



murchisonshire

Ancient land under brilliant skies

Minutes of the Ordinary Meeting of the

Murchison Shire Council

held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
on Thursday **22 February 2024**, commencing at 12.00 noon.

Ancient land under brilliant skies

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ATTACHMENTS

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 12.00 noon.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Councillors

Cr R Foulkes-Taylor
Cr A Whitmarsh
Cr E Foulkes-Taylor
Cr Q Fowler
Cr G Mead
Cr M Fowler

Staff

Bill Boehm – CEO
William Herold – Works Manager
Lisa Keen – Executive Manager/DCEO
Travis Bate (RSM) – Financial Accountant

Visitors

Chris Brayton (CSIRO) and Ant Schinckel (SKAO)

3 CONFIRMATION OF MINUTES

3.1 Ordinary Council Meeting – 16 December 2023

Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Recommendation

That the minutes of the Ordinary Council meeting held on 16 December 2023 be confirmed as an accurate record of proceedings.

Voting Requirements:

Simple Majority

Council Decision

Moved: Cr A Whitmarsh

Seconded: Cr G Mead

That the minutes of the Ordinary Council meeting held on 16 December 2023 be confirmed as an accurate record of proceedings.

Carried

For 6

Against 0

4 DISCLOSURE OF INTERESTS

Item 19.1 Cr R Foulkes Taylor & Cr E Foulkes Taylor Impartiality Interest

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 STANDING ORDERS

Matter for Consideration

It has been customary practice in the interests of a productive meeting in relation to the Conduct of Members during debates for the Council suspend Standing Orders 8.2 (Limitation on Number of speeches) and 8.3 (Duration of Speeches) under Local Law 2001. To facilitate this, the following recommended resolution is required.

Recommendation

That the following Local Law-Standing Orders 2001 be stood down:

- 8.2 Limitation on the number of speeches
- 8.3 Duration of speeches

Voting Requirements

Simple Majority

Council Decision

Moved: Cr M Fowler

Seconded: Cr E Foulkes-Taylor

That the following Local Law-Standing Orders 2001 be stood down:

- 8.2 Limitation on the number of speeches
- 8.3 Duration of speeches

Carried	For	6	Against	0
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7 PUBLIC QUESTION TIME

Nil

8 NEXT MEETING

Thursday 28 March 2024

9 APPLICATIONS FOR LEAVE OF ABSENCE

Cr G Mead indicated he may be absent for the next March Meeting and requested a Leave of Absence

Council Decision

Moved: Cr A Whitmarsh

Seconded: Cr M Fowler

That Cr G Mead be granted Leave of Absence for the next March 2024 Ordinary Meeting of Council

Carried	For	6	Against	0
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10 URGENT BUSINESS

Nil

11 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

17.1.1 Account Listings Paid since the last list was presented to Council.

21.1 Rates Recovery Update

12 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

13 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

12.04pm Chris Brayton (CSIRO) and Ant Schinkel (SKAO)

Report of Discussions

SKA Route

The Shire President outlined Council's concern over the condition of the route now that SKAO's operations had commenced in earnest and the need for the Shire, CSIRO and SKAO to work together to improve the situation, including accessing additional State Government funds. All agreed.

The Shires maintenance agreement with Main Roads WA had seen the emphasis change from resheet works towards maintenance grading with the costs increasing at an alarming rate such that the amount allocated from the State Government would likely be consumed well before completion of SKAO's construction works. This will be compounded with costs associated with maintenance of the Geraldton gravel section on the Carnarvon-Mullewa Road, also required to be funded from amounts allocated by the State Government.

It was noted that SKAO associated traffic use on sections of the Beringarra-Pindar and Boolardy-Kalli Roads between the SKAO camp and site is disproportionate compared with traffic generated from Mullewa and which seemed to the Shire as being outside of the Main Roads WA funding agreement, with these sections of road use akin to a "haul road". Additional maintenance works were also being experienced on a section of the Beringarra-Pindar Road north from the Boolardy-Kalli turnoff associated with SKAO construction traffic accessing water and gravel. This work appears outside of the Main Roads WA SKA Route funding agreement and directly impacts on the Shires budget.

Ant Schinckel acknowledged the situation and indicated that he had undertaken some research on what traffic information was provided at the time to Main Roads to see if there was a significant change. SKAO were also working on determining future projections for the next 3 years.

It was also acknowledged that around half or more of the funding allocated by the State to provide all weather access to the SKA site was used to fund significant upgrades at the Twin-Peaks-Wooleen crossing over the Murchison River, realignment of the Beringarra-Pindar Road at Boolardy Station and construction of concrete floodways at the Boolardy Creek and Roderick River, all of which were non volume traffic related.

Ant Schinckel also raised the issue of dust at the Site Camp, Beringarra-Pindar / Boolardy Kalli intersection and the turn off into the SKA site and a desire that these areas be sealed at no cost to Council; subject to meeting the standards of work required the Shire.

It was agreed after Chris Brayton suggested that CSIRO as the lead Science Agency should in the first instance facilitate discussions with the State Government outside of Main Roads WA concerning securing of additional funding as part of a desire that all parties work together on a collaborative approach.

Beringarra=Pindar Road Maintenance Agreement

Chris Brayton indicated that he was soon to approach the Shire with respect to reactivating the previous CSIRO / Shire Beringarra-Pindar Road Use Agreement that addresses CSIRO's road generated use.

Ablutions Facilities at Ballinyoo Bridge

Ant Schinckel raised an issue of the need for ablutions facilities at the Ballinyoo Bridge to service SKAO / CSIRO staff needs in travelling to site plus the local community and tourists and was enquiring as to the Councils appetite for such a project or if costs for construction could be covered.

It was indicated that whilst the need was understood, Council was not in favour of such a project, given the difficulty in ongoing servicing and maintenance and the inherent difficulties in ensuring cleanliness; a situation often experienced in other wayside stops on main highways with similar circumstances.

Boolardy Airstrip Upgrade

Chis Brayton indicated that works were underway to have the Boolardy Station Airstrip sealed around August 2024. This strip would cater for larger aircraft than just RFDS and also provide an important safety and logistics connection for the local surrounds.

Optic Fibre Cable

Chis Brayton advised that construction of Optic fibre cable to PIA and the Murchison Settlement was well advanced with all buildings within the settlement to be connected by a loop. Anticipated 2025 completion date. The Shire would be responsible for sourcing its own internet provider.

Chris Brayton (CSIRO) and Ant Schinckel (SKAO) left the room at 12.43pm

14 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

14.1 Shire President

Nil

14.2 Councillors

Cr E Foulkes-Taylor

Murchison GeoRegion Working Group

Online Meeting 20.2.24 9.30am-10.25am

Attendees- Tralee Cable -CEO Mt Magnet, Kelvin Matthews- CEO Meekatharra, Richard Towell – CEO Cue, Gary Gaffney – CEO Wiluna, Beth Walton – President Sandstone, David Shultz CDO Meekatharra, Cr. Judy Holden – Meekatharra, Lara -Meekatharra Admin, Cr Emma Foulkes-Taylor- Murchison and Chair of MGR Working Group, Karen Morrissey – Project Officer MGR

Apologies- Ian Holland -CEO Yalgoo

A very productive meeting where the group endorsed the adoption of a new constitution which will enable the establishment of an MGR Board of Management. This document will now be sent to each shire for all councils to sign off on at their March meetings. If approved it will be then sent to Associations Online by March 31, 2024.

