



Agenda

Ordinary Council Meeting

14 December 2023

Notice of Meeting

Notice is hereby given that the next Ordinary Council Meeting of the Shire of Exmouth will be held on 14 December 2023, in the Mandu Function Room, Ningaloo Centre, 2 Truscott Crescent, Exmouth commencing at 4.00 pm.

A handwritten signature in black ink, appearing to be 'Ben Lewis', with a long horizontal stroke extending to the right.

Ben Lewis
CHIEF EXECUTIVE OFFICER

Disclaimer

The advice and information contained herein are given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note that this agenda contains recommendations which have not yet been adopted by Council.

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In particular and without derogating in any way from the broader disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Exmouth during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Exmouth. The Shire of Exmouth warns that anyone who has an application lodged with the Shire of Exmouth must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Exmouth in respect of the application.

SNAPSHOT

Strategic Community Plan 2023-2033



Your Choice. Our Future.

VISION

A globally recognised community of guardians for our unique environment and culture as we pursue innovations for sustainable growth.

GOALS

The goals are organised in five strategic pillars: Social, Natural Environment, Built Environment, Economy, and Governance and Leadership.

SOCIAL

Nurture a friendly, safe and inclusive community spirit.

- Improve local community and visitor experiences.
- Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life.
- Build community cohesion and connectedness.



GOVERNANCE & LEADERSHIP

Foster open, transparent & accountable leadership, working collaboratively & in partnership with our community & stakeholders.

- Forward-thinking leadership for efficient & sustainable operations.
- Continued focus on transparent, accountable leadership & community & stakeholder engagement.
- Council & administration plan & lead with good governance.



ECONOMY

Enhance a robust, resilient & diversified economy that champions innovation.

- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

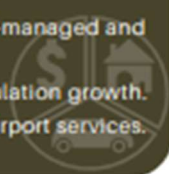
- Establish Exmouth as a clean and green town.
- Prepare Exmouth for changing environmental conditions.
- Increase awareness of sustainability and environmental issues.



BUILT ENVIRONMENT

Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry.

- Infrastructure and assets are well-managed and maintained.
- Plan and cater for increased population growth.
- Revitalisation and expansion of airport services.



Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)
Local Government Act 1995 (Section 5.65, 5.70, 5.71 & 5.71(B))

To: Chief Executive Officer

Name [Click here to enter text.](#)

Elected Member Committee Member Employee Contractor

Ordinary Council Meeting held on [Click here to enter text.](#)

Special Council Meeting held on [Click here to enter text.](#)

Committee Meeting held on [Click here to enter text.](#)

Other [Click here to enter text.](#)

Report No [Click here to enter text.](#)

Report Title [Click here to enter text.](#)

Type of Interest (*see overleaf for further information)

Proximity Financial Impartiality

Nature of Interest

[Click here to enter text.](#)

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

[Click here to enter text.](#)

Signed: _____ Date: [Click here to enter text.](#)

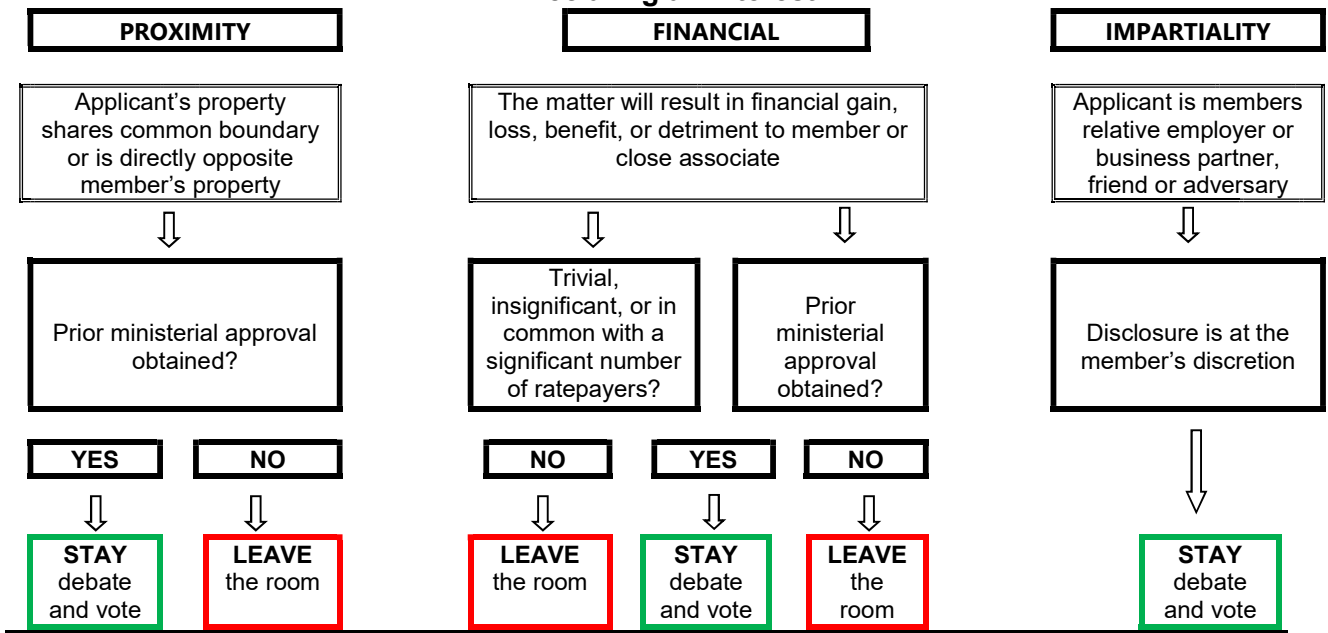
- **Note 1** - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.
- **Note 2:** For Ordinary meetings of the Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.
- **Note 3:** Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

