



# AGENDA

## ORDINARY MEETING OF COUNCIL

to be held on

**Thursday, 21 October 2021 at 5:30pm**

at the

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



WESTERN AUSTRALIA'S  
WILDFLOWER COUNTRY

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

**DISCLAIMER**

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

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## DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

***Important Note:***

Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

*“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”*

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**Item 1 Opening of Meeting**

The President to declare the meeting open.

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

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

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

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

President and Deputy President to be determined at Special Meeting of Council to be held 18 October 2021 with Agenda to be updated accordingly after this meeting.

**Council**

Councillor Dean Carslake  
Councillor Karen Chappel  
Councillor Jane Coaker  
Councillor Debbie Collins  
Councillor Yvette Harris  
Councillor Shirley Katona  
Councillor Ken Stokes

**Staff**

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

**Members of the Public****3.2 Attendance by Telephone / Instantaneous Communications**

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

**3.3 Apologies**

**3.4 Approved Leave of Absence****3.5 Disclosure of Interests****Item 4 Applications for Leave of Absence****Item 5 Response to Previous Questions****Item 6 Public Question Time**

*Important note:*

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

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

**6.1 Public Question Time****6.2 Public Statement Time****6.3 Petitions/Deputations/Presentations/Submissions****Item 7 Questions from Members without Notice**



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

<b>Date</b>	<b>Details of Meeting</b>
2 September 2021	WALGA Kimberley Zone - Broome
3 September 2021	WALGA State Council - Broome
5 September 2021	Shire of Victoria Plains 150 <sup>th</sup> Anniversary- New Norcia
8 September 2021	Hon Minister Hogan MP
9 September 2021	Shire of Morawa Council Briefing Session
9 September 2021	ALGA Board Meeting
14 September 2021	Auditor General
15 September 2021	Hon Minister Punch MLA
16 September 2021	Shire of Morawa Ordinary Council Meeting
16 September 2021	Mayor Roberts, Nick Sloan
19 September 2021	Mayors and Presidents Forum
20 September 2021	WALGA AGM
21 September 2021	WALGA Convention
22 September 2021	Aboriginal Engagement Forum
24 September 2021	Mayor Karen Vernon, Town of Victoria Park
24 September 2021	Cr Craig Simkin, Shire of Northampton

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

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**Item 10 Confirmation of Minutes of Previous Meeting**

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The Minutes of the 16 September 2021 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 24 September 2021.

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**OFFICER'S RECOMMENDATION**

**That Council confirm that:**

- 1. the Minutes of the Ordinary Council Meeting held 16 September 2021 are a true and correct record.**

***SIMPLE MAJORITY VOTE REQUIRED***

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*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items in this agenda in which they may have an interest, until formal notification in writing from the Shire has been received. Decisions made at this meeting can be revoked pursuant to the Local Government Act 1995.*

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

**Author:** Executive Assistant

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER RECOMMENDATION**

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

**1. Accept the Report.**

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

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

**DETAIL**

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

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

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

***Bushfire***

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

***Caravan parks and campgrounds***

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

***Common Seal***

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

***Dangerous Goods Safety Act 2004***

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

***Food Act 2008***

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

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

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

***Liquor Control Act 1988***

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

***Lodging houses***

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

***Public Buildings***

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

***Septic Tank Approvals***

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

***Planning Approval***

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
14/9/2021	04/21	Approval for second emergency bulkhead	CBH	

**Building Permits**

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
7/9/2021	Permit no 21806	Approval to build new carport	6 Evans St	
23/9/21	Permit no 210875	Re roof of residential dwelling due to cyclone damage	300 Madden Rd	

**Other Delegations**

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
3/9/2021	N/A	Firework event notice	Morawa Speedway	
9/9/2021	N/A	Approve event and liquor licence, event to be held 2/10/21	Morawa Speedway	

**LEVEL OF SIGNIFICANCE**

Low – report provided to Council for information purposes.