The group also adopted a comprehensive Marketing and Communications plan with a few amendments suggested by the group. Discussed the need for a specialist to implement the plan, particularly the social media aspects. PO to look into HR and costs.

Signage was discussed and a design agreed on in principle. An outline of the signage and the costs will be sent to each shire so that they may consider it for their 2024-25 budgets. It was proposed that we look at grant funding to help cover the costs of signage and installation across the region.

The MGR will be featuring in 'Our Towns' on Feb 25th.

15 REPORTS OF COMMITTEES

15.1 Audit Committee

File: 2.2
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 22 February 2024
Attachments: 15.1.1 Audit Committee Meeting Recommendations

Matter for Consideration

Amongst other things one of the objectives of the Audit Committee is to receive the Annual Compliance Return for the period 1 January to 31 December in each that is presented to the Audit Committee for review. The Audit Committee is to report to the Council the results of that review. The Compliance Audit Return is to then be adopted by Council and the certified copy is to be sent to the Director General of the Department of Local Government & Communities by 31 March of the following year.

A copy of the Audit Committee Meeting Agenda and Attachments for the meeting on 22 February 2024 including the Compliance Audit Return was separately circulated to all councillors.

Committee Recommendations

To be provided to Council following deliberations of the Audit Committee Meeting

Voting Requirements

Simple Majority

Committee Recommendations

Moved: Cr A Whitmarsh **Seconded: Cr** Q Fowler

That the Audit Committee

- 1 reports to the 22 February 2024 Ordinary Meeting of Council that the Compliance Audit Return 2023 has been completed and;
- 2 recommends that Council adopt the Compliance Audit Return 2023 as presented.

Carried **For** 3 **Against** 0

Council Decision

Moved: Cr E Foulkes-Taylor **Seconded: Cr** A Whitmarsh

That Council accept the Audit Committee Recommendations and adopt the Compliance Audit Return 2023 as presented to the Audit Committee Meeting held on 22 February 2024

Carried **For** 6 **Against** 0

16 WORKS

16.1 Works Report

File: 12.42
Author: William Herold – Works Manager
Interest Declared: No interest to disclose
Date: 15 February 2024 2023
Attachments: 16.1.1 SKA Route Traffic Analysis

Introduction

After what felt like a particularly long Christmas break, we are back to some semblance of normality.

Construction Crew

Due to some plant still being worked on and a particularly frustrating wait on some parts the crew are moving along on the Carnarvon-Mullewa Road reconstruction and widening project as best they are able under the circumstances. I am hoping that we will be back to full strength by month end in terms of gear and personnel. They will then go into full preparation for the stabilizing and sealing.

Carnarvon-Mullewa Road

Following a review of the scope of works with Josh Kirk from Greenfields and the CEO we are of the view to take advantage of the Stabilising and Sealing Crews to complete widening and reconstruction works between the Ballinyoo Bridge and Twin Peaks-Wooleen Road now. This is to include a 7.0m wide sealed section at SLK 224.60 – 224.94 which has no shoulders and a sharp drop off and is considered a potential safety issue. This will avoid having to return later at much greater cost and provide an improved road section for existing road users and SKA traffic. This also will mean moving some of the locations for our approved Main Roads WA projects but is not expected to be an issue.

Maintenance Crew

As with the construction crew some plant issues delayed the hoped for mid-January start. They are now back on deck and progressing up the Beringarra-Pindar Road, will pick-up the Mt. Wittenoom Road. Boolardy-Kalli Road continuing up to Beringarra.

Stabilising and Sealing

This was due to begin in the first week of March with the arrival of the WA Stabilizing crew. This has now been pushed back to the end of March with Bitutek hopefully arriving immediately after to commence the sealing.

SKA Route

These works continue, however not without their challenges. Weather conditions over the last month have been far from ideal for these works. Water availability is our most pressing issue at the present time and hauling the required water over long distances is not only expensive but is not helping the road condition. I have spoken to CSIRO about putting in more water points to alleviate the situation. My thanks to Chris Brayton for his assistance in this regard.

Also I feel that the section of road from the camp / holding area to the worksite on the Boolardy-Kalli Rd. which is effectively a construction / haul road should be under a separate works/ funding arrangement. Traffic counts are provided as an attachment to this report for Councils perusal and comment.

MRWA and the City of Greater Geraldton are in discussions about MRWA taking over the 27 km section of unsealed road on the Carnarvon-Mullewa Rd. If this goes ahead it is envisaged that we (Shire of Murchison) will become sub-contractors to MRWA to oversee the maintenance of this section of road. Depending on available funding I feel this may well be a satisfactory outcome all around. 10M would also have to make a contribution and assuming I as Works Manager can dovetail this to a satisfactory degree all road users should benefit.

Meanwhile as indicated at the December Council Meeting amongst other things the CEO and I were to sit down with CSIRO in the new year to discuss improvements potentially outside of SKA Route Agreement with discussions with MRWA likely. Preliminary discussions have been held with CSIRO and these will continue on Council Day with SKAO also scheduled to attend. Main Roads WA have also been contacted and provided an overview of the situation along with traffic count data which was only downloaded this week.

Staffing

During the period a number of staff interviews have been conducted to fill several vacancies both in the works department and administration.

We welcomed our new gardener, Brian King to the team. Brian is still busy finding his feet and working out how things actually work but unfortunately since the meeting agenda was prepared, he resigned his position. We also lost Gary and Ange to unforeseen family events in January. As a result, we are looking for two gardeners.

We also welcome Joop and Julia from the Netherlands who will be doing a stint in the Roadhouse assisting Warren and Olive. Following performance interviews and reviews we have also been able to move staff around with Mike Keen to the Mechanics Role and Ivor Dumbris onto the Maintenance Grader. We still need two replacement plant operators with one to replace our casual.

Settlement Water Upgrade:

After a period of little action, we have sourced a generator to be installed at the soonest possible opportunity and as soon as Henry from MGP WA is available we will get the project cranked up and back on track.

Settlement Power Upgrade

This is still a work in progress as the CEO attempts to source some sort of funding for the project. Other than the initial works there is no further progress to report.

Fuel Supply

A RFQ for the supply and delivery of fuel has been actioned by the CEO. This closes at 4.00pm on Council, Day. We will prepare an assessment and forward it to elected members for feedback before any decision can be made.

Caravan Park Ablutions

MI Global Constructions are well on track with the off-site build with progress for works for slab for wall and roof framing and cladding. Staff have been also involved with a few largely with respect to selection of colours.

Swimming Pool / Splash Pad

The CEO has advised that tender documents are close to completion with advertisement to follow with an expectation that Council will be in a position to consider tenders at the March Council Meeting. As there are a range of non-pool / splashpad related works such as fencing and landscaping it has been suggested that some community working bee type works might be possible.