CEO: _____ Signed: _____ Date: _____

OFFICE USE ONLY

Particulars recorded in Minutes Particulars recorded in Register

*** Declaring an Interest**



Local Government Act 1995 – Extract

s.5.60A - Financial Interest

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

s.5.60B – Proximity Interest

A person has a proximity interest in a matter if the matter concerns —
 (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
 (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
 - (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know: (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports

- (1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.
- (2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).
- (3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

Local Government (Administration) Regulations 1996 – Extract - In this clause and in accordance with Regulation 19AA "Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

AGENDA INDEX

1.	DECLARATION OF OPENING AND ANNOUNCEMENTS.....	7
2.	ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE	7
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4.	PUBLIC QUESTION TIME.....	7
5.	DECLARATIONS OF INTEREST.....	7
6.	APPLICATIONS FOR LEAVE OF ABSENCE	7
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	8
8.	ANNOUNCEMENTS/ REPORTS OF ELECTED MEMBERS.....	8
9.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	8
10.	PETITIONS/ DEPUTATION/PRESENTATIONS/ SUBMISSIONS	8
11.	MATTERS ARISING FROM COMMITTEES OF COUNCIL.....	9
11.1.1	AUDIT COMMITTEE MEETING – 12 DECEMBER 2023.....	9
12.	REPORTS OF OFFICERS.....	10
12.1.1	AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY.....	10
12.1.2	ORDINARY COUNCIL MEETING DATES 2024	13
12.1.3	COUNCIL POLICY MANUAL REVIEW	16
12.1.4	DELEGATION REGISTER REVIEW	19
12.1.5	COUNCIL MEMBER CHARTER	22
12.3.1	AWARD TENDER RFT 06/2023 PROVISION OF CLEANING SERVICES	25
12.4.1	FINANCIAL STATEMENT FOR PERIOD ENDING 31 OCTOBER 2023.....	28
12.4.2	LIST OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 2023	30
12.4.3	FINANCIAL STATEMENT FOR PERIOD ENDING 30 NOVEMBER 2023	32
12.4.4	LIST OF ACCOUNTS FOR PERIOD ENDING 30 NOVEMBER 2023	34
12.4.5	ANNUAL REPORT AND ANNUAL ELECTORS MEETING DATE.....	36
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	38
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING ...	38
15.	MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS.....	38
16.	CLOSURE OF MEETING	38

1. Declaration of Opening and Announcements

2. Attendance, Apologies and Approved Leave of Absence

Shire President M (Matthew) Niikkula
Councillor D (Darlene) Allston
Councillor J (Jackie) Brooks Deputy Shire President
Councillor D (David) Gillespie
Councillor T (Todd) Bennett
Councillor K (Kristy) Devereux
Mr Ben Lewis Chief Executive Officer
Mr Mike Richardson Executive Manager Infrastructure Services
Ms Michelle Head Minute Taker

3. Response to Previous Public Questions Taken on Notice

Question taken on notice from the October Ordinary Council meeting received from Mr Alan Duncan.

4. Public Question Time

In accordance with section 5.24 of the *Local Government Act 1995*, a 15-minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the Shire President's discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the Shire President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

5. Declarations of Interest

Nil

6. Applications for Leave of Absence

The *Local Government Act 1995* (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for a leave of absence.

7. Confirmation of Minutes of Previous Meetings

That the Minutes and associated attachment of the Ordinary Council Meeting of the Shire of Exmouth held on 25 October 2023 be confirmed as a true and correct record of proceedings

8. Announcements/ Reports of Elected Members

9. Announcements by the Presiding Person without Discussion

10. Petitions/ Deputation/Presentations/ Submissions

11. Matters Arising from Committees of Council

11.1.1 AUDIT COMMITTEE MEETING – 12 DECEMBER 2023

The Audit Committee Meeting is scheduled to occur on the 12 December 2023.

The unconfirmed minutes of the Audit Committee meeting will be recommended to Council at this Ordinary Council Meeting.