**CONSULTATION**

Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

*Building Act 2011*

*Bushfire Act 1954*

*Dangerous Goods Safety (Explosives) Regulations 2007*

*Health Act 1991*

*Health Act 1911*

*Health (Public Buildings) Regulations 1992*

*Liquor Control Act 1988*

*Local Government Act 1995*

*Planning & Development Act 2005*

*Shire of Morawa Local Planning Scheme No. 2*

*Shire of Morawa Cemeteries 2018 - Local Law*

*Shire of Morawa Dogs 2018 - Local Law*

*Shire of Morawa Extractive Industries 2018 - Local Law*

*Shire of Morawa Fencing 2018 Local Law*

*Shire of Morawa Health 2004 - Local Law*

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

*Shire of Morawa Meeting Procedures 2012 - Local Law*

*Shire of Morawa Waste 2018 - Local Law*

*Shire of Morawa Delegations Register (2020)*

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

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

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no known financial implications relating to this Item.

**RISK MANAGEMENT CONSIDERATIONS**

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

**ATTACHMENTS**

Nil

**11.1.2 Cessation of Lease and release from obligations – Ausco Modular Pty Ltd**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER RECOMMENDATION**

**That Council:**

- 1. Confirm the termination of the Lease between the Shire and Ausco Modular Pty Ltd of a Portion of Lot 511, White Avenue, Morawa**
- 2. Accept that Ausco Modular Pty Ltd have met all their obligations, in terms of removal of property and site make good provisions**
- 3. Accept that all fixtures currently located on the site are now the responsibility of the Shire of Morawa.**

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to end its relationship with Ausco Modular Pty Ltd in relation to their lease of a Portion of Lot 511, White Avenue.

**DETAIL**

In July 2012 the Shire entered into a lease with Ausco Modular Pty Ltd for a portion of Lot 511, White Avenue for the purpose of workers accommodation.

The site was established as a workers accommodation camp and subsequently occupied for several years. The lease was renewed once and expired in July 2018.

Acting CEO Mr Rob Paull undertook various discussions with Ausco in 2020 before and during the outbreak of Covid 19 to remind the company of their make good provisions within the lease, relating to the site, as it had been left without occupants for some time. Ausco confirmed that they would make the site good in line with the lease.

At the time of writing this report the following site works have been completed:

- All accommodation buildings have been removed
- The carpark has been torn up
- Most of the shade structures have been removed
- All damaged fencing has been repaired

- Fire hose reels and circuit boxes have been removed
- Electrical wiring has been removed
- Generator and surrounding fencing have been removed
- Weed slashing and spraying

The remaining infrastructure around the site is:

- Camp external fencing
- All concrete pads, tie downs, footpaths, ramps, and railings
- Underground sewerage and conduit
- Water tanks for scheme and fire
- One shade structure at the loading area ramp

On assessment the remaining infrastructure offers an unobtrusive resolution for Council. Other than the single shade structure and the water tanks, both of which would be destroyed if removed and are currently in good condition, all the rest of the site infrastructure is hidden behind the perimeter fencing. When establishing a new camp underground services and cement footings would be a costly part of the process and by the Shire retaining the basic infrastructure to allow the reformation of a camp it opens potential future opportunities.

The water tanks will become a firefighting resource and the gravel from the old car park is being utilised in road works.

Whilst at this stage the Shire does not have a designated use for the site, having a space zoned for workers accommodation with some basic infrastructure may prove to be a useful asset in the future.

The Shire could also build the site into future caravan park expansion plans.

In terms of the original lease “Above Ground Infrastructure” and “Below Ground Infrastructure” were defined as being owned by the Lessor (Shire of Morawa). These included the fencing, footpaths, and associated tie downs.

The Lessee was responsible under Clause 28 of the lease for the removal of all Accommodation and Ancillary structures (bathrooms, kitchens, shade structures). This has been done barring the one shade structure which on review by the CEO was deemed to offer some value if retained by the Shire given its vicinity to the fence line and loading bay.

