of the monthly activities extracted from the report to the Chief Executive Officer from David Hadden, Environmental Health Officer / Building Surveyor.

**Building:**

Processed a building permit for a small residence at 229 First Street Tjuntjuntjara. The value of the residence was \$554,551.00. The builder issued the permit is Murray River North PTY.

Processed a building permit for a medical clinic at 13 Fourth Street Tjuntjuntjara. The value of the clinic building was \$5,188,644.80. The builder issued the permit is Murray River North PTY.

**Health:**

Processed a local government report form to attach to the application to install a wastewater disposal system at Bottle Creek Minesite (construction camp) and forwarded to the Health Department of WA for final approval.

Checked hall capacity (Covid Directions) in readiness for the CyClassic event as requested by management. Prepared a new revised occupancy certificate for the Menzies Hall.

The existing domestic waste cell at the Menzies tip site is very close to full while the Kookynie tip site waste cell is full requiring a new cell created as soon as possible.

Carried out inspection of the Menzies Hotel kitchen and again noted that it is not being cleaned effectively. Advised the owner that when next visiting Menzies in June if the kitchen is again found in a similar condition, I will have no option but to commence the official process under the Food Act 2008 through advice in writing requiring the kitchen and general store area to be maintained in a clean and hygienic condition at all times. Failure to do so will result in issue of an improvement notice resulting in closure if not complied with.

Dealt with many various enquiries relating to health services.

<b>13.4</b>	<b>Health and building report for May 2021</b>
-------------	--

**14 ELECTED MEMBER MOTION OF WHICH PREVIOUS  
NOTICE HAS BEEN GIVEN**

Nil

**15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED  
BY DECISION OF THE MEETING**

Nil

**16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS**

Nil

**17 NEXT MEETING**

The next meeting will be held on 29 July 2021

**18 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 2.42pm.