



**SHIRE OF MENZIES**

# **Minutes**

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

**25 NOVEMBER 2021**

**Commencing at 1.00 pm**

**At the Council Chambers  
124 Shenton Street, Menzies**

## **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>
29 July 2021	Cr G Dwyer Cr K Mader Cr J Lee Cr J Dwyer	Cr I Baird (Wongary) Cr S Baird (Wongary)			
26 August 2021	Cr G Dwyer Cr K Mader	Cr J Dwyer (Southern Cross) Cr I Baird (Wongary) Cr S Baird (Wongary)			
30 September 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader Cr S Baird			Cr J Lee	
28 October 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr S Baird Cr P Warner Cr A Tucker Cr S Sudhir				

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## **1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.02pm.

## **2 ANNOUNCEMENT OF VISITORS**

Nil.

## **3 RECORD OF ATTENDANCE**

Councillors:           Cr G Dwyer, Shire President  
                              Cr P Warner  
                              Cr A Tucker  
                              Cr S Sudhir

Staff:                   Mr B Joiner, Chief Executive Officer  
                              Ms E Reitmajer, Executive Officer (Minutes)

Leave of Absence:      Cr J Dwyer

Apologies:            Cr I Baird, Deputy Shire President  
                              Cr S Baird

## **4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

## **5 PUBLIC QUESTION TIME**

Nil.

## **6 APPLICATION BY MEMBERS**

Nil.

## **7 DECLARATIONS OF INTEREST**

Cr Andrew Tucker declared a financial interest in Item 12.2.8 Darlot native title claim WAD 142 of 2018 as he is a party to the claim.

## **8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Nil.

## **9 CONFIRMATION/RECEIVAL OF MINUTES**

CONFIRMATION of the Minutes of the Ordinary Council Meeting held on 28 October 2021.

*(Provided under Separate Cover)*

### **OFFICER RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 28 October 2021 be confirmed as a true and correct record.

### **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-95</b>
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**Moved: Cr P Warner**

**Seconded: Cr S Sudhir**

**That the Minutes of the Ordinary Meeting of Council held on 28 October 2021 be confirmed as a true and correct record.**

<b>Carried</b>	<b>4 / 0</b>
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## **10 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

## **11 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION**

### **PRESIDENT'S REPORT NOVEMBER 2021**

The WAMYIG General Meeting on 3 November was somewhat of a subdued session with attendance numbers well down on previous meetings. The iron ore price on the day of the meeting was \$93.50 US, which dropped to \$84.50 US on 12 November before recovering to \$92.50 US on 23 November, with further positive signs in China. Of note from the meeting was a presentation from CBH on the similarities between freighting grain and iron ore in respect to rail, road transport and ports. Lavo

Hydrogen made a presentation on an integrated hybrid hydrogen battery that was combined with solar power to produce renewable energy from home or business.

After the very sad news of the passing of Janet “Sam” Mazza, Cr Jill Dwyer, our daughter Laura and myself attended a service at St Columba Catholic Church in South Perth on 11 November followed by a gathering at Windsor Hotel. A large crowd attended both venues and it was pleasing to meet Sam’s family from South Australia as well as many acquaintances old and new from the Goldfields, mining sector and local government. The funeral for Sam was held at the Menzies Cemetery on Tuesday 16 November, the first burial since Lui Marlo in 1939. Once again it was pleasing to see many people from the local communities of Menzies and Kookynie, Kalgoorlie, WA and further afield in attendance at the cemetery and at the gathering in the Town Hall after the service, for food and drinks supplied by the Kookynie Volunteers Association in appreciation of Sam’s service to the community.

A Briefing Session for Councillors was held on 18 November. In attendance on the phone was Cr Jill Dwyer, video conferencing in were Crs Ian and Scott Baird, in person were Cr Sudhir and myself with Cr Paul Warner an apology. The session included a presentation by Simon Poole on a proposal for a Menzies Art Trail and a further presentation by Market Creations on the Shire of Menzies “Brand Challenge”.

The Regional Roads Group meeting took place at the City of Kalgoorlie-Boulder Council Chambers on 19 November, where the CEO, Works Manager Garth Marland and I, as the delegate for the Shire of Menzies, attended. Of note was the finalisation of the 2022/23 Local Road Program and the desire of Menzies to complete the bitumen seal to Lake Ballard in 2022/23, as well as Main Roads’ awareness of the importance of access from Kalgoorlie to Tjuntjuntjara.

The financial members of the Golden Quest Discovery Trail Association met on 22 November for an AGM and General Meeting with the outcome being that I am now the chairperson for one year, on a rotational basis, and the Shire of Menzies is to look after the administration for the group. The Shire of Coolgardie will be contacted to request their joining the Association, as will the City of Kalgoorlie-Boulder, to become more than a financial contributor.

## **OFFICER RECOMMENDATION**

That the President’s Report for the month of November 2021 be received.

## **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-96</b>
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**Moved:** Cr P Warner

**Seconded:** Cr S Sudhir

**That the President's Report for the month of November 2021 be received.**

<b>Carried</b>	<b>4 / 0</b>
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## 12 REPORTS OF OFFICERS

### 12.1 Finance Reports

12.1.1	Finance Report - October 2021	
LOCATION	Shire of Menzies	
APPLICANT	Internal	
DOCUMENT REF	NAM523	
DATE OF REPORT	16 November 2021	
AUTHOR	Chief Financial Officer, Antonio Giometti	
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti	
DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	<ol style="list-style-type: none"><li>1. Monthly Financial Reports October 2021 [12.1.1.1 - 19 pages]</li><li>2. FIS - Financial Information Schedule October 2021 [12.1.1.2 - 13 pages]</li></ol>	

#### SUMMARY:

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

#### BACKGROUND:

The *Local Government (Financial Management) Regulations 1996* r34 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 r22(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) Regulations 1996, r34*

**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 October 2021 as attached and note any material differences.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-97</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr P Warner**

**That Council receives the Statement of Financial Activity for the period ending 31 October 2021 as attached and notes any material differences.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.1.2</b>	<b>Payments for the Month of October 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM501</b>
<b>DATE OF REPORT</b>	<b>15 November 2021</b>
<b>AUTHOR</b>	<b>Chief Financial Officer, Antonio Giometti</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 Creditors Payments - October 2021 [12.1.2.1 - 5 pages]

### **SUMMARY:**

The list of payments made for the month of October 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 October 2021 are attached.

### **CONSULTATION:**

Antonio Giometti – Chief Financial Officer.

### **STATUTORY AUTHORITY:**

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

### **POLICY IMPLICATIONS:**

Policy 4-7 – Creditors – Preparation for Payment.

**FINANCIAL IMPLICATIONS:**

\$765,563.15 withdrawn from Municipal Bank Account.

**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 receives the list of payments for the month of October 2021 totaling \$765,563.15 being:

1. Electronic Funds Transfer EFT 6376 – 6480, payments from Municipal Fund totaling \$612,683.72;
2. Direct Debit payments from the Municipal Fund totaling \$48,950.98;
3. Payroll payments from the Municipal Fund totaling \$103,928.45; and
4. Credit Card payments of \$8,148.15 for the Statement Month of October are included in Direct Debits of \$48,950.27.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-98</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr P Warner**

**That Council receives the list of payments for the month of October 2021 totaling \$765,563.15 being:**

- 1. Electronic Funds Transfer EFT 6376 – 6480, payments from Municipal Fund totaling \$612,683.72;**

2. **Direct Debit payments from the Municipal Fund totaling \$48,950.98;**
3. **Payroll payments from the Municipal Fund totaling \$103,928.45; and**
4. **Credit Card payments of \$8,148.15 for the Statement Month of October are included in Direct Debits of \$48,950.27.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.1.3</b>	<b>Investment Report for October 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM502</b>
<b>DATE OF REPORT</b>	<b>15 November 2021</b>
<b>AUTHOR</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Financial Officer, Antonio Giometti</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 October 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 30/10/2021:

<b>INSTITUTION / ACCOUNT TYPE</b>	<b>SUM</b>	<b>TERM</b>	<b>DATE OF MATURITY</b>	<b>INTEREST RATE</b>	<b>RISK ASSESSMENT</b>
NAB – Municipal	\$301,052.12	Open	Open		Medium
NAB – Reserve Fund – Cash Maximiser	\$12,303,645.11	Open	Open	0.010%	Medium
NAB – Cash Maximiser	\$5,029,505.07	Open	Open	0.010%	Medium

### **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:

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>
There is always a certain risk in investment of funds as banking institutions are no longer the stable and unfailing institutions	Medium	Close management of investment.  Close attention to financial markets and information.



they once were.		
<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>		Diversity of investments as much as possible.

### **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 October 2021.

### **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-99</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr P Warner**

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

<b>Carried</b>	<b>4 / 0</b>
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## 12.2 Administration Reports

<b>12.2.1</b>	<b>Draft Register of Delegations</b>	
<b>LOCATION</b>	<b>Shire of Menzies</b>	
<b>APPLICANT</b>	<b>Internal</b>	
<b>DOCUMENT REF</b>	<b>NAM482</b>	
<b>DATE OF REPORT</b>	<b>17 September 2021</b>	
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>	
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>	
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>	
<b>ATTACHMENT</b>	<ol style="list-style-type: none"><li>1. Attachment 1 - Delegations Register adopted February 2021 [<b>12.2.1.1</b> - 40 pages]</li><li>2. Attachment 2 - Draft Delegations Register - November 2021 [<b>12.2.1.2</b> - 140 pages]</li></ol>	

### SUMMARY:

This item recommends Council adopts the Draft Delegations Register dated November 2021 (attached).