The only other area Ausco have not met the terms of the lease exactly, is when they removed the car parking facilities, they left the gravel for the Shire to make use of and did not replant natural vegetation. This was deemed appropriate as the gravel is of more current value to the Shire and the area may need to be re-cleared in the future for residential or other expansion, so replanting seemed unnecessary at this stage. Natural bush will likely repopulate the area over time.

Given the site is fenced off, minimal risk to the public remains.

After Ausco completing their rectification works in July and August they have written to the Shire (attached) requesting a release from their obligations under the lease and acceptance of their make good efforts.



**LEVEL OF SIGNIFICANCE**

Low

**CONSULTATION**

Senior Management Team  
Shire President  
Ausco Modular Pty Ltd

**LEGISLATION AND POLICY CONSIDERATIONS**

Nil

**FINANCIAL AND RESOURCES IMPLICATIONS**

Nil at this time – future costs may be incurred maintaining the site and fixtures such as the water tanks.

**RISK MANAGEMENT CONSIDERATIONS**

Site has been inspected to ensure required site works have been completed as listed in the above report. Perimeter fencing restricts access to unauthorised persons.

**CONCLUSION**

It is being recommended that Council authorises the termination of the lease between Ausco Modular Pty Ltd and the Shire of Morawa, accepting that Ausco have met their obligations in terms of the removal of their property from the site. All fixtures currently located on the site will now become the responsibility of the Shire.

**ATTACHMENTS**

*Attachment 1 – 11.1.2 Letter to Morawa Shire from Ausco Modular Pty Ltd*

**11.1.3 Morawa Council Representatives of Audit Committee, Northern Country Zone and Regional Road Group**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER RECOMMENDATION**

**That Council:**

1. Appoint Cr \_\_\_\_\_ as the voting delegate for Northern Country Zone with Cr \_\_\_\_\_ as the proxy delegate.
2. Appoint Cr \_\_\_\_\_ as the Council delegate for the Regional Road Group – North Midlands Subgroup with Cr \_\_\_\_\_ as the proxy delegate.
3. Appoint the whole Council as delegates to the Audit Committee

***ABSOLUTE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to appoint delegates to the WALGA Northern Country Zone and Regional Road Group and to confirm the continuation of all Councillors forming the Audit and Risk Committee.

**DETAIL**

Councils review appointments to committees and external groups at the conclusion of each election period, every 2 years.

The terms of newly elected Councillors commenced on Sunday 17 October 2021. All four newly elected councillors were unopposed and current serving councillors.

Councillors who nominate to represent the Shire of Morawa on groups must ensure they have the necessary time to allocate attending meetings and reviewing supporting documents in order to provide constructive inputs and vote appropriately.

The WALGA Northern Country Zone meetings are held every second month and Cr Chappel has been Morawa's representative on the group for several years and currently Chairs the zone meetings. Zones are groups of geographically aligned Member Councils and are responsible for the election of State Councillors, providing inputs into WALGA policy formation and providing

advice on broad issues affecting the area to WALGA. Cr Chappel is currently the Zone's State Council representative and Deputy Chair of WALGA.

WALGA Regional Road Groups are established under the State Road Funds to Local Government Agreement which is overseen by the State Advisory Council. The Shire of Morawa is part of the Mid-West Regional Road Group and the North Midlands sub-group. Regional Road Groups provide Local Government with a voice in how State Government's contribution to local roads is spent. Cr Stokes is the Shire's current Regional Road Group representative.

## LEVEL OF SIGNIFICANCE

Medium – without appropriate representation, the Shire of Morawa's views may not be well articulated to the broader region when making decisions.

## CONSULTATION

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

### 5.8. Establishment of committees

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\* Absolute majority required.*

### 5.9. Committees, types of

(1) In this section —

**other person** means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

### 5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\* Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Nil

### **RISK MANAGEMENT CONSIDERATIONS**

This report provides the opportunity to clearly delineate roles and responsibilities which is a key risk management action.

### **CONCLUSION**

That Council appoint members of Committees of Council and external WALGA Committees.