DFES Flood Recovery Works

AGRN 1021 (Flood 10)

In relation to AGRN 1021 (Flood 10) at the June 2023 Council Meeting I advised as follows

Once again there appears to be a hold up with progressing these works. DFES have come back with what the CEO and I believe to be an unacceptable and inappropriate method and implementation of the works to be done. Some Local Governments have apparently accepted the DFES assessment decisions, but we are of the belief that it needs to be challenged. It is recognised that DFES have their own requirements and pressures which may or may not be a contributing factor, but it seems clear that there is a lack of understanding with regard to maintenance and repair of remote roads, water behavior etc., especially relating to gravel roads.

It is clear that a collaborative approach would serve everyone better and the CEO has again indicated a willingness to proactively assist and suggest improvements which will serve everyone. He has also

submitted this view to DFES and indicated that whilst this specific project could be used to assist as a case study, in the approval of this project should be undertaken ASAP as per our submissions given the significant delays already incurred by DFES.

Following a prompt on 13 November 2023 to our concerns raised with DFES on 15 June 2023, a response was received on 4 December 2023. In this the number of points of disagreement was significantly reduced with some 31 items set aside for discussion in 2024. This ultimately occurred with a line-by-line analysis with DFES representatives, CEO, Josh Kirk from Greenfields and myself via a Teams Meeting on 7 February 2024.

At this meeting all aspects were addressed with minor changes made such that the scope of work has now been signed off at officer level and submitted. We have also been able to confirm that rates under the current contracts with THEM and Greenfields have been agreed to and advised DFES that these works are an eligible part of the current procurement contracts. We have been promised a speedy approval. Time will tell how speedy, speedy really is.

AGRN 1062 (Flood 11)

Following AGRN 1021 (Flood 10) submissions being completed the proposed scope of works under AGRN 1062 (Flood 11) which was being held back pending this resolution, has been submitted to DFES. We have been advised that this may be able to be addressed soon with the same Main Roads Assessor being involved.

Given the relatively minor size of this event it is likely that a WALGA Panel process will be followed for its construction and management.

DFES Meeting

On 30 January 2024 representatives of DFES, Tim McNaught (Director Disaster Recovery) and Robbie Stainton (Manager Disaster Recovery Funding) met with the CEO, Josh Kirk and myself in the Murchison Settlement. We understand that this was part of a brief regional tour with involved the Shires of Victoria Plains, Murchison, Yalgoo, Cue, Meekatharra and Wiluna.

Whilst there were some discussions concerning DFES performance and delays in managing the AGRN 1021 (Flood 10) event, we took the opportunity to acknowledge the complex nature of the program but also highlight how a nuanced approach was required generally, particularly with respect to gravel roads. A small Roads for Rehydration Presentation was also undertaken. How much was understood or taken on board I do not know, there was some head nodding going on. Suggestions on how they could improve their assessment process were also provided.

This regional meeting represented a positive approach and whilst it remains to be seen whether the current delays and issues will ever be completely resolved it was pleasing that DFES have made recent changes to the payments system with an increase from 20% to 30% upfront and payment of 75% of subsequent claims within a much shorter period.

Consultation

Chief Executive Officer, Josh Kirk (Greenfield Technical Services)

Recommendation

That Council resolve that the Works Report be noted.

Voting Requirements

Simple Majority

Council Decision				
Moved: Cr	A Whitmarsh	Seconded: Cr	G Mead	
That Council resolve that the Works Report be noted.				
Carried		For	6	Against 0

17 FINANCE

17.1 Accounts Paid since the last list was presented to Council

File: 4.37.1
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 14 February 2024
Attachments: 17.1.1 EFT & Cheque Details for December 2023 and January 2024 (Elected Members Only)

Matter for Consideration

The *Local Government (Financial Management) Regulations 1996 Regulation 13* requires that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO for each month and present this to the next ordinary meeting of the Council after the list has been prepared and have this list recorded in the minutes of the meeting.

A list of payments presented in accordance with *Regulation 13* of the *Local Government (Financial Management) Regulations 1996* made since the last report to Council is attached.

Strategic Implications

None

Policy Implications

None

Budget/Financial Implications

Nil

Consultation

Nil

Recommendation

- 1 That that pursuant to LGA s5.23(2)(b) & (e) of the *Local Government Act 1995* that attachment 17.1.1 EFT & Cheque Details for December 2023 and January 2024 be discussed behind closed doors
- 2 That Council receive and note attachment 17.1.1 EFT & Cheque Details for December 2023 and January 2024 and that the accounts since the last report to Council, as provided to Councillors be recorded in the minutes as being presented to Council.

Voting Requirements

Simple Majority

Item to be Discussed behind closed doors

Council Decision

Moved: Cr E Foulkes-Taylor

Seconded: Cr A Whitmarsh

That that pursuant to LGA s5.23(2)(b) & (e) of the *Local Government Act 1995* that attachment 17.1.1 EFT & Cheque Details for December 2023 and January 2024 be discussed behind closed doors

Carried

For

6

Against

0

The meeting was moved to behind closed doors at 1.00pm

Motion to open the meeting to the public

Council Decision

Moved: Cr A Whitmarsh **Seconded: Cr** G Mead

That Council move out from behind closed doors

Carried **For** 6 **Against** 0

The meeting was moved out of closed doors at 1.03pm

Decisions Disclosed from the Closed Section of Meeting associated with Attachment Item 17.1.1

Council Decision

Moved: Cr G Mead **Seconded: Cr** Q Fowler

That Council receive and note attachment 17.1.1 EFT & Cheque Details for December 2023 and January 2024 and that the accounts since the last report to Council, as provided to Councillors be recorded in the minutes as being presented to Council.

Carried **For** 6 **Against** 0

17.2 Financial Activity Statements 31 December 2023

File: 2.6
Author: Travis Bate (RSM) – Financial Accountant
Interest Declared: No interest to disclose
Date: 14 February 2024
Attachments: 17.2.1 Monthly Management Financial Report December 2023

Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider and receive the Monthly Financial Statements.

Comment

These statements are being presented to meet a statutory obligation to have each month's end and report presented within the following two months.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Consultation

RSM Australia

Recommendation

That Council note the financial statements as presented for the period ending 31 December 2023 as attached.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr Q Fowler **Seconded: Cr** M Fowler

That Council note the financial statements as presented for the period ending 31 December 2023 as attached

Carried	For	6	Against	0
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17.3 Financial Activity Statements 31 January 2024

File: 2.6
Author: Travis Bate (RSM) – Financial Accountant
Interest Declared: No interest to disclose
Date: 14 February 2024
Attachments: 17.3.1 Monthly Management Financial Report January 2024

Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider and receipt the Monthly Financial Statements.

Comment

These statements are being presented to meet a statutory obligation to have each month's end and report presented within the following two months.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Consultation

RSM Australia

Recommendation

That Council note the financial statements as presented for the period ending 31 January 2024 as attached.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr A Whitmarsh **Seconded: Cr** G Mead

That Council note the financial statements as presented for the period ending 31 January 2024 as attached.