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The attached Delegations Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees or other persons;
- Authorisations and Appointments made by the Council, or as of right by virtue of legislation.

The Register includes the relevant delegation decision for each matter.

### BACKGROUND:

Section 5.46 of the *Local Government Act 1995* requires a local government review its delegations at least once every twelve months. The Delegations Register was last reviewed in February 2021, however a review by an independent consultant recommended a number of areas be addressed.

Further, to streamline Shire processes, the CEO has disaggregated the Delegations Register:

1. Delegation Register, Sub Delegations, Authorisations and Appointments (from Council to CEO), where the CEO has been delegated matters, or is able to do so, as a right, requiring Council adoption.
2. CEO Register of Delegations, Sub Delegations, Authorisations and Appointments – updated by CEO, as and when required.

#### **COMMENT:**

The use of delegated and sub delegated authority does not ‘undermine’ the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to be better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

#### **CONSULTATION:**

Chief Executive Officer  
Steven Tweedie - Consultant

#### **STATUTORY AUTHORITY:**

Section 5.46 of the *Local Government Act 1995* requires a local government to review its delegations at least once every twelve months.

#### **POLICY IMPLICATIONS:**

Nil

#### **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>
Delegated tasks are not completed on time or in an appropriate manner with failure resulting in non-compliance/breach of Regulations	Medium/High	Ensure Delegations Register provides appropriate, clear, unambiguous direction.

## STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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. Revokes, by Absolute Majority, the delegations as detailed in Attachment No.1, under the *Local Government Act 1995*.
2. Revokes the delegations as detailed in Attachment No.1, under the *Building Act 2011, Bush Fires Act 1954 and, Food Act 2008*:
3. Approves, by Absolute Majority, the delegations, inclusive of amendments as detailed in Attachment No.2 - Delegation Register 2020/21, in accordance with s.5.42 of the *Local Government Act 1995*, s.44 of the *Cat Act 2011*, s.10AA of the *Dog Act 1976* and s.16 of the *Graffiti Vandalism Act 2016*:
4. Approves the delegations, inclusive of amendments and as detailed in Attachment No.2 -Delegation Register 2020/21, in accordance with s.127 of the *Building Act 2011*, s.48 of the *Bush Fires Act 1954*, s.118 of the *Food Act 2008* and s.21 of the *Public Health Act 2016*.

## COUNCIL DECISION:

<b>Council Resolution Number:</b>	<b>CM-100</b>
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**Moved:**            **Cr P Warner**

**Seconded:**       **Cr S Sudhir**

**That Council:**

1. **Revokes, by Absolute Majority, the delegations as detailed in Attachment No.1, under the *Local Government Act 1995*.**

2. **Revokes the delegations as detailed in Attachment No.1, under the *Building Act 2011, Bush Fires Act 1954 and, Food Act 2008*:**
3. **Approves, by Absolute Majority, the delegations, inclusive of amendments as detailed in Attachment No.2 - Delegation Register 2020/21, in accordance with s.5.42 of the *Local Government Act 1995*, s.44 of the *Cat Act 2011*, s.10AA of the *Dog Act 1976* and s.16 of the *Graffiti Vandalism Act 2016*:**
4. **Approves the delegations, inclusive of amendments and as detailed in Attachment No.2 -Delegation Register 2020/21, in accordance with s.127 of the *Building Act 2011*, s.48 of the *Bush Fires Act 1954*, s.118 of the *Food Act 2008* and s.21 of the *Public Health Act 2016*.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.2</b>	<b>CEO leave replacement</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM 504</b>
<b>DATE OF REPORT</b>	<b>01 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

This item requests Council to approve a leave relief replacement for the Chief Executive Officer (CEO) as Acting CEO for the leave period.

### **BACKGROUND:**

The CEO has approved leave from 24 December 2021 to 07 January 2022 inclusive which comprises eight (8) working days.

### **COMMENT:**

Policy 5.1 requires Council approval for CEO leave that exceeds one (1) week.

As the Shire has no nominated DCEO or Council approved officer for CEO leave replacement, Council will need to appoint an Acting CEO for the period of leave.

Council policy 5.1, under the Model Standards, was adopted 27 May 2021. This allows any employee to be appointed as Acting CEO provided Council deems them to be suitably qualified and experienced.

Appointments by Council to act as Chief Executive Officer will have delegations in accordance with the Council resolution.

Officers acting in the role of Chief Executive Officer, for periods longer than 5 working days, will be eligible to be paid higher duties for the period of acting.

### **CONSULTATION:**

Nil.

**STATUTORY AUTHORITY:**

*Local Government Act (1995).*

**POLICY IMPLICATIONS:**

Policy 5.1 Acting Chief Executive Officer.

**FINANCIAL IMPLICATIONS:**

The amount for the acting period has not been budgeted but can be absorbed within staffing budgets.

**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.

4.2.3 Provide a positive and safe workplace.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council:

1. Appoints Pascoe Durtanovich as Acting Chief Executive Officer, deemed to be suitably qualified and experienced person, for the period of the Chief Executive Officer's leave, 24 December 2021 to 07 January 2022 inclusive, with full delegations of the position; and
2. Delegates the President to negotiate a salary package to be paid to Pascoe Durtanovich while acting as Chief Executive Officer within the SAT Band 4 range.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-101</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr A Tucker**

**That Council:**

- 1. Appoints Pascoe Durtanovich as Acting Chief Executive Officer, deemed to be suitably qualified and experienced person, for the period of the Chief Executive Officer's leave, 24 December 2021 to 07 January 2022 inclusive, with full delegations of the position; and**
- 2. Delegates the President to negotiate a salary package to be paid to Pascoe Durtanovich while acting as Chief Executive Officer within the SAT Band 4 range.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.3</b>	<b>Fleet Replacement - Backhoe</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM 505</b>
<b>DATE OF REPORT</b>	<b>11 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil.</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

To request Council endorsement for a replacement strategy for the Komatsu Backhoe.

### **BACKGROUND:**

The Komatsu Backhoe is due for trade-in in accordance with the fleet replacement policy.

Rather than purchasing a new backhoe, the Works Manager would prefer to purchase a 5 tonne mini excavator with rubber tracks, quick hitch, batter bucket, GP bucket, rock bucket and ripper. This machine is much better suited to the type of work which the Shire undertakes.

A simple one for one replacement would lose the advantage of having forks on the backhoe. However, as part of the proposal the purchase of a diesel powered, pneumatic tyred forklift capable of loading 2.5 tonnes with a lift of at least 4 metres, would be included.

The cost of a mini excavator and forklift is well below the cost of a new backhoe. The Shire has a loader capable of doing any loading of soils.

It is also proposed that we do not trade in the old backhoe, but house it in a small shed at Kookynie Waste Facility.

At present, whenever the Shire needs to push up waste at Kookynie the backhoe has to be taken from the depot to Kookynie, carry out 15 minutes work, then return to the Menzies depot. Pushing up waste is becoming more and more frequent as drillers and others use the Kookynie facility for bulk waste. If the backhoe is on site then the waste truck driver can push up waste each time they visit the site.

As the backhoe is in good condition and the trade in value is circa \$38,000 to \$47,000 it is more economical to retain it.

**COMMENT:**

A new, like for like backhoe, is approximately \$217,000 (inc GST) which would make a total cost to Council of \$170,000 if a best value trade-in was received.

The most expensive preferred specification mini excavator on the market is \$117,000 (inc GST). The most expensive preferred specification forklift on the market is \$42,000 (inc GST).

The total capital cost for the most expensive option is \$159,000 which is less than the current fleet replacement strategy. The preferred models, subject to procurement, would be circa \$135,000.

**CONSULTATION:**

Garth Marland, Works Manager.

**STATUTORY AUTHORITY:**

*Local Government Act 1995.*

**POLICY IMPLICATIONS:**

Policy 12.1 Plant Replacement Program

**FINANCIAL IMPLICATIONS:**

Following the preferred strategy and obtaining the preferred models would result in a capital savings of \$35,000. There would be a corresponding increase in operational costs through maintaining three (3) pieces of equipment instead of one (1).

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

1.2 A healthy and safe community.

1.2.1 Support provision of emergency and essential services.

4.2 An efficient and effective organisation.

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

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

### **VOTING REQUIREMENTS:**

Simple Majority

### **OFFICER RECOMMENDATION:**

That Council:

1. Authorises the purchase of a mini excavator and forklift through capital account PA160 which has an approved budget of \$180,000; and
2. Authorises retention of the Komatsu Backhoe for works within the Kookynie town.

### **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-102</b>
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**Moved: Cr P Warner**

**Seconded: Cr A Tucker**

That Council:

1. **Authorises the purchase of a mini excavator and forklift through capital account PA160 which has an approved budget of \$180,000; and**
2. **Authorises retention of the Komatsu Backhoe for works within the Kookynie town.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.4</b>	<b>Strategic Resource Plan 2022-2037</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM506</b>
<b>DATE OF REPORT</b>	<b>02 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. Shire of Menzies - Strategic Resource Plan 2022-2037 Draft V 1 [12.2.4.1 - 63 pages]

### **SUMMARY:**

To adopt the Shire of Menzies Draft Strategic Resource Plan 2022 - 2037, incorporating the Asset Management Plan and Long-Term Financial Plan.