### **ATTACHMENTS**

Nil

**11.1.4 Superannuation for Elected Members**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER RECOMMENDATION**

**That Council:**

1. ***Does Not Support*** the proposed WALGA recommendation - that WALGA recommends to the Minister for Local Government that the Local Government Act 1995 be amended to require Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected member
2. **Form the position that if the legislated changes are advocated for, then:**
  - a. **The change should be mandated**
  - b. **Super payments should be incorporated within SAT band allocations not over and above.**
  - c. **WALGA should advocate that the next SAT review should consider the new legislated position and increase the upper levels of the bands accordingly.**

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

For Council to inform WALGA and State Council representatives on the Shire's position in relation to Elected Member superannuation.

**DETAIL**

WALGA have prepared the attached Draft Policy Proposal in relation to Superannuation for Elected Members.

Given any advocacy or changes in this area will directly affect the income of elected members and the budgets of Local Governments, it is prudent that Council formalises a position on this matter so the CEO can inform WALGA and the Council elected Northern Country Zone representatives can speak to this matter representing the Councils views.

In terms of the Draft Proposal, it generally assumes that elected members should be treated like employees and that they are not currently being appropriately remunerated for their services to the community.

Firstly, the Local Government Act 1995, makes it very clear that Elected Members are not employees and should not be involved in operational areas in the same manner as employees. As such, for the report to provide a statement that Elected Members, like all workers, should be entitled to superannuation seems wrong at the outset as Elected Members are not workers.

Elected Members in line with legislation are not employees of the Local Government and whilst they provide a valuable function they probably align more closely with the role of a board as opposed to an employee/worker. Given the nature of an elected members role and the way they are paid they could meet the ATO's definition for a contractor with super entitlements but in general as a clear allowance/sitting fee amount is set by the Salary and Allowances Tribunal (SAT) it seems more prudent to assume that that fee considers all the necessary payments aligned to the role of an elected member.

In general, the provision of superannuation currently is managed through the Shire payroll system as it applies to employees. Payments are made to a super clearing house, which then distributes the funds to the individual super accounts. The payment of superannuation to elected members would require more manual processing, as elected members are paid through the creditors system, but would be plausible given it is only a twice a year process. If the payment of superannuation was a Statewide legislated position the finance software companies like SynergySoft may adapt their systems to streamline the process in some way.

As it stands, individual councillors can request to have all, or a portion of their allowance/sitting fees paid into a superannuation fund. It appears the proposal from WALGA is encouraging a one size fits all approach and removing the freedom of choice for an individual elected member to choose whether to allocate their allowance into super or not.

The author of this report challenges the assumption in WALGA's proposal that increased remuneration would lead to greater representation. As it stands, the Shire of Morawa sets Elected Member allowances at a modest level in line with the budgetary constraints faced by the Shire, but the Shire still attracts a full complement of Councillors and over 50% of those Councillors are female – as such a mandated change to super payments to Elected Members is unlikely to attract more female or youth representation on Council in Morawa, it is only going to impact on the Shire's budget.

Elected Members are currently paid under the Western Australia Salaries and Allowances Act 1975, with the exact sitting fees/allowances determined by the SAT. Through this process it can be assumed that the SAT is trying to set a reasonable remuneration level based on the Local Government band. The suggestion in the proposal that the SAT should not consider the payment of superannuation as part of the deliberative process, if it is introduced, seems counter intuitive.

Under the current system the explanatory notes around the Elected Member determination states that in an instance where a Council has voted to become an Eligible Local Governing Body, then fees/allowances paid are to be inclusive of superannuation liability. From this it can be assumed that the Salaries and Allowances Tribunal intends that the allowances paid to Elected Members would be sufficient to cover Superannuation. The WALGA Policy Proposal also notes the other impacts on PAYG and FBT of a Council voting to become an Eligible Local Governing Body.

For further comparison, a Local Government CEO has superannuation included within their total remuneration package determined by the SAT not above or outside the package. In general, all

workers have superannuation considered as part of their employment remuneration package when deciding whether to undertake a role, it could be assumed that Councillors are fully aware of the remuneration on offer before standing for Council. As such it could be argued that WALGA should be arguing for an increase to the elected member fees and allowances under the SAT process, to allow for a super component, as opposed to requesting the payment to be above or over current allowances.