Carried	For	6	Against	0
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The Shire President adjourned the meeting at 1.13pm

The Shire President reopened the meeting at 1.47pm

17.4 Budget Review February 2024

File: 2.2
Author: Travis Bate – Financial Accountant (RSM Australia)
Interest Declared: No interest to disclose
Date: 17 February 2024
Attachments: 17.4.1 2023-24 Budget Review Report

Matter for Consideration

A review of the 2023-24 Budget based on financial performance between 1 July 2023 and 31 December 2023 has been conducted and is presented to Council.

Background

As required by the Local Government Act 1995, Council adopted a budget for the 2023-24 financial year based on forward plans and best estimates at the time. According to the *Local Government (Financial Management) Regulations 1996*, each year, between 1 January and 31 March, a local government is to carry out a review of its annual budget for that year, considering its financial performance for at least the first six months of the year, its position at the date of review and its forecast position to the end of the financial year. This review is required to be submitted to the Council for consideration.

The Budget review for 2023-24 has been conducted and amendments are detailed in the Budget Review Report as attached. This followed an in depth review the relevant financials for each Chart of Account and where applicable individual job levels.

The following highlights are of note:

Opening Carried Forward figure

At the time of budget adoption, a precise opening figure was not able to be determined as Councils 2023 financial statements were yet to be audited. The unaudited opening figure of \$508,088, has been increased to \$669,232 based on the 2023 audited financial statements.

Operating Revenue

Operating revenues have decreased \$2,145,405. The main decreases relate to:

- ~ \$1,022,075 decrease to back rates levied. This is offset by a corresponding decrease to transfer to Asset Management Reserve
- ~ Decrease to flood damage revenue of \$1,407,084. This is offset by a corresponding decrease to expenditure of \$1,752,787
- ~ This is offset by an increase to the MRWA SKA Roads Operating Grant of \$182,816.

Operating Expenditure

Overall, operating expenditure has decreased \$1,103,487, the most notable movements relate to:

- ~ Decreased flood damage expenditure of \$1,752,787
- ~ Increased SKA Road Maintenance expenditure of \$166,196
- ~ Increased road maintenance of \$104,767
- ~ Increased fuel and oils of \$35,267

Capital Expenditure - Infrastructure Roads

Overall Capital Road expenditure has increased \$761,044. The notable adjustments relate to:

- ~ \$733,159 Carn-Mul Rd 208.68 - 241.74 Reconstruct & Widen various sections

Capital Expenditure – Other Infrastructure

Other Infrastructure capital expenditure remains in line with the adopted budget.

Capital Expenditure – Buildings and Improvements

Buildings and Improvements capital expenditure remains in line with the adopted budget.

Capital Revenue

Capital revenue has increased \$743,238, which relates to:

- ~ An increase of \$395,887 for SKA Roads; and
- ~ \$347,250 for Road to Recovery.

Transfers from reserves remain in line with budget.

Transfers to reserves have decreased \$921,369, mainly related to related to decreased transfer to Asset Management Reserve in line with decreased rate revenue.

Closing Carried Forward Figure

The closing carried forward review figure is shown in the attached documents has increased by \$111,892.

Note at the Meeting the Financial Accountant advised that an amount of \$57,696 in operating expenses need to be allocated in the road maintenance area for Gravel Stockpile Construction Works. As a result, the closing carried forward review figure is shown in the attached documents has increased by \$54,196.

Reserve Transfer Summary

Overall summary of all reserves highlighting Balances and movements is detailed in the attached 2023-24 Budget Review Report

Combined Net Current Assets and Reserves

Overall summary of balances of Net Current Assets and Reserves are detailed in the attached 2023-24 Budget Review Report

2023-24 Budget Review Report

As attached.

CEO Comments

As per recent normal practice a three-year outlook has also been provided in the attached Supplementary Schedules. Although not an in-depth review with inflation aspects ignored, all of the major projects have been considered and where applicable budget items that are now not expected to be completed in 2023/24 are shown in ongoing years. The resultant indicative net current asset and reserve positions are then shown. It only with this approach that an indicative overall position can be revealed. This remains good financial practice notwithstanding that strictly speaking it is not a mandatory requirement for a budget review.

Statutory Environment

Local Government (Financial Management) Regulations 1996

33A Review of Budget

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must –*
 - (a) *Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *Consider the local government's financial position as at the date of review; and*
 - (c) *Review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendation made in the review.*

**Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Strategic Implications

The budget has been developed based on existing strategic planning documents adopted by council.

Sustainability Implications

Environmental There are no known significant environmental considerations
 Economic There are no known significant economic considerations
 Social There are no known significant social considerations

Policy Implications

The budget is based on the principles contained in the Strategic Community Plan, Corporate Business Plan and informing strategies.

Financial Implications

The changes suggested in the budget review are based on the local government’s financial performance for the financial year up to 31 December 2023. Adjustments have been made to better reflect actual performance for the period and to give a more accurate projection of the forecast surplus at 30 June 2024.

Consultation

CEO, Works Manager

Recommendation

That Council

- 1 Note the 2023/24 Budget Review Report as attached which amongst other things highlights various explanations including the notional two indicative forecasts which maintains the strategic focus as envisaged when the 2023/24 budget was adopted.
- 2 Adopt the 2023/24 Budget Review as presented in the attached Budget Review Report
- 3 Amend the 2023/24 Budget as outlined in the 2023/24 Budget Review.

Voting Requirements

Absolute Majority.

Council Decision			
Moved: Cr	A Whitmarsh	Seconded: Cr	G Mead
That Council			
<ol style="list-style-type: none"> 1 Note the 2023/24 Budget Review Report as attached which amongst other things highlights various explanations including the notional two indicative forecasts which maintains the strategic focus as envisaged when the 2023/24 budget was adopted. 2 Adopt the 2023/24 Budget Review as presented in the attached Budget Review Report 3 Amend the 2023/24 Budget as outlined in the 2023/24 Budget Review. 			
Carried	For	6	Against 0

18 DEVELOPMENT

18.1 Camp Oven Muster Festival

File: 2.2
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 17 February 2024
Attachments: 18.1.1 Camp Oven Muster Festival Report No 1

Matter for Consideration

Acknowledgement of the desire of members of the community to conduct a festival that suits the local Murchison community and endorse the overall suggestion to conduct a Camp Oven Muster Festival in August 2024 managed through a Council Working Group

Background

At the Community Meeting held on the Christmas Tree Day the idea of a Camp Oven Festival was floated for 2024 next year and was met with a fair bit of enthusiasm. The idea was that we put on a unique event that is authentic to our place and is centred around camp oven cooking but with other bush-themed events happening at the same time, including lots of family fun games.

This idea also followed on from last year's Ancient Lands under Brilliant Skies Festival where there was some appetite to conduct a festival on a more modest scale relating to something that was more befitting to the Murchison community and lifestyle. The Camp oven demonstration undertaken at the time was also well received and led in part to notion of a camp oven festival.

In early 2024 Cr E Foulkes-Taylor proposed and arranged a get together interested community members where the idea was further developed with a great deal of enthusiasm which is outlined in the attached Camp Oven Muster Festival Report No 1.