12. Reports of Officers

EXECUTIVE SERVICES

12.1.1 AFFIXING COMMON SEAL UNDER DELEGATED AUTHORITY

File Reference	GV.AU.1
Reporting Officer	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Date of Report	23 November 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Nil

Purpose

1. To advise Council of the documents that have had the Shire of Exmouth common seal affixed under delegated authority since the last council meeting on the 25 October 2023.

Background

2. There have been five documents that have had the Shire's common seal affixed under delegated authority since the last Council meeting.

Comment

3.

Document	Details	Parties
Contract Variation	Employment Contract	Shire of Exmouth and employee
Sub Lease	Learmonth Airport Café	Shire of Exmouth and Sara Darielle Dunnett
Memorandum of Understanding	Extension of MOU: 13/05/23 – 04/08/23	Shire of Exmouth and Department of Local Government Sport & Cultural Industries.
Memorandum of Understanding	Extension of MOU: 06/11/23 – 06/05/24	Shire of Exmouth and Department of Local Government Sport & Cultural Industries.
Contract Agreement	Construction of Learmonth Airport Breakout Room	Shire of Exmouth and Norcape Building Company

Consultation

4. Nil

Statutory Environment

5. Local Government Act 1995, Part 9, Division 3, s9.49A (1)(2) Execution of Documents
 - (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
 - (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
 - (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and

(b) the CEO,
 each of whom is to sign the document to attest that the common seal was so affixed.

Policy Implications

6. Nil

Financial Implications

7. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance (operational) – That executed documents would be void if the common seal was not affixed in accordance with the requirements of the <i>Local Government Act 1995</i>	Almost Certain	Major	Extreme	Council to endorse the use of the common seal

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

8. Nil

Strategic Alignment

9. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

10. Simple Majority

Officers Recommendation		Item 12.1.1
That Council ACCEPT that the common seal has been affixed under delegated authority to the following documents:		
Document	Details	Parties
Contract Variation	Employment Contract	Shire of Exmouth and employee
Sub Lease	Learmonth Airport Café	Shire of Exmouth and Sara Darielle Dunnett

Memorandum of Understanding	Extension of MOU: 13/05/23 – 04/08/23	Shire of Exmouth and Department of Local Government Sport & Cultural Industries.
Memorandum of Understanding	Extension of MOU: 06/11/23 – 06/05/24	Shire of Exmouth and Department of Local Government Sport & Cultural Industries.
Contract Agreement	Construction of Learmonth Airport Breakout Room	Shire of Exmouth and Norcape Building Company

12.1.2 ORDINARY COUNCIL MEETING DATES 2024

GV.CM.0	GV.CM.0
Reporting Officer	Executive Secretary
Responsible Officer	Chief Executive Officer
Date of Report	23 November 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Nil

Purpose

1. That Council considers the proposed Ordinary Council meeting dates for 2024.

Background

2. Council is required to give local public notice of Ordinary Council meetings prior to the beginning of the year in which the meetings are held per reg.12(1) of the *Local Government (Administration) Regulations 1996*.
3. In 2023, Ordinary Council meetings occurred on the fourth Thursday of the month commencing at 4.00 pm, noting there was no meeting scheduled for January or April (due to the Total Solar Eclipse).

Comment

4. It is recommended that the current cycle of meetings held on the fourth Thursday of each month continues with the exception of March, April and September which coincide with public and school holidays.
5. The proposed 2024 Ordinary Council meeting dates are as:
 - 22 February
 - 21 March
 - 18 April
 - 23 May
 - 27 June
 - 25 July
 - 22 August
 - 19 September
 - 24 October
 - 21 November
 - 12 December

Consultation

6. Executive Management Team
7. Shire President

Statutory Environment

8. Local Government Act s 5.25 (1)(G)
(g) *the giving of public notice of the date and agenda for council or committee meetings*
6. Local Government (Administration) Regulations 1996 Reg 12(1)(2)(a)
(1) *In this regulation —*
meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
 (a) ordinary council meetings;

Policy Implications

9. Nil

Financial Implications

10. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Not meeting local government act requirements by failing to confirm and advertise future OCM dates.	Unlikely	Major	Moderate	Council to endorse the future OCM calendar for the 2024 calendar year.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

11. Nil

Strategic Alignment

12. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

13. Simple Majority

<p>Officers Recommendation</p> <p>That Council endorse the following dates for Ordinary Council meetings for 2023 commencing at 4.00pm:</p> <ul style="list-style-type: none"> • 22 February • 21 March • 18 April • 23 May • 27 June • 25 July • 22 August • 19 September • 24 October • 21 November 	<p>Item 12.1.2</p>
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- 12 December

12.1.3 COUNCIL POLICY MANUAL REVIEW

File Reference	CM.PO.14
Reporting Officer	Executive Secretary
Responsible Officer	Chief Executive Officer
Date of Report	28 November 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Council Policy Manual