### **BACKGROUND:**

The *Local Government Act 1995 s5.56* requires Councils to plan for the future of the district. Part of these plans include informing strategies such as the Asset Management Plan and Long-Term Financial Plan.

### **COMMENT:**

The Strategic Resource Plan brings together the updated Asset Management Plan and links it to the financial forecast of the Long-Term Financial Plan. This provides a 15-year projection of Council's capital expenditure, documenting Council's ability to finance its future assets requirements and meet the costs of maintaining and renewing its assets into the future.

The Strategic Resource Plan guides the actions for the coming years to formulate the Corporate Business Plan and achieve the objectives in the Community Strategic Plan. Major projects over this time are expected to be funded by grant funding, reserve funds or operating revenues.

### **CONSULTATION:**

Moore Australia, Consultants.

### **STATUTORY AUTHORITY:**

*Local Government Act 1995 s5.56*

**POLICY IMPLICATIONS:**

As part of the Integrated Planning Framework, the Strategic Resource Plan will guide Council's future budget decision making processes.

**FINANCIAL IMPLICATIONS:**

Nil.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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 adopts the Shire of Menzies Strategic Resource Plan 2022 - 2037, incorporating the Asset Management Plan and Long-Term Financial Plan.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-103</b>
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**Moved: Cr P Warner**

**Seconded: Cr S Sudhir**

**That Council adopts the Shire of Menzies Strategic Resource Plan 2022 - 2037, incorporating the Asset Management Plan and Long-Term Financial Plan.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.5</b>	<b>RFT 06/21 Design and Construct Staff Accommodation</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM521</b>
<b>DATE OF REPORT</b>	<b>09 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. CONFIDENTIAL - 920 Menzies Confidential Tender Assessment Report RFT 06-2021 Staff Accommodation DC ( Ver 1) [12.2.5.1 - 18 pages]

### **SUMMARY:**

This report provides a recommendation to Council for award of RFT 06/21 for the construction of new staff accommodation.

### **BACKGROUND:**

In FY 2020/21 Council budgeted \$520,000 for the construction of two (2) staff houses with two (2) bedrooms and one (1) bathroom. This did not go to tender, and the project funding was rolled over.

In FY 2021/22 Council budgeted an additional \$238,900 and approved an increase in project scope to include an additional house of the same specification.

A tender was issued on 28 August 2021 with advertisements in both the West Australian and Kalgoorlie Miner. Two (2) responses were received when tenders closed on 28 September 2021.

Both responses were assessed as being compliant and they were submitted by:

- CLPM Pty Ltd.
- Zenacon Pty Ltd.

### **COMMENT:**

Tenders were assessed by a tender assessment panel that comprised:

- Brian Joiner, CEO.
- Shane Hearn, BMO.
- Bruce Lorimer, Consultant.

Each tender was assessed in relation to the following:

- Compliance with the conditions of tendering (compliance criteria);
- Responses provided addressing the qualitative criteria set out in the request for tender (Qualitative Criteria) - 60%; and
- Price (Price Criteria) - 40%.

The Qualitative Criteria used for the tender was:

Qualitative Criteria	Weighting
Relevant Experience	20%
Proposed Offering	20%
Project Program & Practical Completion	20%

The Confidential Tender Assessment Report forms an attachment to this report. A summary of the assessment is provided below:

Tenderer	Assess Yes / No	Relevant Experience 20%	Proposed Offering 20%	Project Program & Practical Completion 20%	Price 40%	Total Score Out of 5	Rank
CLPM Pty Ltd	Yes	0.77	0.60	0.80	0.00	2.17	2
Zenacon Pty Ltd	Yes	0.80	0.60	0.80	2.00	4.20	1

Based on the assessment the tender assessment panel resolved to recommend to Council that the tender be awarded to Zenacon Pty Ltd.

The tendered prices are over the current budget for the project. Within the original scope that included three (3) houses the shortfall in budget is \$246,508 (Ex GST).

The tender specification requested a price for an option of building four (4) houses. Although exceeding budget, this is a cost-effective method of increasing housing stock through economies of scale.

A report was presented to Council on 28 October 2021 and was subsequently tabled pending a meeting of the Housing & Building Committee.

The Housing & Building Committee met on 08 November 2021 and discussed the recommendation report. The Committee and Officers agreed that the Shire could be better served by using a different method of procurement. This would be tested to see if a better-quality product could be procured and provide better value for money.

## CONSULTATION:

Shane Hearn, Building Maintenance Officer.  
Bruce Lorimer, Consultant.



## **STATUTORY AUTHORITY:**

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996 r.11*

## **POLICY IMPLICATIONS:**

Nil.

## **FINANCIAL IMPLICATIONS:**

The total budget for the project is \$758,900.

The tendered amount of \$1,005,408 (Ex GST) for three (3) houses results in a shortfall of \$246,508.

The tendered amount of \$1,291,442 (Ex GST) for four (4) houses results in a shortfall of \$532,542.

The Building Reserve has a balance of \$1,994,976 budgeted for the end of FY 2021/22. A transfer from the building reserve would be required to cover the shortfall.

## **RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Housing supplied may not meet the expectations of Council.	Medium.	Reactivation of the Housing Committee.
Project costs exceed allocated budget.	Medium.	Negotiation of all variables before execution of contracts.

## **STRATEGIC IMPLICATIONS:**

2.1 An innovative, diverse and prosperous economy.

2.1.2 Continue to work with industry and stakeholders for the economic development of the district.

4.2 An efficient and effective organisation.

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

## **VOTING REQUIREMENTS:**

Simple Majority

## **OFFICER AND COMMITTEE RECOMMENDATION:**

That Council:

1. Declines to accept all tenders for RFT 06/21 Design and Construct Staff Accommodation; and
2. Notes the intent to revise the specification and recommence the procurement process.

## **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-104</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr A Tucker**

That Council:

1. **Declines to accept all tenders for RFT 06/21 Design and Construct Staff Accommodation; and**
2. **Notes the intent to revise the specification and recommence the procurement process.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.6</b>	<b>Reserve 5064 operational management plan</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM515</b>
<b>DATE OF REPORT</b>	<b>16 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

To provide Council with information to determine the future plans for Reserve 5064.

### **BACKGROUND:**

The land associated with Dam 2 was excised from Reserve 5064 and is now vested in the Shire of Menzies.

#### History

In 2017 Council resolved:

<b>COUNCIL RESOLUTION:</b>	<b>No.1209</b>
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**Moved: Cr Tucker**

**Seconded: Cr Lee**

*That Council endorse the acceptance of the Management Order for Reserve 5064 by the Shire of Menzies with the following conditions:*

- 1. The 34.6ha portion of Reserve 5064 (as indicated on attachment 5) is to be excised and transferred to the Shire of Menzies on an "as-is" basis, and includes Dam No. 2, all pipes, pumps and other infrastructure that already exists on the land.*
- 2. All future responsibility for the transferred portion of land (including all associated infrastructure) is passed onto the Shire and the Water Authority is removed as both Responsible Agency and Management Body for the excised portion of the reserve.*
- 3. A 5 metre easement is granted in favour of the Water Corporation to protect the water main located South West of Dam No.2 (as indicated on attachment 5).*
- 4. Water Corporation is to remain as the Responsible Agency and retain Management Order status for the balance of Reserve 5064.*
- 5. All costs associated with the subdivision (including surveying and establishment of the easement) are to be borne by the Shire of Menzies and confirmation of the boundary and areas is required.*

**Carried 6/0**

In October 2019 a further recommendation was brought to Council:

#### **OFFICERS RECOMMENDATION**

That Council advises Water Corporation that it seeks a transfer of asset being the old Menzies Railway Dam from Water Corporation to the Shire of Menzies.

#### **COUNCIL DECISION**

<b>COUNCIL RESOLUTION:</b>	<b>No. 1738</b>
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**MOVED:** Cr

**SECONDED:** Cr

*Carried /*

This item is to lay on the table pending an independent report on the non-potable water requirements for the town of Menzies; the ownership of water in the dam, and a request for Water Corporation to address Council on the town water issues.

The item was not bought back to Council.

22 January 2020 Esperance Surveys advised CEO they were coming to Menzies to conduct the survey.

Quote from Esperance Surveys accepted by CEO on 29 April 2020.

Esperance Surveys was given consent to lodge by DLPH on 18 December 2020. The Reserve has now been vested in the Shire by DLPH.

Previous budgets had funds set aside in anticipation of gaining ownership of the land and, in particular, the old railway dam.

#### **COMMENT:**

Reserve 5064 is now vested in the Shire of Menzies. The request by Council in October 2019 does not appear to have been actioned with no further papers coming back to Council.

As ownership of the dam, through the land vesting, has now been passed to the Shire it is now the responsibility of the current Council to determine what to do with the facility.

Officers propose to provide Council with a report detailing the potential uses for the facilities and costs associated with owning the facility.

#### **CONSULTATION:**

Nil.

**STATUTORY AUTHORITY:**

N/A

**POLICY IMPLICATIONS:**

N/A

**FINANCIAL IMPLICATIONS:**

Minor costs associated with preparing a report for Council. Future capital and operating expenses will be provided within that report.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Risk assessment to form part of the report to be provided to Council.		