Comment

Along the lines of the Ancient Lands Under Brilliant Skies Festival it is essential prudent that the organisation of such a Community / Shire event managed under some form of legal entity. Council's Working Group Policy provides such a platform and it is considered prudent that a Camp Oven Muster Festival Working Group be formally established with the knowledge that the event will be a Community / Shire event with all -non employees covered under Council's volunteer insurance policy.

Strategic Implications

<i>Vision Statement</i>	<i>Working together to preserve the unique character of the Shire, supporting diverse and sustainable lifestyle and economic opportunities.</i>
<i>Economic Objective 1</i>	<i>To develop the region's economic potential to encourage families and businesses to stay in the area.</i>
<i>Strategies</i>	
<i>Tourism Development</i>	<i>To promote and support a sustainable tourism industry in the Shire of Murchison.</i>
<i>Social Objective 3</i>	<i>To develop, co-ordinate, provide and support services and facilities which enhance the quality of community life in the Shire by: Supporting and assisting in coordinating projects and events as required Supporting community groups.</i>
<i>Strategies</i>	
<i>Support for Community Groups</i>	<i>Provision of Human Resources to assist community groups.</i>

Policy Implications

Policy 1.3 Committees and Working Groups

Budget/Financial Implications

Nil. Funding- Shire has budgeted approx \$60k in 2023/24 for general tourism events which this event would fall into, noting that this would include Council labour and plant for any set up site works for outside staff. Expenses would also flow over into the next financial year

Consultation

General Community

Recommendation

That Council endorse the overall suggestion to conduct a Camp Oven Muster Festival in August 2024 and this be managed as a Community / Shire event through a Council Working Group established for such purpose

Voting Requirements

Simple Majority

Council Decision

Moved: Cr E Foulkes-Taylor

Seconded: Cr Q Fowler

That Council endorse the overall suggestion to conduct a Camp Oven Muster Festival in August 2024 and this be managed as a Community / Shire event through a Council Working Group established for such purpose

Carried

For

6

Against

0

Item 19.1 Cr R Foulkes Taylor & Cr E Foulkes Taylor declared an Impartiality Interest

19 ADMINISTRATION

19.1 Bush Fire Control Operations

File: 5.1
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 18 February 2024
Attachments: Nil

Matter for Consideration:

Council to ensure that the functions of the Murchison Bushfire Brigade are in place in an appropriate manner and appointing such persons as the Council it thinks necessary to be Bush Fire Control Officers for the Shire of Murchison.

Background

The Murchison Bush Fire Brigade met on 16 December 2023. At the meeting various positions were filled as follows.

Position	Person
Bushfire Committee Chair	Tom Foulkes-Taylor
Chief Bushfire Control Officer	Bill Boehm
Deputy Chief Bushfire Control Officer South	Tom Foulkes-Taylor
Deputy Chief Bushfire Control Officer North	Quentin Fowler
Deputy Chief Bushfire Control Officer East	Andrew Whitmarsh
Brigade Captain	William Herold
Brigade Lieutenant	Michael Keen

In addition, the current Community Emergency Services Manager (CESM), Rick Ryan has volunteered to be the Secretary for the Brigade and under Council's Memorandum of Understanding with the Department of Fire and Emergency Services (DFES) he is also required to be appointed as a Fire Control Officer under s38 of the *Bush Fire Act 1954*.

Statutory Environment:

Bush Fires Act 1954

Council's legislative responsibilities in relation to the Management of Bush Fires are outlined in the Bush Fires Act 1954 with the operations of the Bushfire Brigade operating under a local law, in our instance under By Law No 1 established by the Murchison Roads Board and gazetted on 5 January 1961 which for all intents and purposes remains relevant.

Amongst other things this Bylaw requires the Board (Council) to appoint

- ~ a captain, first lieutenant, second lieutenant, to act as officers of the brigade and who in the Board's opinion, have the necessary qualification and knowledge of the district required in such capacities.
- ~ a secretary
- ~ bush fire officers.

Appointments

Under s38 of the *Bush Fire Act 1954* Council local government may appoint such persons as it thinks necessary to be its bush fire control officers and appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers

Appointing Bush Fire Control Officers and the Chief and Deputy/Deputies Bush Fire Control Officers, must occur consistent with the procedures specified in s.38 of the BF Act, including:

- ~ Bush Fire Control Officers are appointed by Council resolution unless power to appoint has been delegated to the CEO. Note that if power has been delegated to the CEO, CEO cannot appoint themselves (Council must make this decision).
- ~ Of the persons appointed as BFCO's, one is to be appointed as Chief Bush Fire Control Officers and one or more to be appointed as Deputy Chief Bush Fire Control officers. Notice of these appointments is also required to be published in a newspaper circulating in the District.
- ~ The functions and duties of Bush Fire Control Officers and separately the Chief and Deputy Chief Bush Fire Control Officers are as specified in the BF Act and Regs. No delegation is required, once appointed to these offices the person has those functions.
- ~ Under s.38(4) Bush Fire Control Officers are subject to directions given by the Local Government. This is the mechanism by which the CEO affects control of brigade activities, WHS requirements, training and compliance with legislative provisions. Directions may also be issued under s.39(5A) for burning LG road verges.

Following to ensure operability of the Shire's Bylaw, all Brigade Members must be appointed as Bush Fire Control Officers in accordance with the procedures in s.38.

The CEO is not automatically the Chief Bush Fire Control Officer and is not required to be. The Local government must appoint someone, who is already appointed as a Bush Fire Control Officer to be the Chief and another (or others) who are also already appointed as Bush Fire Control Officers to be the Deputy or Deputies.

Under the WHS Act provisions there is a chain of responsibility, which includes the CEO and LG corporate body, with the extent of liability linked to the reasonable fulfilment of responsibilities.

Delegations

Section 48(1) prescribes that the LG can only delegate its functions to its CEO – so delegations cannot be made to the CBFCO. However, s.17(10) is the only exception to this, as it prescribes that a Local Government may by [Council] resolution delegate powers under s.17(7) and (8) only to the president and CBFCO jointly.

Bush Fires Act 1954 Extracts

33 *Local government may require occupier of land to plough or clear fire-break*

- (1) *Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —*
- (a) *to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;*
 - (b) *to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and the notice may require the owner or occupier to do so —*
 - (c) *as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and*
 - (d) *in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.*

38 *Local government may appoint bush fire control officer*

- (1) *A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second*

in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;*
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
 - (e) procuring the due observance by all persons of the provisions of Part III.**
- (8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.*
- (9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).*
- (17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme” or “high”, and upon the authority being given the person, if the person has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.*

41 Bush fire brigades

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*

Shire of Murchison By-Law No 1 – 5 January 1961 Extract

BUSH FIRES ACT, 1954.

By-laws of the Murchison Road Board relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades for the Road District or any part of the Road District of Murchison.

Establishment of Brigade.

1. (a) On the resolution of the Board to establish, maintain and equip a bush fire brigade under the provisions of the Bush Fires Act, 1954, and regulations thereunder, the brigade shall be formed in accordance with these by-laws; and a name shall be given to the brigade and application, accompanied by the resolution of the Board forming the brigade, shall be made to the Bush Fires Board for its registration accordingly.