Purpose

1. That Council considers the reviewed Council Policy Manual for adoption as per Attachment 1.

Background

2. Council policy set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision, and strategic direction of the Shire.
3. An annual review (financial year) of all Council policies is undertaken to adhere to the Shire of Exmouth Compliance Calendar, which is the basis of the Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries annually.
4. The *Local Government Act 1995* empowers Council in the determination of policy under s2.7 Role of Council - "(2) (b) determine the local government's policies."
5. In December 2022 the Council Policy manual underwent a major review which was conducted by local government consultant, Mr Steve Tweedie. The review incorporated consultation with the Executive Management Team and Shire staff to ensure compliance with legislation as well as meeting the requirements of the Shire of Exmouth.

Comment

6. This recent review of Council Policy manual was a desktop review which identified minor updates to position titles, Act and legislation references and grammatical and formatting.
7. The following updates were identified:

New		
ES022	Council Members Communications and Social Media policy	
Removed		
ES017	Councillor Contact with Shire Employees	Covered in Councillor Induction program.
ES019	Citizenship Ceremonies	Covered by the Australian Citizenship Ceremonies Code which follows the requirements of the Australian Citizenship Act 2007.
CS0007	Significant Accounting Policy	Council is required to meet accounting standards, these standards are a legislative requirement and therefore a policy is not required.
CS005	Recovery of Rates	Process is captured in CS011 Debt Recovery Policy

CEG001	Temporary Accommodation – Ningaloo Eclipse Event	Ningaloo Eclipse Event has occurred, and the policy is no longer required.
CEG003	Community Sports and Recreation Facilities Funding (CSRFF) Small Grant	This policy was created and implemented in 2019. Council does not have the financial resources to assist clubs. The removal of this policy does not preclude clubs and organisations from applying for interest free loans through policy CS015.

Consultation

8. Executive Management Team

Statutory Environment

9. *Local Government Act 1995 s.2.7(2)(b)*

2.7. *Role of council*

(1) *The council —*

(a) *governs the local government's affairs; and*

(b) *is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

(a) *oversee the allocation of the local government's finances and resources; and*

(b) *determine the local government's policies.*

Policy Implications

10. If the officer's recommendation is approved by Council current manual will be replaced.

Financial Implications

11. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Non-compliance with LGA Act 1995; annual review of policy.	Almost Certain	Moderate	High	Undertake an annual review of all council policies.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

12. Council may consider declining the recommendation provided by the reporting officer.

Strategic Alignment

13. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p>
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- 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement
- 5.3 Council and administration plan and lead with good governance

Voting Requirements

14. Absolute Majority

Officers Recommendation

Item 12.1.3

That Council:

1. Revoke the existing Council Policy Manual – 15 December 2022 in its entirety; and
2. Approve the annual review of the Council Policy Manual – 14 December 2023 as at Attachment 1 to this report.

12.1.4 DELEGATION REGISTER REVIEW

File Reference	GV.AU.2
Reporting Officer	Executive Secretary
Responsible Officer	Chief Executive Officer
Date of Report	29 November 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Delegation Register

Purpose

1. That Council considers the annual review of the Shire of Exmouth's Delegation Register for adoption as per Attachment 1.

Background

2. Local Governments are empowered under a number of sections of State Government legislation (Acts and Regulations) to perform certain duties and exercise certain powers.
3. In many instances, legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Government to perform duties, but often the Act or Regulations (particularly the *Local Government Act 1995*) default to the Local Government Council with the ability to delegate some of its powers and duties to the CEO in order to expedite the effective operations and implementation of the Shire's functions.
4. The local government cannot delegate the following powers or duties to the CEO:
 - a. any power or duty that requires a decision of an absolute majority of the council;
 - b. accepting a tender that exceeds an amount determined by the local government (currently at \$500,000 as set by Council);
 - c. appointing an auditor;
 - d. acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government (currently \$500,000 for acquisitions and \$20,000 for disposal).
 - e. any of the local government's powers under s.5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.129 of the Act relating to payments and gifts to council members;
 - f. borrowing money on behalf of the local government;
 - g. hearing or determining an objection of a kind referred to in section 9.5 of the Act;
 - h. the power under s.9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government;
 - i. any power or duty that requires the approval of the Minister or the Governor;
 - j. such other powers or duties as may be prescribed by regulation.
5. Delegations granted under s.5.42 of the Act are to be in writing and may be general or as otherwise provided in the instrument of delegation.