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

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

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council notes a report will be prepared on the use of the old railway dam within R5064 to inform budget discussions for FY 2022/23.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-105</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr A Tucker**

**That Council notes a report will be prepared on the use of the old railway dam within R5064 to inform budget discussions for FY 2022/23.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.7</b>	<b>Policy updates</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM509</b>
<b>DATE OF REPORT</b>	<b>9 November 2021</b>
<b>AUTHOR</b>	<b>Executive Officer, Eve Reitmajer</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. Policy 1.15 Public Interest Disclosure ( Whistle-blower) [<b>12.2.7.1</b> - 2 pages]</li> <li>2. Policy 1.16 Fraud Risk Identification and Prevention [<b>12.2.7.2</b> - 1 page]</li> <li>3. Policy 2.3 Annual Stocktake of Assets [<b>12.2.7.3</b> - 1 page]</li> <li>4. Policy 2.6 Depreciation of Non-current Assets [<b>12.2.7.4</b> - 1 page]</li> <li>5. Policy 4.2 Purchasing and Tenders [<b>12.2.7.5</b> - 11 pages]</li> <li>6. Policy 4.14 Contract Management [<b>12.2.7.6</b> - 1 page]</li> <li>7. Policy 4.15 Tender Evaluation Policy [<b>12.2.7.7</b> - 1 page]</li> </ol>

## **SUMMARY:**

This item recommends adoption of three new policies and two amended policies.

## **BACKGROUND:**

Shire of Menzies's risk management, internal controls, legislative compliance and financial management processes have been reviewed in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996* and Regulation (5)(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

The reviews recommended the introduction of three new policies, being:

- Fraud Prevention Policy;
- Public Interest Disclosure (Whistle-blower) Policy; and
- Contract Management Policy.

Further, it recommended amendments to the existing purchasing and asset management policies to include more detail on tender evaluations; introduction of annual stocktakes on plant and equipment; and to establish the Shire's depreciation rates for plant and equipment and major infrastructure assets.

This has resulted in the introduction of a Tender Evaluation Policy and a Depreciation of Non-current Assets Policy, and amendments to the Purchasing and Tender Policy and Annual Verification of Assets Policy.

#### **COMMENT:**

The fraud prevention and whistle blower policies outline the importance and responsibility that all staff in the Shire have in ensuring that fraud is prevented through proper adherence and compliance with existing management controls and that where fraud is suspected that it is promptly reported for investigation.

The contract management policy governs how the Shire should manage its existing procurement contracts. It will be further strengthened by the development of a procedure with guidelines on:

- Processing contract variations for those contracts less than tender threshold and above tender threshold;
- Contract variation, extension and renewal process and approvals;
- Monitoring contract overspends and approval process; and
- Supplier post contract performance assessments.

The Annual Verification of Assets Policy has been amended to include the term stocktake, to clarify the Shire's approach in this matter.

The Depreciation of Non-current Assets Policy sets out the typical estimated useful lives for the different asset classes used by Shire of Menzies in its accounting.

It was considered appropriate at this time to also review the Purchasing and Tender Policy, which has been simplified, and references templates staff are to complete to provide further evidence the Shire is complying with its policies and legislation in terms of sourcing and evaluating quotes.

#### **CONSULTATION:**

Brian Joiner, Chief Executive Officer.  
Antonio Giometti, Chief Financial Officer.  
Independent consultant.

#### **STATUTORY AUTHORITY:**

Nil.

#### **POLICY IMPLICATIONS:**

Policy 1.15 Public Interest Disclosure (Whistle-blower);  
Policy 1.16 Fraud Risk Identification and Prevention;  
Policy 2.6 Depreciation of Non-current Assets;  
Policy 4.14 Contract Management;



Policy 4.15 Tender Evaluation;  
Amended Policy 2.3 Annual Stocktake of Assets; and  
Amended Policy 4.2 Purchasing and Tenders

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Implement and maintain risk management strategies through policies, procedures, processes and controls to protect Shire assets	Medium	Implementation of appropriate and effective internal controls to assist in legislative compliance, minimise the risk of fraudulent transactions and embody a culture of integrity

#### **STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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 adopt:

1. Policy 1.15 Public Interest Disclosure (Whistle-blower);
2. Policy 1.16 Fraud Risk Identification and Prevention;
3. Policy 2.6 Depreciation of Non-current Assets;
4. Policy 4.14 Contract Management;
5. Policy 4.15 Tender Evaluation;
6. Amended Policy 2.3 Annual Stocktake of Assets; and
7. Amended Policy 4.2 Purchasing and Tenders.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-106</b>
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**Moved: Cr P Warner**

**Seconded: Cr A Tucker**

**That Council adopt:**

1. **Policy 1.15 Public Interest Disclosure (Whistle-blower);**
2. **Policy 1.16 Fraud Risk Identification and Prevention;**
3. **Policy 2.6 Depreciation of Non-current Assets;**
4. **Policy 4.14 Contract Management;**
5. **Policy 4.15 Tender Evaluation;**
6. **Amended Policy 2.3 Annual Stocktake of Assets; and**
7. **Amended Policy 4.2 Purchasing and Tenders.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.8</b>	<b>Darlot native title claim WAD 142 of 2018</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>External</b>
<b>DOCUMENT REF</b>	<b>NAM507</b>
<b>DATE OF REPORT</b>	<b>09 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Cr Andrew Tucker declared a financial interest as he is a party to the claim.</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - 211108 Draft v 6 MCDNT Darlot WAD 142 of 2018 for circulation 8 November [12.2.8.1 - 80 pages]</li> <li>2. Darlot s 47 B [12.2.8.2 - 1 page]</li> </ol>

### **SUMMARY:**

This paper provides Council with information regarding the Darlot Native Title Determination WAD 142 of 2018.

### **BACKGROUND:**

A native title claim has been filed in relation to the area contained in Attachment 12.2.8.2 of this report.

It is now proposed that the claim be resolved by way of a consent determination. This would be an agreement by the State and the claimant group that native title rights exist in the determination area. The consent determination avoids the need for a full hearing.

Squire Patton Boggs was retained by the Shires of Menzies, Leonora and Laverton in regard to this matter.

### **COMMENT:**

Regarding a specific area, the claimants have satisfied the requirements of section 47B *Native Title Act 1993 (Cth)* in respect of the eastern portion of Lake Ballard (that is, they have proved a connection to the area, sufficient to establish exclusive native title over the area). However, it is not the whole Lake, and does not include the area where the Gormley statues are located. The determination will only cover the salt lake surface of the eastern part of the Lake. The determination will not affect the rights of the surrounding pastoralists, nor the public/tourists' ability to walk around the Lake.

An objection by the Shire would have no affect and the consent determination would still go ahead.

The final minute for signing is expected on 10 December 2021.

**CONSULTATION:**

Squire Patton Boggs, Legal Advisor.

**STATUTORY AUTHORITY:**

*Native Title Act 1993 (Cth).*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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 endorses the CEO executing the Minute of Proposed Consent Determination of Native Title WAD 142 of 2018 on behalf of the Shire of Menzies.

**COUNCIL DECISION:**

As Cr A Tucker declared a financial interest and was required to not take part in the discussion or vote, the quorum required for the meeting to continue, and consider this item, could not be met (as per Section 5.19 of the *Local Government Act 1995*).

Council proceeded to the next item of business.

<b>12.2.9</b>	<b>Tjuntjuntjara Community Area Indigenous Land Use Agreement</b>
<b>LOCATION</b>	<b>Tjuntjuntjara</b>
<b>APPLICANT</b>	<b>External</b>
<b>DOCUMENT REF</b>	<b>NAM508</b>
<b>DATE OF REPORT</b>	<b>09 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. WI 2021 013 Notice [ <b>12.2.9.1</b> - 3 pages]

#### **SUMMARY:**

To provide Council with information relating to the Tjuntjuntjara Community Area ILUA WI2021/013.

#### **BACKGROUND:**

On 07 October 2021, an application for registration of Tjuntjuntjara Community Area ILUA WI2021/013 was lodged with the Native Title Registrar of the National Native Title Tribunal.

The *Native Title Act 1993 (Cth)* provides that the Registrar must give notice of the agreement to any local government authority for the area, where the local government authority is not a party to the agreement.

The Shire of Menzies was not a party to the agreement and a notice (Attachment 12.2.9.1) has been provided by the Registrar.

#### **COMMENT:**

Nil.

#### **CONSULTATION:**

Nil required.

#### **STATUTORY AUTHORITY:**

*Native Title Act 1993 (Cth).*

**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:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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 notes the Tjuntjuntjara Community Area Indigenous Land Use Agreement WI2021/013.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-107</b>
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**Moved:** Cr S Sudhir

**Seconded:** Cr P Warner

**That Council notes the Tjuntjuntjara Community Area Indigenous Land Use Agreement WI2021/013.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.10</b>	<b>Repeal Local Law 2021 - Adoption</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM510</b>
<b>DATE OF REPORT</b>	<b>11 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. 211110 Repeal Local Law v 2 [ <b>12.2.10.1</b> - 1 page]

### **SUMMARY:**

To finalise the process of adoption of the Repeal Local Law 2021.

### **BACKGROUND:**

The proposed local law is to repeal six old local laws.

### **COMMENT:**

At its ordinary meeting held on 26 August 2021 the Council resolved to commence the process to make the Repeal Local Law.

The local laws are well out of date, and no longer applicable. Some of the circumstances existing at the time of adoption of the local laws are no longer applicable.