(b) A bush fire brigade may be established for the whole of the road district or for any specified area thereof.

Appointment of Officers.

2. The Board shall appoint a captain, a first lieutenant, a second lieutenant and such additional lieutenants as it shall deem necessary to act as officers of the brigade and who, in the Board's opinion, have the necessary qualification and knowledge of the district required in such capacities.

3. The Secretary of the Board or such other person as the Board may appoint shall be the secretary of the brigade.

4. The Board may appoint an equipment officer who shall be responsible for the custody and maintenance in good order and condition of all equipment and appliances acquired by the Board for the purposes of the brigade. Such officer may station such equipment at a depot approved by the captain where, if possible, motor trucks can easily be called upon. If there are more than one such depots in the area, the equipment officer shall appoint at each depot a person to look after the equipment and have it ready for immediate use when required.

5. The Board shall appoint bush fire control officers in accordance with the requirements of the district and may prescribe the area over which each such officer shall have jurisdiction. The employment, dismissal and payment for services of persons (other than officers) employed for duties under this Act shall be vested in the chairman and secretary of the Board conjointly.

**** Note**

By-law cl.2 provisions for appointment of a captain, a first lieutenant, a second lieutenant and such additional lieutenant are appointments that can only be made under the By-law and therefore must be made by Council resolution on the basis that:

- ~ *S.43 of the Bush Fires Act specifies that appointment or election of these offices is subject to the local law (By-law) provisions.*
- ~ *Cl.2 of the By-law prescribes that **the Board** shall appoint....*
 - o *The Local Government Act 1960 was proclaimed in November 1960 and the Shire's By-law was gazetted on 5 Jan 1961. It appears the Shire's By-law was made under transitional provisions, so that it included terms from the Road District Act 1919.*
 - o *The Road District Act 1919 defines 'Board' as meaning the 'Board of a Road District', which is equivalent of the definition of Council under the Local Government Act 1995.*

Strategic Implications:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Consultation

Lyn Fogg (WALGA Governance Specialist), James McGovern (WALGA Manager Governance) and Ryan (CESM Murchison, Perenjori, Morowa & Yalgoo)

Comment

Traditionally Council has from time-to-time authorised appointments made by the Murchison Bush Fire Brigade and appointed a number as Fire Control Officers. However as indicated above it is considered appropriate that, regardless of the decisions of the Brigade, that Council consider carefully whether those brigade officers and fire control officers, *"have the necessary qualification and knowledge of the district required in such capacities."*

Whilst Council could still continue to have the CEO act in such capacity as per my predecessors, as outlined above it is not an essential requirement for the CEO to undertake the Chief Bushfire Control Officer Role. Some other local governments have gone down this which has the added benefit of separating the two functions: namely Shire Responsibilities (CEO) and Fire Control Responsibilities (Bushfire Control Officers).

In my opinion, whilst I have had some previous fire prevention training (many years ago) and local operational training I also think others within the Shire are better placed and have the necessary local knowledge and experience.

That does not mean that the CEO has no responsibilities as under the Bushfire Act there are a number and he would still be responsible for allocating resources and co-ordinating the Shires response in the event of a fire just like that has occurred historically. Apart from ratifying the current Bush Fire Brigade Meeting outcomes, and now that as outlined in the next Agenda Item Council's delegations are being overhauled, it is considered essential that Council appoint a Chief Bush Fire Control Officer and Deputy Bushfire Control Officer in order to be compliant under the *Bush Fire Act 1954*.

In this regard it is considered that William Herold could be a more suitably qualified to perform this task, given that he is also employed by the Shire, has intimate knowledge of the entire district, has had previous experience fighting fires and is located centrally at Murchison. Support from the CEO would still apply. The additional powers as a fire control officer would be advantageous but as per the proposed delegations register updated under the Bush Fires Act the and the Shire President would be jointly responsible for varying prohibited burning times.

Recommendation

Note that the following recommendation is based on the CEO not being the appointed chief Bushfire Control Officer. Should this not be the case then there will need to be a change in the appointments.

That Council resolve as follows.

- 1 That Council note the Chief Executive Officer's Bush Fire Control Operations Report
- 2 That Council appoint the following persons to be Bush Fire Control Officers
Tom Foulkes-Taylor, William Herold, Quentin Fowler, Andrew Whitmarsh, Michael Keen, and Rick Ryan
- 3 That Council endorse the following appointments to the Murchison Bush Fire Brigade

Position	Person
Bushfire Committee Chair	Tom Foulkes-Taylor
Bushfire Control Officer South	Tom Foulkes-Taylor
Bushfire Control Officer North	Quentin Fowler
Bushfire Control Officer East	Andrew Whitmarsh
Brigade Captain	William Herold
Brigade Lieutenant	Michael Keen
Brigade Secretary	Rick Ryan
Bushfire Control Officer	Rick Ryan
- 4 That Council appoint the following persons to the positions as outlined.

Chief Bushfire Control Officer	William Herold
Deputy Chief Bushfire Control Officer	Tom Foulkes-Taylor

Voting Requirements

Simple Majority

Council Decision

Moved: Cr Q Fowler

Seconded: Cr M Fowler

That Council resolve as follows.

- 1 That Council note the Chief Executive Officer's Bush Fire Control Operations Report
- 2 That Council appoint the following persons to be Bush Fire Control Officers
Tom Foulkes-Taylor, William Herold, Quentin Fowler, Andrew Whitmarsh, Michael Keen, and Rick Ryan
- 3 That Council endorse the following appointments to the Murchison Bush Fire Brigade

Position	Person
Bushfire Committee Chair	Tom Foulkes-Taylor
Bushfire Control Officer South	Tom Foulkes-Taylor
Bushfire Control Officer North	Quentin Fowler
Bushfire Control Officer East	Andrew Whitmarsh
Brigade Captain	William Herold
Brigade Lieutenant	Michael Keen
Brigade Secretary	Rick Ryan
Bushfire Control Officer	Rick Ryan
- 4 That Council appoint the following persons to the positions as outlined.

Chief Bushfire Control Officer	William Herold
Deputy Chief Bushfire Control Officer	Tom Foulkes-Taylor

Carried

For

6

Against

0

Cr A Whitmarsh left the meeting due to another commitment at 1.59pm

19.2 Delegations Review

File:	4.40
Author:	Bill Boehm – Chief Executive Officer
Interest Declared:	No interest to disclose
Date	18 February 2024
Attachments:	19.2.1 2024 Proposed Delegation Register 19.2.2 2019 Delegation Register 19.2.3 Delegations Summary Comparison Overview February 2024

Matter for Consideration:

Council to consider a revised delegations register.

Background

To enable the proper functioning of a Local Government, Council can delegate certain authorities to the CEO pursuant to s.5.42 and s. 5.43 of the Local Government Act. The delegations must be in writing and a register of delegations must be kept and be reviewed at least once every financial year. The Delegations were last formally by Council reviewed at the Ordinary Meeting of in May 2019.

Review and Overhaul

Outline

As part of this review updated advice was obtained from the WALGA Governance Team as well as comparisons with other Councils. In doing so it became apparent that our current delegations template required a significant update to meet contemporary practice, such that a major overhaul was required.