Comment

6. The delegation register is required to be reviewed and presented to Council for adoption in accordance with s. 5.46(2) *Local Government Act 1995*.
7. This recent review of the delegation register identified minor updates, such as position titles, Act, legislation and council policy references, as well as grammatical and formatting updates.
8. The following new delegations were proposed:

6.1.8 - Keeping of Multiple Dogs	The express power to delegate this duty is derived from the <i>Dog Act 1976</i> and provides delegation to the CEO to determine applications to keep between three and six dogs on a property.
10.1.1 – Power of Local Government to Destroy Vegetation or Premises in Cyclone Area	The express power to delegate this duty is derived from the <i>Emergency Management Act 2005</i> and provides delegation to the CEO to carry out the powers and the function of the local government during a cyclone under Part 3 Division 3 of the Act.
12.3.2 – Traffic Management – Events on Roads	The express power to delegate this duty is derived from the <i>Main Roads Act 1930</i> and provides authorisation to the Shire of Exmouth and its representatives to erect, establish, display or take down such road signs for the purpose of an event.

9. The register is based on the WALGA template to ensure that uniformity is consistent throughout. The delegations, as presented, are current and consistent with the legislation. They are pertinent to the day to day functions/operations and will allow the organisation to operate efficiently, effectively, and productively in the interest of good governance.

Consultation

10. Executive Management Team

Statutory Environment

11. *Local Government Act 1995*

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

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

5.42. Delegation of some powers and duties to CEO

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

5.43. Limits on delegations to CEO

- A local government cannot delegate to a CEO any of the following powers or duties —*
- (a) *any power or duty that requires a decision of an absolute majority of the council;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.129;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*

- (h) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (i) any power or duty that requires the approval of the Minister or the Governor;
- (j) such other powers or duties as may be prescribed.

Policy Implications

12. Nil

Financial Implications

13. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance – The Delegation Register is not endorsed by Council would result in non-compliance with the Local Government Act.	Almost Certain	Moderate	High	The review will ensure compliance in reviewing the delegation manual annually.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

14. Nil

Strategic Alignment

15. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

16. Absolute Majority

Officers Recommendation	Item 12.1.4
<p>That Council:</p> <ol style="list-style-type: none"> 1. Revoke the existing Delegation Register – 15 December 2022 in its entirety; and 2. Adopt the revised Delegation Register – 14 December 2023 as at Attachment 1 to this report. 	

12.1.5 COUNCIL MEMBER CHARTER

File Reference	GV.CO.0 (ICR52810)
Reporting Officer	Coordinator Communications & Marketing
Responsible Officer	Chief Executive Officer
Date of Report	5 December 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	Shire of Exmouth Council Member Charter

Purpose

1. That Council considers the Shire of Exmouth Council Member Charter for endorsement as per Attachment 1.

Background

2. The role of a Councillor is a unique, complex, yet privileged position that can make a real difference in people's lives by focusing on improving social, economic and environmental well-being.
3. To enhance outcomes for Council Members as Councillors, it is imperative that all members collaborate in a manner that prioritises the community's best interests, safety, and well-being.
4. The Shire of Exmouth Council Member Charter serves as a guiding vision for the Council, fostering a sense of unity and teamwork. It provides a reference point for decision-making and guides day-to-day behaviour for all Council Members, including:
 - a. Ensuring buy-in from all Council Members.
 - b. Building a collegiate Council working for the community.
 - c. Holding all Council Members accountable.
 - d. Clarifying roles and responsibilities within the Shire.
 - e. Demonstrating the Council's purpose to the Shire of Exmouth Administration, community and all other stakeholders.
 - f. Providing clarity and reducing confusion in cases where conflicts may arise.
 - g. Setting the standard for the Shire of Exmouth on how to behave.
5. Council Members unanimously committed to upholding the principles outlined in the Shire of Exmouth Council Member Charter.

Comment

6. The Shire of Exmouth Council Member Charter provides Council Members with a robust framework, that is flexible to local needs, ensures effective leadership, equips members with the support they need, and provides resilience in times of challenge.
7. This collective adherence to the Shire of Exmouth Council Member Charter aims to enhance decision-making within the Council and create a secure environment that empowers all Council Members to fully support and accomplish the established Council Goals guided by the Strategic Community Plan 2023-2033, and consequently its reviewed versions as per the Local Government Act 1995 – s.5.56 and the Local Government (Administration) Regulations 1996 - s. 19C, 19D.

Consultation

8. Council Members
9. Executive Management Team

10. Shayne Silcox Strategic Leadership Consultant

Statutory Environment

11. Nil

Policy Implications

12. Nil

Financial Implications

13. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance Ineffective Council Meetings and insufficient/delayed decision-making process.	Almost Certain	Major	Extreme	Adopt a robust framework, that is flexible to local needs, ensures effective leadership, equips members with the support they need, and provides resilience in times of challenge
Financial Delayed administrative actions due to delayed decision-making, missing approvals, and risk of missing essential deadlines or lobbying opportunities while limited revenue streams accessible to the Shire.	Possible	Catastrophic	Extreme	All Council Members unanimously commit to upholding the principles outlined in the Shire of Exmouth Council Member Charter and create a secure environment that empowers all Council Members to fully support and accomplish the established Council Goals guided by the Strategic Community Plan.
Reputational Council is perceived as lacking unity and efficiency, making some question its ability to effectively govern the Shire.	Possible	Minor	Moderate	All Council Members unanimously commit to upholding the principles outlined in the Shire of Exmouth Council Member Charter, uphold and support decisions made by Council publicly and lead by example for the Exmouth community.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