The purpose of this report is to:

- 1) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) make the local law, incorporating all amendments as approved by Council;
- 3) authorise the affixing of the Common Seal to the local laws;
- 4) authorise the local law's publication in the *Government Gazette*; and
- 5) give local public notice, (after Gazettal), of the date the local laws will come into effect.

The procedure for making local laws requires Council to advertise its intention to make a local law and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.



The proposed local law was advertised for public comment in accordance with the requirements of the Act.

An advertisement was placed in the Menzies Matters on 3 September 2021, on the Shire website, social media and notice boards, with the submission period for public comment closing on 22 October 2021.

The Dept of Local Government, Sporting and Cultural Industries advised of one minor matter relating to the date of publication of one of the local laws.

No other submission was received.

None of the suggested changes altered the intent of the provision amended nor place additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the:

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- Local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

## **CONSULTATION:**

Niel Mitchell, Consultant.

## **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*

- *s.3.12 – Procedure for making local laws*

*Interpretations Act 1984 –*

- *s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Minor costs associated with advertising.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Continuation and potential inadequacy of increasingly out of date local laws.	High.	Revocation of local laws that are extremely out of date.  Development and adoption of new or amendment local laws where appropriate.

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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. Resolves to make the Repeal Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law; and

3. Authorises the CEO to:
- publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
  - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-108</b>
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**Moved: Cr P Warner**

**Seconded: Cr S Sudhir**

**That Council:**

1. **Resolves to make the Repeal Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;**
2. **Authorises the President and CEO to sign and affix the Common Seal to the Local Law; and**
3. **Authorises the CEO to:**
  - **publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and**
  - **forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.11</b>	<b>Meeting Procedures Local Law 2021 - Adoption</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM511</b>
<b>DATE OF REPORT</b>	<b>11 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. 211110 Meeting Procedures Local Law 2021 v 4 [12.2.11.1 - 22 pages]

### **SUMMARY:**

To finalise the process of adoption of the Meeting Procedures Local Law 2021.

### **BACKGROUND:**

The proposed local law is to establish controls to manage meetings of the Council, Committees and ratepayers of Shire of Menzies.

### **COMMENT:**

At its ordinary meeting held on 26 August 2021 the Council resolved to commence the process to make the Meeting Procedures Local Law.

The purpose of this report is to:

- 1) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) make the local law, incorporating all amendments as approved by Council;
- 3) authorise the affixing of the Common Seal to the local laws;
- 4) authorise the local law's publication in the *Government Gazette*; and
- 5) give local public notice, (after Gazettal), of the date the local laws will come into effect.

The procedure for making local laws requires Council to advertise its intention to make a local law, and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

The proposed local law was advertised for public comment in accordance with the requirements of the Act.

An advertisement was placed in the Menzies Matters on 3 September 2021, on the Shire website, social media and notice boards, with the submission period for public comment closing on 22 October 2021.

The Dept of Local Government, Sporting and Cultural Industries advised o several minor matters relating to suggested change of wording of clause 8.14(1) and a cross reference in clause 5.1(3).

No other submission was received.

None of the suggested changes altered the intent of the provision amended nor place additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that require re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the:

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

## **CONSULTATION:**

Niel Mitchell, Consultant.

## **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*

- *s.3.12 – Procedure for making local laws*

*Interpretations Act 1984 –*

- *s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Minor costs associated with advertising.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Meetings that may be difficult to manage.	Medium.	Training and awareness of provisions to be provided to elected members.
Disruptive member of the public.	Medium.	Members of the public to be clearly advised of unacceptable behaviour when necessary.

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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. Resolves to make the Meeting Procedures Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law;

3. Authorises the CEO to:
- publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
  - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-109</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr A Tucker**

**That Council:**

1. **Resolves to make the Meeting Procedures Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;**
2. **Authorises the President and CEO to sign and affix the Common Seal to the Local Law;**
3. **Authorises the CEO to:**
  - **publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and**
  - **forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.12</b>	<b>Cemeteries Local Law 2021 - Adoption</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM512</b>
<b>DATE OF REPORT</b>	<b>11 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. 211110 Cemeteries Local Law 2021 v 3 [12.2.12.1 - 11 pages]

### **SUMMARY:**

To finalise the process of adoption of the Cemeteries Local Law 2021.

### **BACKGROUND:**

The proposed local law is to establish controls to manage cemeteries within the district under the control of the Shire of Menzies.

### **COMMENT:**

At its ordinary meeting held on 26 August 2021 the Council resolved to commence the process to make the Cemeteries Local Law.

The purpose of this report is to:

- 1) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) make the local law, incorporating all amendments as approved by Council;
- 3) authorise the affixing of the Common Seal to the local laws;
- 4) authorise the local law's publication in the *Government Gazette*; and
- 5) give local public notice, (after Gazettal), of the date the local laws will come into effect.

The procedure for making local laws requires Council to advertise its intention to make a local law and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

The proposed local law was advertised for public comment in accordance with the requirements of the Act.



An advertisement was placed in the Menzies Matters on 3 September 2021, on the Shire website, social media and notice boards, with the submission period for public comment closing on 22 October 2021.

The Dept of Local Government, Sporting and Cultural Industries advised of several minor matters relating to the schedule of penalties.

No other submission was received.

None of the suggested changes altered the intent of the provision amended nor place additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the:

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

## **CONSULTATION:**

Niel Mitchell, Consultant.

## **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*

- *s.3.12 – Procedure for making local laws*

*Interpretations Act 1984 –*

- *s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt*

## **POLICY IMPLICATIONS:**

Nil.

## **FINANCIAL IMPLICATIONS:**

Minor costs associated with advertising.

## **RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Management of burials in a cemetery permitted by the Minister.	Very low.	Council to approve requirements for a burial if necessary.
Management of internment of ashes.	Low.	Basic provisions included in draft local law. Council has discretion to approve additional or alternative arrangements.
Management of memorials etc.	Low.	Basic provisions included in draft local law. Council has discretion to approve additional or alternative arrangements.
Inappropriate behaviour, damage to plants, memorials etc.	Medium.	Provisions for remedial action and cost recovery included in local law.

## **STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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. Resolves to make the Cemeteries Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorises the CEO to:
  - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
  - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

## **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-110</b>
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**Moved: Cr P Warner**

**Seconded: Cr S Sudhir**

That Council:

1. **Resolves to make the Cemeteries Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;**
2. **Authorises the President and CEO to sign and affix the Common Seal to the Local Law;**
3. **Authorises the CEO to:**
  - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and**
  - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.13</b>	<b>Dogs Local Law 2021 - Adoption</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM513</b>
<b>DATE OF REPORT</b>	<b>11 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. 211110 Dogs Local Law 2022 v 3 [12.2.13.1 - 6 pages]

### **SUMMARY:**

To finalise the process of adoption of the Dogs Local Law 2021.

### **BACKGROUND:**

The proposed local law is to establish controls to manage dogs within the district under the control of the Shire of Menzies.

### **COMMENT:**

At its ordinary meeting held on 26 August 2021 the Council resolved to commence the process to make the Dogs Local Law.

The purpose of this report is to:

- 1) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) make the local law, incorporating all amendments as approved by Council;
- 3) authorise the affixing of the Common Seal to the local laws;
- 4) authorise the local law's publication in the *Government Gazette*; and
- 5) give local public notice, (after Gazettal), of the date the local laws will come into effect.

The procedure for making local laws requires Council to advertise its intention to make a local law and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

The proposed local law was advertised for public comment in accordance with the requirements of the Act.

An advertisement was placed in the Menzies Matters on 3 September 2021, on the Shire website, social media and notice boards, with the submission period for public comment closing on 22 October 2021.

The Dept of Local Government, Sporting and Cultural Industries advised of several minor matters relating to suggested inclusion of clause 6.2(2) and a reference in item 3 of the Schedule.

No other submission was received.

None of the suggested changes altered the intent of the provision amended nor place additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the:

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

## **CONSULTATION:**

Niel Mitchell, consultant.

## **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*

- *s.3.12 – Procedure for making local laws*

*Interpretations Act 1984 –*

- *s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Minor costs associated with advertising.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Outdated requirements potentially resulting in enforcement being inconsistent with legislation.	Medium.	Staff awareness of resulting changes in new local law.

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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. Resolves to make the Dogs Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorises the CEO to:
  - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and

- forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

#### **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-111</b>
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**Moved: Cr P Warner**

**Seconded: Cr S Sudhir**

#### **That Council:**

- 1. Resolves to make the Dogs Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;**
- 2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law;**
- 3. Authorises the CEO to:**
  - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and**
  - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

<b>Carried</b>	<b>4 / 0</b>
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<b>12.2.14</b>	<b>Unconfirmed NGWG meeting minutes November 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM514</b>
<b>DATE OF REPORT</b>	<b>15 November 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. NGWG 22 November 2021 - Minutes [12.2.14.1 - 5 pages]

### **SUMMARY:**

This item recommends Council accepts the unconfirmed Minutes from the NGWG meeting of 12 November 2021.

### **BACKGROUND:**

The Shire of Menzies is a member of the Northern Goldfields Working Group.

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

### **COMMENT:**

The NGWG 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 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 NGWG meeting of 12 November 2021.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-112</b>
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**Moved:** Cr P Warner

**Seconded:** Cr A Tucker

**That Council accepts the unconfirmed Minutes from the NGWG meeting of 12 November 2021.**

<b>Carried</b>	<b>4 / 0</b>
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## 13 INFORMATION REPORTS

### OFFICER RECOMMENDATION:

That Council receives the information reports en bloc.