The proposed Delegations Register as attached has been presented in line with the template as prepared by WALGA, originally in July 2017, and updated most recently in April 2023. As such it is markedly different from previous versions which had been first adopted by Council in May 2016. It is much more detailed which highlights the complexity associated with this matter, one which the WALGA Governance Team are well ofay with.

In order to assist in clarify the changes a copy of the 2019 delegations Register is attached along with an overview comparison of each. This comparison shows, with comments, those that have been retained, those updated and, in some instances amalgamated and those that are redundant largely as they are not applicable. A draft has been circulated to elected members prior to the agenda being sent out. Any slight changes that have been made to this early draft have been highlighted in yellow.

It should also be noted that whilst delegations are put in place this does not prevent the delegator from actually undertaking the function that is delegated.

Powers and Principles

By way of illustration the list of Powers that pertain to a CEO and not subject to delegation have been outlined in the Legislative Section of this report below.

The following examples of some delegated authorities in the Shire's current delegation register have also been described to outline the rationale for the changes which the following underpinning principles for delegation. le

A delegation can only be made where legislation contains both a power that enables delegation and a power that is capable of being delegated.

Example 1

The Shire's delegation of s.39 and s.40 of the Liquor Control Act 1988 is invalid as the Liquor Control Act does not include a power that enables delegation.

Sections 39 and 40 are instead administrative, requiring the Shire's professional / technical officers to assess whether a premises complies with Health (Misc. Provisions) Act, Food Act, LG Act, Building Act, other written laws applying to sewerage or drainage and planning laws and then issue certificates attesting

to the level of compliance or otherwise. On this basis, responding to a request for s.39 and s.40 certificates is a function of the CEO under s.5.41(d).

Example 2

A delegation is only required where legislation provides broad discretion in how and when the power is exercised.

The Shire's delegation of "Preparation of the Annual Report" is not required, as under s.5.53 it is mandatory for local government to prepare an annual report meaning there is no discretion / decision as to whether an annual report is prepared. Under s.5.41(d) the CEO undertakes the administrative requirements to prepare the annual report, with the annual report subsequently provided for Council's acceptance by absolute majority under s.5.54.

Sub Delegations

Historically the delegation register adopted by Council has contained a list of persons which have been delegated power as sub delegates. However as outlined in s 5.44 of the Act and in accordance with advice received, this is the legislative responsibility of the CEO and is thus handled separately. These two separate aspects should not be confused.

Under s.5.46 registers for delegations and sub delegations are also required to be kept.

Statutory Environment

Local Government Act 1995

Part 5 Division 4 Local Government Employees

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

- (a) this Act other than those referred to in section 5.43; or*
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

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

- (a) any power or duty that requires a decision of an absolute majority of the council;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*

- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

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

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.

Strategic Implications

Civic Leadership Objective 4 - To provide Good Governance to the Murchison Shire through:

- Regional collaboration where possible; Detailed and professional administration;
- High levels of accountability; Compliance with statutory requirements;

Sustainability Implications

- Environmental There are no known significant environmental considerations.
- Economic There are no known significant economic considerations.
- Social There are no known significant social considerations.

Policy Implications:

Nil

Financial Implications

Nil

Consultation

WALGA Governance – Lyn Fogg – Governance Specialist

Recommendation

That Council note the Chief Executive Officers Delegations Review Report and adopt the 2024 Delegations Register as attached.

Voting Requirements

Absolute Majority

Council Decision				
Moved: Cr	E Foulkes-Taylor	Seconded: Cr	G Mead	
That Council note the Chief Executive Officers Delegations Review Report and adopt the 2024 Delegations Register as attached.				
Carried		For	5	Against 0

19.3 2022/23 Annual Report

File: 1.2
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 15 February 2024
Attachments: 19.3.1 2022/23 Annual Report

Background

Local Government is to prepare an Annual Report for each financial year containing information including but not limited to a report from the mayor or president, a report from the CEO, an overview of the plan for the future, the financial report for the financial year, information as may be prescribed in relation to payments to employees, the auditor's report for the financial year, information regarding Disability access and inclusion and details in the register of complaints. The Annual Report is to be the first item considered at the Annual General Meeting of Electors.

Matter for Consideration

The Annual Report for the 2022/23 financial year is presented for consideration by the Council. In accordance with s5.55 of the *Local Government Act 1995* the Annual Report will be made available to the public after it is accepted by Council.

Update

The finalisation of the Audited Financials by Councils Auditors and the Auditors Report has been completed within the sired timeframes. At the 16 December 2023 Council Meeting, Council adopted the recommendations from the Audit Committee Meeting held on 16 December 2023 which amongst other things include a recommendation to adopt the 2022/23 Financial Report.

Under the *Local Government Act 1995*, The Annual Report must be accepted by the Council by 31 December unless the Auditors Report is not available in time for this to be included in the Annual Report and hence adopted within this deadline.

The Annual Report has been now finalised as attached. A draft (less financials) being sent out to councillors as pre reading prior to the Agenda being finalised.

The Annual Report 2022/23 is required to be presented at the Annual Meeting of Electors to be held within 56 days of the adoption of the report. The suggested date proposed is in on the day of the next ordinary meeting of Council. Accordingly, the proposed time and date of the meeting is at 3pm on Thursday 28 March 2023.

Statutory Environment

5.53 Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including-*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - (i) *such other information as may be prescribed*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
** Absolute majority required.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29 Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,*
of the date, time, place and purpose of the meeting.

Strategic Implications

This is a statutory function.

Policy & Financial Implications

Nil

Consultation

Travis Bate Financial Accountant (RSM).

Comments

The timing of the completion of the Annual Report relative to the end of the financial year is always an issue given the period required to have the Audit undertaken and completed. This year the adopted Annual Financials have been brought back in line with normal operations but nevertheless the Annual Report has only been finalised 8 months after the completion of the 2022/23 Financial Year with the Annual Meeting of Electors held one month later. Historically an Annual Meeting of Electors is often held in February or March, a timeline that in all practicality is forever likely.

The Annual Meeting of Electors is primarily established to provide an opportunity for electors to hear a report from the Council relating to various matters as prescribed and as is listed above, but from experience rarely if ever are questions raised at these meetings that relate to the subject matter. More likely questions arise in general business and more often than not relate to topical or current issues not ones that as per the Annual Report that maybe some 8-12 months in the past.

In 2022 and in 2023 this issue was addressed with separate Community Meetings was arranged for Christmas Tree day. These were well attended and I suggest that this should continue into the future. Should Council concur then this action could be made clear when advertising for the 2022/23 Annual Meeting of Electors. In this instance as per last year the Council Chamber could be a practical venue with a 2.00pm start.