14. Council may consider declining the recommendation provided by the reporting officer.

Strategic Alignment

15. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	Nurture a friendly, safe and inclusive community spirit 1.3 Building Community cohesion and connectedness
Governance & Leadership	Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders 5.1 Forward-thinking leadership for efficient and sustainable operations 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement 5.3 Council and administration plan and lead with good governance

Voting Requirements

16. Absolute Majority

Officers Recommendation	Item 12.1.5
That Council endorse and sign the Shire of Exmouth Council Member Charter as per Attachment 1.	

INFRASTRUCTURE SERVICES

12.3.1 AWARD TENDER RFT 06/2023 PROVISION OF CLEANING SERVICES

File Reference	CM.TE.06.2023
Reporting Officer	Executive Manager Infrastructure Services
Responsible Officer	As above
Date of Report	5 December 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1 - Confidential Evaluation Report

Purpose

1. That Council awards Tender 06/2023 Provision of Cleaning Services as per the recommendation in the Confidential Evaluation Report – (Attachment 1)

Background

2. At its May 2019 Ordinary Council Meeting, Council awarded a request for tender for the Provision of Cleaning Services to HT Services for the cleaning of the Ningaloo Centre for a 3-year period and they remain the incumbent contractor.
3. For the Shires public amenity and infrastructure cleaning Council entered into a separate contract with Kleenit in January 2020 also for a 3-year tenure.
4. Unfortunately, Kleenit withdrew from its contract in January 2022 and HT Cleaning Services have been performing the public amenity and infrastructure cleaning in an interim capacity until a new cleaning contract can be formalised.
5. Most of the Shires other buildings not included in the current contract were cleaned by the depot staff. This has recently changed, and HT Cleaning Services are currently undertaking the cleaning of these Shire assets primarily because of the impact cleaning was having on the ability for depot staff to perform the key activities of their operational roles.
6. The Learmonth Airport (arrival and departure lounges and heliport) and Partridge Memorial Swimming Pool are the only Shire assets which are still cleaned by in-house labour. Cleaning activities are performed by the airport screening staff and pool Duty Manager as part of their operational duties.
7. The original contract with HT Cleaning Services has expired and Shire officers have taken the opportunity to consolidate all the organisations cleaning requirements into the scope of work of one contract.

Comment

8. The outsourcing of its cleaning services allows for the opportunity for Council to provide an important cleaning regime for its building assets.
9. Not only is good cleaning a critical maintenance element but it delivers a level of professionalism to the presentation of its public facilities.

10. Removing cleaning from the activities of Shire staff provides greater operational flexibility, negates the need to use staff after hours (i.e. town centre mall cleaning) and allows staff to focus on the key aspects of their roles.
11. RFT 06/2023 Provision of Cleaning Services was uploaded to the Shire of Exmouth TenderLink portal and advertised in the West Australian newspaper on 23 September 2023. It was also advertised in the Pilbara News on 28 September 2023.
12. The tender period closed 2pm, 20 October 2023 and 4 submissions were received.
13. The evaluation of the tender submissions can be viewed in the Confidential Evaluation Report (Attachment 1)

Consultation

14. Shire asset and operational managers

Statutory Environment

15. s3.57 of the *Local Government Act 1995*
16. *Local Government Regulation 1996* (Function and General) Part 4, Division 2 section 14.

Policy Implications

17. CS001 Procurement Policy
18. CS002 Regional Price Preference Policy

Financial Implications

19. The costs associated with the award of this tender is accommodated in the operational budgets of the various asset managers within the Shires 2023/24 budget.
20. The tender format is a schedule of rates and as such the annual cost of cleaning will be determined by the regularity and frequency of works the contractor is asked to undertake.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<u>Performance</u> Irregular or poor cleaning can increase maintenance or reduce the life of the asset	Likely	Moderate	High	Regular good quality cleaning will improve the life of the asset
<u>Financial</u> Irregular or poor cleaning can increase maintenance and shorten renewal intervals increasing whole of life costs	Likely	Major	High	Regular good quality cleaning will improve the life of the asset
<u>Environmental</u> Poor cleaning can impact the health and wellbeing of staff and public	Possible	Moderate	Moderate	Regular good quality cleaning will contribute to minimising health and wellbeing risks
<u>Reputational</u> Public complaints regarding unclean public facilities	Almost Certain	Moderate	High	Regular good quality cleaning will minimise public complaints

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)

Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

21. Council may decide to not accept the officer’s recommendation and refuse to award the tender.

Strategic Alignment

22. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Social	<p>Nurture a friendly, safe and inclusive community spirit</p> <p>1.1 Improve local community and visitor experiences.</p> <p>1.2 Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life</p>
Built Environment	<p>Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry</p> <p>3.1 Infrastructure and assets are well-managed and maintained</p> <p>3.2 Plan and cater for increased population growth</p> <p>3.3 Revitalisation and expansion of airport services</p>
Economy	<p>Enhance a robust, resilient and diversified economy that champions innovation</p> <p>4.1 Increase opportunities for smart and sustainable business ideas</p> <p>4.2 Establish Exmouth as a vibrant, welcoming and environmentally aware destination</p>
Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>

Voting Requirements

23. Absolute Majority

Officers Recommendation	Item 12.2.1
That Council	
<ol style="list-style-type: none"> AWARD the contract for Tender 06/2023 Provision of Cleaning Services to HT Cleaning Services accepting their tendered schedule of rates; and APPROVE the Chief Executive Officer to apply the common seal of the Shire of Exmouth to the contract between the Shire and HT Cleaning Services. 	

CORPORATE SERVICES

12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 31 OCTOBER 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	6 December 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as at 31 October 2023

Purpose

1. That Council accepts the financial report for the financial period ending 31 October 2023.

Background

2. The provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* Regulation 34 requires a statement of financial activity be presented at ordinary meeting of council within 2 months of the period end date (refer Attachment 12.4.1).

Comment

3. As at 31 October 2023, the operating revenue is on target. The variances mainly relate to the timing of aviation income, the financial assistance grant being paid in advance and the timing of term deposits maturities.
4. Operating expenditure is under budget by \$1,294,114 (17.66%). Variances are due to the timing of maintenance and operational projects. Employee costs are tracking under budget as a result of vacancies.
5. The capital expenditure program is under way and is tracking under budget. Council has expended \$1,346,207 of the proposed capital budget of \$10.5m. The timing and milestone requirements also impact our capital revenue which is tracking under budget.
6. Rates were levied on 31 July 2023. Rates collected as at 31 October 2023 were 73.8% - on a par with the rates collection for the same period last year.

Consultation

7. Nil

Statutory Environment

8. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
9. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a nature/type level, variance commentary considers the most significant items that comprise the variance.

Policy Implications

10. Nil

Financial Implications

11. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995.	Rare	Insignificant	Very Low	That Council receives the financial activity statements as required by legislation.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

12. Nil

Strategic Alignment

13. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

14. Simple Majority

Officers Recommendation	Item 12.4.1
That Council RECEIVES the financial report for the financial period ending 31 October 2023.	

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 31 OCTOBER 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	6 December 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 31 October 2023

Purpose

1. That Council receives payments made since the previous Ordinary Council Meeting.

Background

2. Local Government (Financial Management) Regulations 1996, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

Comment

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 1).

Payments

Municipal Fund totalling \$1,932,406.70
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,932,406.70

Consultation

5. Nil

Statutory Environment

6. Payments are to be made in accordance with Part 6, Division 4 of the Local Government Act 1995 and as per the Local Government (Financial Management) Regulations 1996. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

Policy Implications

7. CS001 (Procurement)
8. CS002 (Regional Price Preference Policy)
9. CS004 (Corporate Transaction Cards)
10. CS008 (Investments)
11. CS012 (Reserve Funds)

Financial Implications

12. Payments are made under delegated authority and are within defined and approved budgets.
 Payment is made within agreed trade terms and in a timely manner.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Very Low	That Council receives the list of payments as required by legislation.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

13. Nil

Strategic Alignment

14. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

15. Simple Majority

Officers Recommendation	Item 12.4.2
That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of October 2023 (totalling \$1,932,406.70).	

12.4.3 FINANCIAL STATEMENT FOR PERIOD ENDING 30 NOVEMBER 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	6 December 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Monthly Financial Report as at 30 November 2023

Purpose

1. That Council accepts the financial report for the financial period ending 30 November 2023.

Background

2. The provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 Regulation 34 requires a statement of financial activity be presented at ordinary meeting of council within 2 months of the period end date (refer Attachment 1).

Comment

3. As at 30 November 2023, the operating revenue is on target. The variances mainly relate to the timing of aviation income, the financial assistance grant being paid in advance and the timing of term deposits maturities.
4. Operating expenditure is under budget by \$1,470,804 (16.41%). Variances are due to the timing of maintenance and operational projects. Employee costs are tracking under budget as a result of vacancies.
5. The capital expenditure program is under way and is tracking under budget. Council has expended \$1,457,782 of the proposed capital budget of \$10.5m. The timing and milestone requirements also impact our capital revenue which is tracking under budget.
6. Rates were levied on 31 July 2023. Rates collected as at 30 November 2023 were 79.6% - nearly on a par with the rates collection for the same period last year.

Consultation

7. Nil

Statutory Environment

8. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
9. In accordance with Local Government (Financial Management) Regulations 1996 Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a nature/type level, variance commentary considers the most significant items that comprise the variance.