### COUNCIL DECISION:

<b>Council Resolution Number:</b>	<b>CM-113</b>
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**Moved:**        **Cr P Warner**

**Seconded:**    **Cr S Sudhir**

That Council receives the information reports en bloc.

<b>Carried</b>	<b>4 / 0</b>
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<b>13.1</b>	<b>Actions performed under delegation for October 2021</b>	
<b>LOCATION</b>	<b>Shire of Menzies</b>	
<b>APPLICANT</b>	<b>Internal</b>	
<b>DOCUMENT REF</b>	<b>NAM516</b>	
<b>DATE OF REPORT</b>	<b>05 November 2021</b>	
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>	
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>	
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>	
<b>ATTACHMENT</b>	<ol style="list-style-type: none"><li>1. Murrin Murrin Pty Ltd - L 39 313-316 [<b>13.1.1</b> - 9 pages]</li><li>2. Trevor John Dixon - M 40 352 [<b>13.1.2</b> - 3 pages]</li><li>3. Iris Metals Ltd - E 29 1152 [<b>13.1.3</b> - 4 pages]</li><li>4. Ulysses Mining Pty Ltd - L 40 43 [<b>13.1.4</b> - 3 pages]</li></ol>	

### SUMMARY:

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

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

### Common Seal

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

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

### Planning Approvals

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

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

### Health Approvals

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

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

### 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.

<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>

### **Applications**

The following Mining/Prospecting/Exploration/Miscellaneous Applications were received for the month of October 2021.

<b>Applicant Name</b>	<b>Application Type</b>	<b>Application Details</b>
Murrin Murrin Operations Pty Ltd	Miscellaneous	L39/313-316
Trevor John Dixon	Mining	M40/352
Iris Metals Ltd	Exploration	E29/1152
Ulysses Mining Pty Ltd	Miscellaneous	L40/43

<b>13.2</b>	<b>Works report for October 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM517</b>
<b>DATE OF REPORT</b>	<b>15 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Manager Works, Garth Marland</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

This report provides a summary of works conducted by the Shire of Menzies.

### **BACKGROUND:**

The Shire's works crew conducts and supervises a range of works. This report provides visibility in regard to the works program and issues arising through the works section.

### **COMMENT:**

#### **Maintenance Grading**

Maintenance grading has concentrated on the Western end of Evanston Menzies Road including Evanston Bullfinch Road and will continue in this area into November.

Private contractors have been working east of the Goldfields Highway, commencing on Mt Celia Road and continuing down Pinjin Road and Yarri Road. They will move down towards Kookynie during November.

#### **Construction Works**

Work is progressing on Menzies NW Road and Evanston Menzies Road preparing for bitumen sealing.

Plans have been received for Marmion Village Roadworks, but such roadworks are dependent on relocation of power and telephone which is not expected to be completed until the end of November.

Work has continued on Tjuntjuntjara Access Road.

#### **Town Work and Waste Disposal**

Short staffing is still a problem, but we hope to remedy this during November with the hiring of one extra person for outside work.

Garbage runs have been carried out diligently. Waste builds up very quickly at both Menzies and Kookynie Waste Facilities. Staff attempt to keep both areas pushed up, but it proves difficult due to the high quantities of rubbish dumped by other than Shire workers and especially at the Kookynie tip where it is necessary to move plant from Menzies to Kookynie to carry out cleanup work.

Mowing and line trimming has been carried out extensively in Menzies and slashing of larger areas has resulted in a general tidying up of the town.

### **Airstrips**

Both Menzies and Kookynie Airstrips are regularly inspected.

Both strips still have weed growth which needs removal, and it is hoped that having an extra worker will allow us to catch up on this.

### **Works Health and Safety**

The new laws coming into effect early in 2022 have necessitated a fresh approach to WHS. Workers have been instructed in many items of WHS. Education will continue through pre-start and toolbox meetings and the use of recognised courses for workers.

### **Depot**

Most of the depot area has been completely cleaned up. Cabinets have been received for the storage of various dangerous or hazardous items and are in the process of being placed in suitable locations and correct goods placed in them. This will continue during November with further cabinets being delivered.

### **Tourist Sites and Truck Bay**

Tourist numbers are starting to fall as the weather warms up and this takes pressure off toilet facilities at outlying tourist areas and the caravan park. The truck bay continues to be heavily patronised and we continue to hear good reports from truck drivers.

Vandalism in public toilets near the Water Park continues to be a problem and we will attempt to combat this.

### **Other Works**

Our workers continue to help with setting up events, moving furniture when required, handling any special requests I make of them. I am very happy with the performance of all of them.

<b>13.3</b>	<b>EHO report for October 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM518</b>
<b>DATE OF REPORT</b>	<b>05 November 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 October 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 16 additional rooms (4 units) and extended kitchen facility at Edjudina Station village camp. The construction value was \$300,000.00.

Dealt with an enquiry regarding building controls on one of the unserviced lots in town. Forwarded copies of Council's planning policies regarding these lots to the enquirer and have not heard anything more.

Dealt with many various enquiries relating to building services.

#### **Health**

Visited Tjuntjuntjarra on Wednesday 6 October 2021 (with the CEO) and noted that the new and renovated homes were still in good condition. The HACCC kitchen was

noted as requiring some repairs and repainting with management advising it would be budgeted for in the next budget. The new medical centre and dwelling (permits processed in May 2021) have not been delivered to site yet. The Department of Communities is still not supplying drinking water analysis results to Community Management or the Shire. Staff will be making further enquiries with the Department of Communities to try and have this issue resolved.

Processed a plumbing application for a wastewater treatment plant at the new Mt Ida mine site for Aurenne Group and forwarded to the Health Department of WA for final approval.

The shire's refuse site is still noncompliant with licencing conditions or the Environmental Protection (Rural Landfill) Regulations 2002 as there is evidence of waste oil and bitumen waste being dumped at the site. Windblown waste is blowing around the site and outside the fenced area which is required to be collected weekly and buried. Putrescible (household) waste is not being covered in accordance with licence conditions which is allowing waste to blow away when windy conditions are experienced. The Auditor General's Office (auditors) is currently checking that local governments are compliant with reserve funds in place for post closure plans and rehabilitation of tip sites.

Carried out another inspection of a kitchen at á hotel on Friday 15 October and noted that the kitchen has been renovated to a compliant standard and can be opened when the owner/manager determines to do so. The owner has been advised to maintain the kitchen in a clean condition at all times.

Dealt with many various enquiries relating to health services.



<b>13.4</b>	<b>WHS update for October 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM519</b>
<b>DATE OF REPORT</b>	<b>11 October 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

#### **SUMMARY:**

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

#### **BACKGROUND:**

WHS Committee meetings are now being held quarterly to align with reporting to the Audit and Risk Committee.

#### **COMMENT:**

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

- Received fire extinguishers and fire blankets and have proceeded to complete the distribution of these, replacing the older fire equipment. The old fire extinguishers will be used for fire extinguisher training soon. The old fire blankets will be disposed of.
- The order for additional first aid kits has been received, labelled, and placed in vehicles without or with outdated kits.
- All shire vehicles with first aid kits have been labelled with 'First Aid Kit' stickers for identification purposes in case of an accident.
- The Shire Depot Yard has continued to be cleaned up with disposal of old equipment which no longer fills a need for possible future work.
- All unlabelled plastic bottles of chemicals have been appropriately labelled with the material name and some SDS warning.
- All of the ordered chemical storage cabinets for dangerous goods and chemicals have been received and are currently being placed in and around the depot.
- Continuing with housekeeping and educating Shire employees. In this regard, Core Business consultants have been on site for consultation and training for the 'Monitor' system, currently being used for the Shire's WHS reporting.

<b>13.5</b>	<b>Compliance Calendar Update (September - October 2021)</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM520</b>
<b>DATE OF REPORT</b>	<b>15 November 2021</b>
<b>AUTHOR</b>	<b>Executive Officer, Eve Reitmajer</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. 2021 Compliance Calendar September - October [ <b>13.5.1</b> - 2 pages]

### **SUMMARY:**

The Compliance Calendar has been created to track and centralise important dates and deadlines associated with the *Local Government Act 1995* and various other legislation and reporting obligations the Shire is required to undertake.

### **BACKGROUND:**

The Shire is committed to maintaining its governance and compliance obligations under its 'Leadership Strategy: Responsible management and good governance, leading an empowered community'.

To assist the Shire in meeting its obligations the Compliance Calendar, a dynamic document, has been introduced for reporting to Council on a monthly basis.

Senior staff update the Compliance Calendar which outlines the status and progress of tasks, providing Council with a clear and concise snapshot of the Shire's current position on its obligatory regulatory requirements.

### **COMMENT:**

All items on the Compliance Calendar for September and October 2021 have been met, except for the following items:

<b>TASK</b>	<b>REASON FOR EXCEPTION</b>
<b>SEPTEMBER</b>	
Send out renewal notices for dog registration	On hold until November, following annual Murdoch vet visit, which includes pet sterilisation.
<b>OCTOBER</b>	
Primary return for new Elected	In progress, any outstanding returns to be followed up in December.

Members to be completed within 3 months of Election/Commencement date	
Review Website	Major review completed, updates ongoing as new information, SoM documents and other public notices come to hand. Project underway to ensure any SoM documents that are required to be on website, have been uploaded to website.
Local Emergency Management Arrangements (LEMA)	Collection of emergency management documentation, systems, processes, agreements and memorandums of understanding which affect the local government district is ongoing.