Recommendation

That Council

- 1 adopts the Annual Report for 2022/23 as attached.
- 2 determines that the 2022/23 Electors Annual General Meeting be held within the Murchison Settlement at the Murchison Shire Council Chambers commencing at 2pm on 28 March 2024

Voting Requirements

Absolute Majority

Council Decision			
Moved: Cr	G Mead	Seconded: Cr	E Foulkes-Taylor
That Council			
1 adopts the Annual Report for 2022/23 as attached.			
2 determines that the 2022/23 Electors Annual General Meeting be held within the Murchison Settlement at the Murchison Shire Council Chambers commencing at 2pm on 28 March 2024			
Carried		For	5
		Against	0

Note as indicated in the report when advertising for the 2022/23 Annual Meeting of Electors it will be made clear that a separate Community Meeting will be held on the Christmas Tree Day in December.

20 CEO ACTIVITY REPORT

File:

Author: Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Date: 18 February 2024

Attachments: Nil

General

The table below provides an update of activities undertaken since the last report. Whilst there was no Council Meeting in January wherever possible efforts are taken to catch up on some work that has carried on from the previous year and to get on top of some projects. Work over the past two months and the size of this month's Council Agenda is the result.

As outlined under the Works Report there has been a number of staff changes, with some new and variations in roles following annual performance reviews. In the Administration area an increased role for the Senior Works Finance and Administration Officer has been recognised with appointment as Executive Manager DCEO. We are also still pursuing the Community Role and perhaps even a Finance Administration Person.

Date	Activity
14.12.2023 to 15.12.2023	General Administration
16.12.2023	Audit Committee Meeting. Council Meeting. Community Meetings
17.12.2023	Council & Audit Committee Meeting Minutes
18.12.2023 to 19.12.2023	TOIL
20.12.2023	Annual Leave
21.12.2023	Annual Leave. Attend to Minutes Emails and a recruitment position Inquiry
22.12.2023	Annual Leave
25.12.2023	Christmas Day Public Holiday
26.12.2023	Boxing Day Public Holiday
27.12.2023 to 29.12.2023	Annual Leave
1.01.2024	New Years Day Public Holiday
2.01.2024	Shire Work. General Administration.
3.01.2024	General Administration. Compliance Audit Return Work. Catch up with Works Manager
4.01.2024	Roads to Recovery Quarterly Report. Grants Commission Return Work. General Administration
5.01.2024	Performance Review Works and Working Group Work
8.01.2024	WALGA Industrial Relations Webinar. Administration Emails and TOIL
9.01.2024	TOIL
10.01.2024	Industrial Relations work. TOIL
11.01.2024	Rates catch up with Solicitors. TOIL
12.01.2024	Annual Leave
15.01.2024	Performance Review Work. Catch up with Senior Works Finance Administration Officer
16.01.2024	Performance Review Work. Catch up with Works Manager
17.01.2024	Performance Review Work. Catch up with Works Manager & Senior Works Finance Administration Officer
18.01.2024	Camp Oven Festival Working Group and MAC Meeting. Swimming Pool & Splashpad Tender specification work. Office Administration
19.01.2024 to 21.01.2024	Swimming Pool & Splashpad Tender specification work. Office Administration

Date	Activity
22.01.2024	Swimming Pool & Splashpad Tender specification work. Office Administration. Fuel RFQ Work. Credit Card Review with Office of Auditor General Representatives and Senior Works Finance Administration Officer.
23.01.2024	Swimming Pool & Splashpad Tender specification work. Fuel RFQ Work. Credit Card Review with Office of Auditor General Representatives and Senior Works Finance Administration Officer.
24.01.2024	Swimming Pool & Splashpad Tender specification work. Fuel RFQ Work. Team Meeting with Alan Carmichael & Kimberly Clark regarding DSLGC Audit assistance. TOIL
25.01.2024	TOIL
26.01.2024	Australia Day Public Holiday
29.01.2024	Catch up with Works Manager. DFES Fire Training. Meeting with Senior Works Finance Administration Officer. DFES Emergency Management Work. Swimming Pool & Splashpad Tender specification work
30.01.2024	DFES Emergency Management Work. DFES Meeting (Tim McNaught, Robbie Stainton, Josh Kirk & Works Manager). Performance Review Work
31.01.2024	DFES Emergency Management Work. Performance Review Work
1.02.2024	Delegations Review Work. Community Energy Upgrades Fund Webinar and Story Towns Teams Meetings
2.02.2024 to 3.02.2024	Delegations Review Work. Office Administration
4.02.2024	Delegations Review Work. Agenda Work. Office Administration
5.02.2024	Delegations Review Work. Office Admin. Touch base with Lynn Fogg WALGA. Catch up with Works Manager
6.02.2024	Delegations Review Work. Attend RAI Transition Research in the Mid-West/Gascoyne Local Government Roundtable via Teams
7.02.2024	Delegations Review Work. Attend DFES Meeting regarding AGRN1021 via Teams with Works Manager & Josh Kirk. Touch base with Lynn Fogg WALGA
8.02.2024	Delegations Review Work. Camp Oven Muster Template
9.02.2024	Annual Report Work. Camp Oven Muster Template. Attend GRA Briefing via Teams.
10.02.2024	Annual Report Work. Community Development Work. Meeting with Works Manager, Senior Works Finance Administration Officer and potential job applicants
11.02.2024	Annual Report Work.
12.02.2024	Delegations Review Work. Agenda Work
13.02.2024	Agenda Work. SKA Route Traffic Work. Meeting with Works Manager
14.02.2024	Agenda Work. SKA Route Traffic Work
15.02.2024 to 17.02.2024	Agenda Work. Budget Review Work
18.02.2024 to 19.02.2024	Agenda Work

Recommendation

That Council note the CEO's Activity Report.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr M Fowler **Seconded: Cr** E Foulkes-Taylor

Carried **For** 5 **Against** 0

21 OTHER ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Other Items to be Discussed behind closed doors

21.1 Rates Recovery Update

Recommendation

That that pursuant to LGA s5.23(2)(b)(c)(d) & (e) of the *Local Government Act 1995* that the following matters be discussed behind closed doors

21.1 Rates Recovery Update

Voting Requirements

Simple Majority

Council Decision

Moved: Cr Q Fowler

Seconded: Cr M Fowler

That that pursuant to LGA s5.23(2)(b)(c)(d) & (e) of the *Local Government Act 1995* that the following matters be discussed behind closed doors

21.1 Rates Recovery Update

Carried	For	5	Against	0
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The meeting was moved to behind closed doors at 2.05pm

Motion to open the meeting to the public

Recommendation

That the meeting come from behind closed doors

Voting Requirements

Simple Majority

Council Decision

Moved: Cr Q Fowler

Seconded: Cr G Mead

That the meeting come from behind closed doors

Carried	For	5	Against	0
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The meeting was moved out of closed doors at 2.18pm

Decisions Disclosed from the Closed Section of Meeting

21.1 Rates Recovery Update

Council Decision

Moved: Cr E Foulkes-Taylor

Seconded: Cr G Mead

That Council resolve as follows.

- 1 That Council note the Chief Executive Officers Rates Recovery Report and endorse the actions taken.
- 2 That pursuant to s6.12(1(c) of the Local Government Act 1995 that Council write off of monies relating to various rate assessments as per the attached list.

Carried

For 5

Against 0

22 MEETING CLOSURE

The Shire President closed the meeting at 2.21pm

Minutes of the Meeting were confirmed at the Council Meeting held on 28 March 2024

Signed.....

Presiding Officer