Policy Implications

10. Nil

Financial Implications

11. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995.	Rare	Insignificant	Very Low	That Council receives the financial activity statements as required by legislation.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

12. Nil

Strategic Alignment

13. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership

Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders

- 5.1 Forward-thinking leadership for efficient and sustainable operations
- 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement
- 5.3 Council and administration plan and lead with good governance

Voting Requirements

14. Simple Majority

Officers Recommendation	Item 12.4.3
That Council RECEIVES the financial report for the financial period ending 30 November 2023.	

12.4.4 LIST OF ACCOUNTS FOR PERIOD ENDING 30 NOVEMBER 2023

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	6 December 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. List of Accounts for period ending 30 November 2023

Purpose

1. That Council receives payments made since the previous Ordinary Council Meeting.

Background

2. Local Government (Financial Management) Regulations 1996, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

Comment

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 1).

Payments

Municipal Fund totalling \$1,036,879.32
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$NIL
Incorporating electronic payments.

Total Payments: \$1,036,879.32

Consultation

5. Nil

Statutory Environment

6. Payments are to be made in accordance with Part 6, Division 4 of the Local Government Act 1995 and as per the Local Government (Financial Management) Regulations 1996. Payments are to be made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

Policy Implications

7. CS001 (Procurement)
8. CS002 (Regional Price Preference Policy)
9. CS004 (Corporate Transaction Cards)
10. CS008 (Investments)
11. CS012 (Reserve Funds)

Financial Implications

12. Payments are made under delegated authority and are within defined and approved budgets.
 Payment is made within agreed trade terms and in a timely manner.

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Very Low	That Council receives the list of payments as required by legislation.

Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

13. Nil

Strategic Alignment

14. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

15. Simple Majority

Officers Recommendation	Item 12.4.4
That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of November 2023 (totalling \$1,036,879.32).	

12.4.5 ANNUAL REPORT AND ANNUAL ELECTORS MEETING DATE

File Reference	FM.FI.0
Reporting Officer	Manager Finance
Responsible Officer	As above
Date of Report	6 December 2023
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. 2022/2023 Annual and Financial Report

Purpose

1. That Council consider accepting the Annual Report for the year ending 30 June 2023 and set a date for convening an Annual Electors Meeting.

Background

2. Council are to prepare an Annual Report for each financial year and the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by Council.

Comment

3. Legislatively, Council is required to accept the annual report by 31 December after the financial year or if the Auditor's report is not available by this date, no later than 2 months after the Auditor's report becomes available. The Annual Financial Report and Audit Opinion Report were received on 6 December 2023.
4. Both reports were presented to the Audit Committee on the 12 December 2023 and the committee have reviewed the reports and have recommended them to Council.
5. Council is required to publicly advertise the Annual Report for the community to view for a period of 14 days, after which an Annual Electors Meeting can be held. However, this must be within 56 days of accepting the annual report, therefore the meeting cannot be held later than 8 February 2024.
6. It is recommended the Annual Electors Meeting be held on 8 February 2024 commencing at 6pm in the Mandu Function Centre at the Ningaloo Centre, Truscott Crescent Exmouth.

Consultation

7. Local public notice of the availability of the Annual Report, the date set for the annual General Meeting of Electors will be provided in the Pilbara Newspaper, Shire and Library noticeboards.

Statutory Environment

8. Sections 5.26, 5.27, 5.53, 5.54 of the *Local Government Act 1995*

Policy Implications

9. Nil

Financial Implications

10. Nil

Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial/Compliance/Performance Council does not accept the Annual Financial Report	Unlikely	Minor	Low	Officers work with the auditors to ensure timeliness and accuracy to ensure compliance with the prescribed time period in accordance with the Act.

Risk Matrix

Consequence Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Alternate Options

11. Nil

Strategic Alignment

12. This item is relevant to the Council’s approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.

Governance & Leadership	<p>Foster open, transparent & accountable leadership, working collaboratively and in partnership with our community and stakeholders</p> <p>5.1 Forward-thinking leadership for efficient and sustainable operations</p> <p>5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement</p> <p>5.3 Council and administration plan and lead with good governance</p>
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Voting Requirements

13. Absolute Majority

<p>Officers Recommendation</p> <p>That Council:</p> <ol style="list-style-type: none"> ACCEPT the Annual Report for the financial year ended 30 June 2023; and AUTHORISE the Annual Electors Meeting scheduled to be held in the Mandu Mandu Function Centre at the Ningaloo Centre, Truscott Crescent Exmouth on 8 February 2024 commencing at 6 pm. 	<p>Item 12.4.5</p>
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13. Elected Members Motions of which Previous Notice has Been Given

14. New Business of an Urgent nature introduced by Decision of Meeting

15. Matters to be considered Behind Closed Doors

16. Closure of Meeting