<b>13.6</b>	<b>Community Services Report for October 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM503</b>
<b>DATE OF REPORT</b>	<b>15 November 2021</b>
<b>AUTHOR</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### SUMMARY:

The purpose of this report is to advise Council of Community Service Activities for the month of October 2021.

### BACKGROUND:

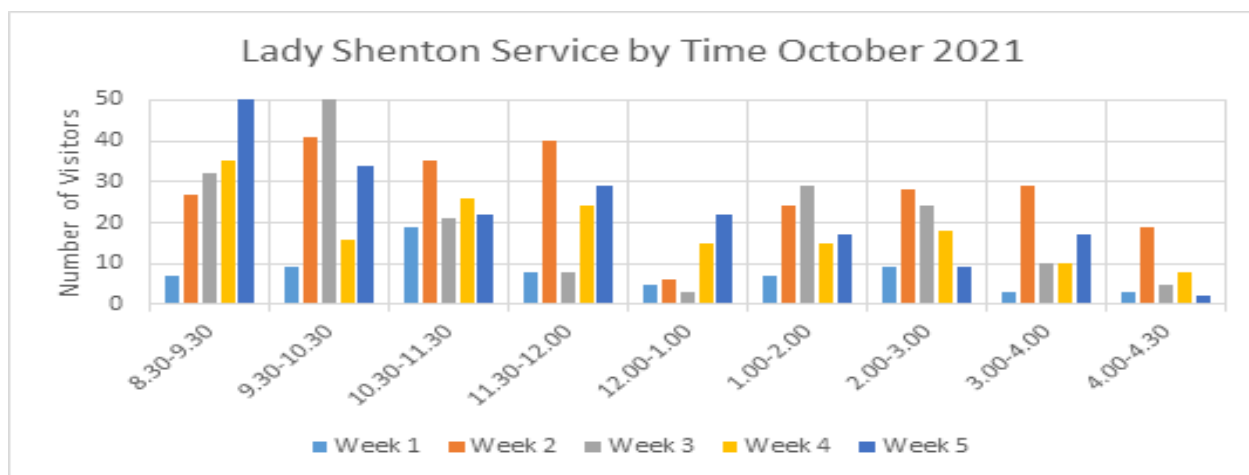
The Lady Shenton Building accommodates the Community Resource Centre, Menzies Visitor Centre and the Menzies Caravan Park management.

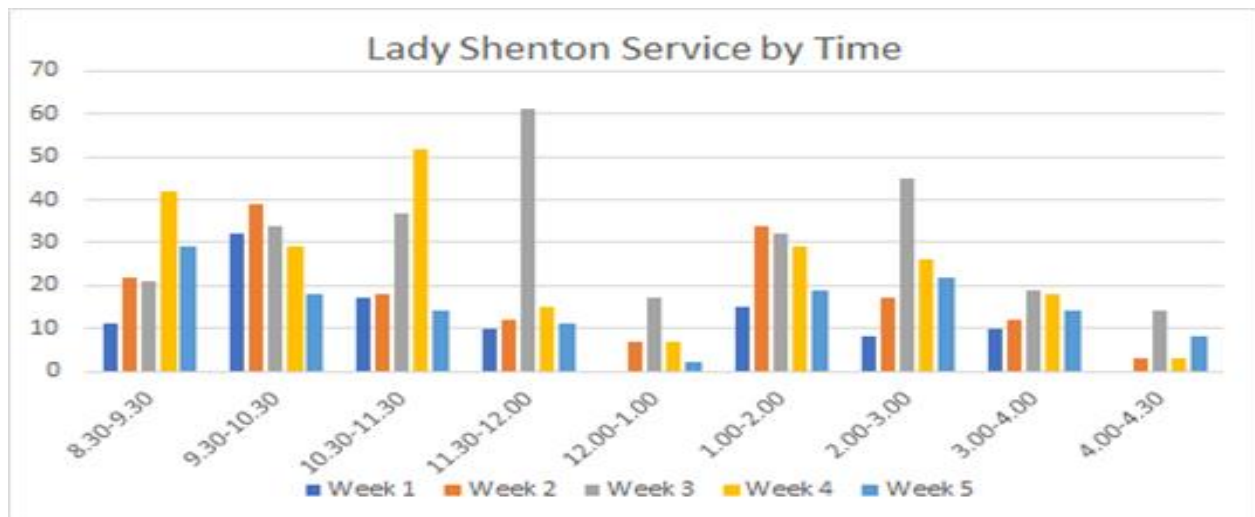
The Youth Centre Ngalipaku Building forms a key part of the Menzies Youth and Community Precinct and operates as a space to host youth and community events.

### COMMENT:

#### Lady Shenton

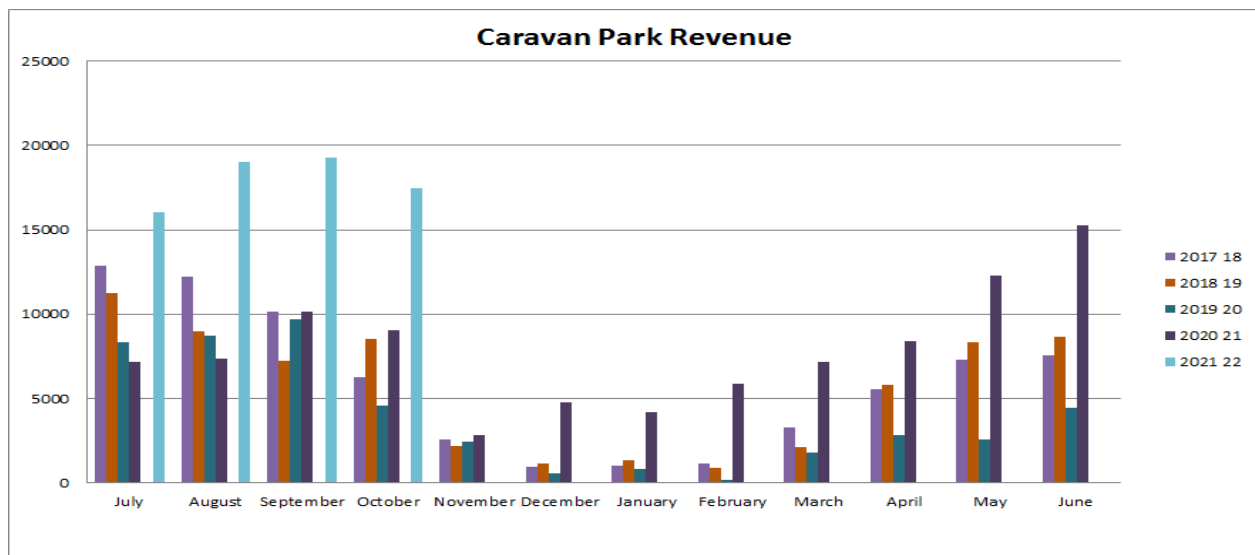
The Lady Shenton received 931 visitors in October 2021.





## Caravan Park

There were 166 caravan park bookings in October 2021.



Annual takings for the Shire of Menzies Properties Year 2020-21:

	Cabin A	Cabin B	12A Walsh	29A Shenton	Accounts	Total	Consultants
Jul-21	\$ 3,938.00	\$ 5,148.00		\$ 396.00		\$ 9,482.00	\$ 1,012.00
Aug-21	\$ 1,342.00	\$ 3,872.00		\$ 195.00		\$ 5,409.00	\$ 405.00
Sep-21	\$ 143.00	\$ 1,056.00		\$ 1,553.00	\$ 2,618.00	\$ 5,370.00	\$ 530.00
Oct-21	\$ 2,354.00	\$ 1,650.00	\$ 405.00	\$ 650.00	\$ 3,668.00	\$ 8,727.00	\$ 405.00
Nov-21						\$ -	
Dec-21						\$ -	
Jan-22						\$ -	
Feb-22						\$ -	
Mar-22						\$ -	
Apr-22						\$ -	
May-22						\$ -	
Jun-22						\$ -	
<b>Total</b>	<b>\$ 7,777.00</b>	<b>\$ 11,726.00</b>	<b>\$ 405.00</b>	<b>\$ 2,794.00</b>	<b>\$ 6,286.00</b>	<b>\$ 28,988.00</b>	<b>\$ 2,352.00</b>

	Caravan Park	
Jul-21	\$ 11,884.00	\$ 11,884.00
Aug-21	\$ 12,150.00	\$ 12,150.00
Sep-21	\$ 14,162.00	\$ 14,162.00
Oct-21	\$ 14,736.00	\$ 14,736.00
Nov-21		\$ -
Dec-21		\$ -
Jan-22		\$ -
Feb-22		\$ -
Mar-22		\$ -
Apr-22		\$ -
May-22		\$ -
Jun-22		\$ -
<b>Total</b>	<b>\$ 52,932.00</b>	<b>\$ 52,932.00</b>

% change

2.2% 26 Powered Sites  
 16.6% 6 Unpowered Sites  
 4.1% A Block 3 male and 3 Female Toilet and shower 1 Disabled  
 B Block 3 male and 3 Female Toilet and shower 1 Disabled  
 2 Washing machine & Dryers

## Youth Centre and General Community Services

Post the recruitment of new staff, who will be running the after-school youth engagement activities, these as at the date of this report have commenced 10 November 2021, and around 5 youths engage in the card making activities.