Along these lines it could also be argued that small Councils such as Morawa would have set their Elected Member remuneration at an affordable level to attract the required number of councillors, and by incorporating super above current payments it would add extra cost to the process of governing. Whilst WALGA have highlighted that this may only be a maximum of \$13,965 – this could be the equivalent to half a percent increase in rates. At the Shire of Morawa, it would be an increase in costs to the Shire of \$8,525 based on current allowance payments.

If the super payments are incorporated within the SAT bands, then Councils could choose to keep their allowance payments at the same level with a portion going to super, as opposed to forcing extra costs upon the Local Government budget, depending on the Councils position on cost management and Elected Member remuneration. Essentially, under the current system an Elected Member could just ask for a portion of their allowance to go to their nominated super account as opposed to it being a mandated rule.

As stated in the Policy Proposal the political connotations of each Council deciding whether to pay all Elected Members super or not seems fraught with danger and conflict. The Author recommends that if Council is supportive of the concept of super payments to elected members, then it should be mandated by legislation and not left to an individual council decision.

Council should take into consideration the scrutiny by the public and State Government if WALGA form a policy position that essentially suggests that Councillors should receive more remuneration in a time when the sector is already under immense scrutiny and many Councils are struggling to remain financially viable.

## **LEVEL OF SIGNIFICANCE**

Low – At this stage this is an advocacy position for WALGA and Morawa represents a small proportion of the total Local Government input.

## **CONSULTATION**

Senior Management Team  
Shire President

## **LEGISLATION AND POLICY CONSIDERATIONS**

Western Australia Salaries and Allowances Act 1975

## **FINANCIAL AND RESOURCES IMPLICATIONS**

If this change goes ahead in the way suggested by WALGA it will increase costs upon the Shire by around \$8,525 plus any staff time taken to process the administrative side of the process.

**RISK MANAGEMENT CONSIDERATIONS**

Minimal risks exist with providing inputs to an advocacy position. However, reputational risks do exist depending on what inputs the Shire chooses to make.

**CONCLUSION**

The CEO is recommending that Council do not support the WALGA position and recommendation that the Local Government Act 1995 be amended to require Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.

Should the consensus across the sector be that WALGA advocate for this change then the CEO also recommends that:

- a) The change should be mandated
- b) Super payments should be incorporated within SAT band allocations not over and above.
- c) WALGA should advocate that the next SAT review should consider the new legislated position and increase the upper levels of the bands accordingly.

**ATTACHMENTS**

*Attachment 1 – 11.1.4. WALGA Draft Policy Proposal – Superannuation for Elected Members*



**11.1.5 Application for Exploration Licence – No.70/5912 & No.70/5913 on Various Lots and Reserves.**

**Author:** Planning Officer

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER'S RECOMMENDATION**

That with respect to Application for Exploration Licence – No.70/5912 & No.70/5913 on Various Lots and reserves, Council:

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

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

This report seeks Council's consideration in relation to two (2) application for an exploration license over various lots that has been submitted on behalf of Redscope Enterprises Pty Ltd, by Emerald Tenement Services.

**DETAIL**

Council has received notice of an application for an exploration licence from Emerald Tenement Services for a mining exploration licence over various lots in the locality of Canna.



Where Council believes there are good grounds to raise an objection to the application, an objection may be lodged to the application with the Mining Registrar within 21 days of being served the Notice (before 3 November 2021). In relation to the matter before Council, the Shire is not aware of any such grounds to raise an objection to the application.

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

## **12. Exploration Licence**

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

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

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

## **LEVEL OF SIGNIFICANCE**

Low significance – response required to be lodged at the mining register's office on or before 3 November 2021.