## 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

### COUNCIL DECISION:

<b>Council Resolution Number:</b>	<b>CM-114</b>
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**Moved:** Cr P Warner

**Seconded:** Cr S Sudhir

**That Council accepts the new business.**

<b>Carried</b>	<b>4 / 0</b>
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<b>15.1</b>	<b>Stock grid replacement - Mt Celia Road</b>	
<b>LOCATION</b>	<b>Shire of Menzies</b>	
<b>APPLICANT</b>	<b>Internal</b>	
<b>DOCUMENT REF</b>	<b>NAM496</b>	
<b>DATE OF REPORT</b>	<b>23 November 2021</b>	
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>	
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>	
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>	
<b>ATTACHMENT</b>	1. Stock Grid Review - East 2021 [15.1.1 - 2 pages] 2. Kalgoorlie Pastoralists Alliance (presented at meeting)	

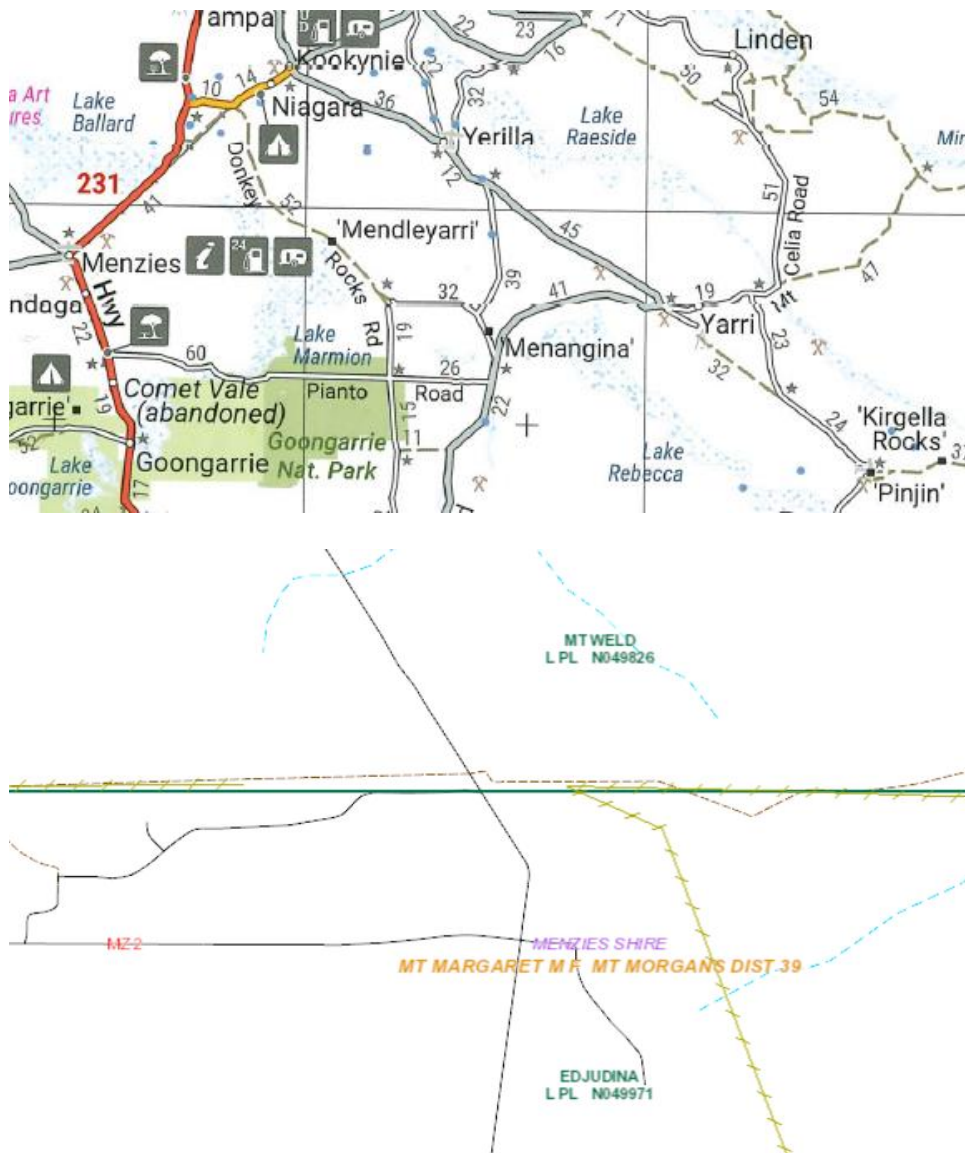
### SUMMARY:

This report is a request for Council approval to replace a stock grid on Mt Celia Road. This report was originally tabled at 28 October 2021 OCM.

## BACKGROUND:

Council Policy 12.6 requires the CEO to prepare a report to Council for the retention and removal of stock grids.

The Works Manager has completed a review of all stock grids to the East of the Goldfields Highway (Attached as 12.2.8.1) and has recommended the immediate replacement of the stock grid at SLK 28.80 on Mt Celia Road which is the entrance to Mt Celia Station (border with Edjudina Station).



The stock grid to be replaced has a grid that is badly rusted and the concrete is badly broken. Fences on either side of the grid are of a good standard and maintained.

The Shire has been discussing a replacement policy for stock grids but this still requires community consultation.



**COMMENT:**

Although consultation on a new stock grid policy may result in changes to the policy it is considered a safety issue to keep the existing grid at SLK 28.80 on Mt Celia Road. This grid requires immediate replacement and is therefore covered by the existing Policy 12.6.

Approximately 50% of the grids assessed are recommended for removal. Under Policy 12.6 the CEO will now write to the station owners advising of the Shire's intention to remove these stock grids.

Discussions with the Kalgoorlie Pastoralists Alliance have confirmed that this grid would also form a boundary for the new dog fence that they are funding.

**CONSULTATION:**

Garth Marland, Works Manager.

**STATUTORY AUTHORITY:**

*Local Government Act 1995*

**POLICY IMPLICATIONS:**

Policy 12.6 - Retention of Stock Grids.

**FINANCIAL IMPLICATIONS:**

The FY 2021/22 Budget has \$60,000 allocated for grids under GRIDCAP. The replacement of one (1) grid would require most of that allocated with the Shire providing a grid and base that is currently on inventory.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Damage to vehicles as the grid deteriorates.	Medium.	Replacement of failed grid.

**STRATEGIC IMPLICATIONS:**

3.1 A well maintained, attractive built environment servicing the needs of the community.

3.1.2 Maintain and enhance our roads, built infrastructure, parks and reserves.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council approves replacement of the stock grid at SLK 28.80 on Mt Celia Road.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-115</b>
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**Moved: Cr P Warner**

**Seconded: Cr A Tucker**

**That Council approves replacement of the stock grid at SLK 28.80 on Mt Celia Road.**

<b>Carried</b>	<b>4 / 0</b>
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<b>15.2</b>	<b>CEO performance review - appointment of consultant</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM542</b>
<b>DATE OF REPORT</b>	<b>23 November 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - Confidential Quotation - CEO Performance Review - Shire of Menzies [15.2.1 - 5 pages]</li> <li>2. CONFIDENTIAL - Quote CEO Review 2022 [15.2.2 - 3 pages]</li> <li>3. CONFIDENTIAL - Re_RFQ - CEO Performance Review [15.2.3 - 2 pages]</li> </ol>

#### **SUMMARY:**

To provide Council with information to enable the selection of an external consultant to assist in the CEO's annual performance review.

#### **BACKGROUND:**

The CEO commenced employment with the Shire of Menzies on 11 January 2021. Under the terms of the CEO's employment contract (Clause 4.2), a performance review must be conducted at least annually. Section 4.3 of the contract stipulates that Council will appoint a reviewer in consultation with the CEO.

Shire of Menzies Policy 3.12 details the process to be followed to appoint an independent reviewer.

Shire of Menzies Policy 5.16 Division 3 sets out the standards for review of performance of CEOs and was an adopted model as required by amendments to the *Local Government Act 1995*.

#### **COMMENT:**

In accordance with the Shire of Menzies Purchasing Policy 4.2, three (3) quotes were requested with one (1) declining to quote.

The quotes received are contained within the confidential attachments.

The Officer Recommendation has been evaluated as the most suitable. The CEO agrees that either supplied quote is suitable as a reviewer.

**CONSULTATION:**

Cr Greg Dwyer, Shire President.

**STATUTORY AUTHORITY:**

*Local Government Act 1995.*  
*Fair Work Act 2009 (Cth).*

**POLICY IMPLICATIONS:**

Policy 3.12 - Annual Performance – Chief Executive Officer.

Policy 4.2 - Purchasing and Tenders.

Policy 5.16 - CEO Recruitment and Selection, Performance Review, and Termination.

**FINANCIAL IMPLICATIONS:**

Budgeted activity.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Failing to complete the review in a timely manner would be a breach of the employment contract.	Low.	Approval of a reviewer.

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

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 accepts the quote from Azure HR (Beilby Downing Teal) to complete the CEO annual performance review.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-116</b>
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**Moved: Cr S Sudhir**

**Seconded: Cr P Warner**

**That Council accepts the quote from Azure HR (Beilby Downing Teal) to complete the CEO annual performance review.**

<b>Carried</b>	<b>4 / 0</b>
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## **16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS**

Nil.

## **17 NEXT MEETING**

The next meeting will be held on 16 December 2021 at Menzies commencing at 1pm.

## **18 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 3.09pm.