## **CONSULTATION**

Chief Executive Officer

**LEGISLATION AND POLICY CONSIDERATIONS**

*Mining Act 1978*

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

**FINANCIAL AND RESOURCES IMPLICATIONS**

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

**RISK MANAGEMENT CONSIDERATIONS**

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

**CONCLUSION**

That subject to conditions that address protecting the local amenity and Shire road reserves, it is considered appropriate that Council raise no objection to the Application for Exploration Licence – No. 70/5912 & No.70/5913 by Emerald Tenement Services.

**ATTACHMENTS**

*Attachment 1 – 11.1.5 Application for mining tenement*

## 11.2 Executive Manager Corporate & Community Services

### 11.2.1 Statement of Financial Activity – September 2021

**Author:** Corporate and Community Officer

**Authorising Officer:** Executive Manager Corporate and Community Services

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

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#### OFFICER'S RECOMMENDATION

That Council receive;

1. the Statement of Financial Activity for the period ending 30 September 2021.
2. the Bank Reconciliation Report for period ending 30 September 2021.
3. the attached List of Payments for the period ending 30 September 2021.
4. Notice of NIL reimbursements paid to the Chief Executive Officer for the period ending 30 September 2021

***SIMPLE MAJORITY VOTE REQUIRED***

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#### PURPOSE

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

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

#### DETAIL

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

Under the regulations the report must include the following items,

- Annual Budget estimates
- Budget estimates to the end of the month to which the statement relates,
- Actual amounts of expenditure, revenue, and income.
- Material variances between budget and actual
- Net current assets

- The report is to be accompanied by documents containing an explanation of the net current assets, material variances and other relevant supporting documentation.

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

Account	Balance
Municipal Account	2,187,546.36
Municipal Online Account	1,026,928.97
Trust Account	3,342.41
Reserve Account	3,437,301.13
Term Deposits (Reserves)	2,100,000.00
<b>Total Cash &amp; Investments</b>	<b>\$8,755,118.87</b>

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

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

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

Bank	Payment Description	Amount
Municipal	Electronic Funds Transfers (EFT)	248,159.25
Municipal	Cheques No: 12023	9,461.83
Municipal	Direct Debit Transactions	32,597.22
Municipal	Bank Transfers / Payroll / Other Payments	183,063.58
Municipal	Corporate Credit Cards	5,283.49
Trust	Electronic Funds Transfers (EFT)	0.00
	<b>TOTAL</b>	<b>\$479,184.22</b>

### Reimbursement Applications

There have been NIL reimbursements claimed by the Chief Executive Officer during the month of September 2021.

### LEVEL OF SIGNIFICANCE

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

### CONSULTATION

Chief Executive Officer

### OFFICER'S COMMENTS

Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

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

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

Role of council

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

*Local Government (Financial Management) Regulations 1996*

Regulations 34(1)

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

Regulation 13

- (1) If the local government has delegated authority to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month.
- (3) A list prepared under sub regulation (1) or (2) is to be –
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting

Procurement Policy

Use of Corporate Credit Card Policy

CEO Leave Authorisations and Other Approvals Policy

- Strategic Community Plan 2018-2028

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

**Outcome 4.5** Long Term Financial Viability

**FINANCIAL AND RESOURCES IMPLICATIONS**

As presented.

**RISK MANAGEMENT CONSIDERATIONS**

The risks identified as part of this report being inaccurate information is mitigated by Council receiving financial statements on a monthly basis and in the form that is in accordance with the

Local Government Act 1995 and associated regulations in the format called Statutory Reporting and is considered Low Risk.

**CONCLUSION**

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

**ATTACHMENTS**

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

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

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



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**Item 12 Reports of Committees**

**12.1 Minutes of WALGA State Council Meeting held 3 September 2021**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER’S RECOMMENDATION**

**That Council receive the Full Minutes of the WALGA State Council meeting held on Friday, 3 September 2021**

***SIMPLE MAJORITY VOTE REQUIRED***

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*Attachment 1 – 12.1 Minutes of WALGA State Council Meeting held on 3 September 2021.*

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

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

**Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)**

**Item 16 Closure**

**16.1 Date of Next Meeting**

The next ordinary meeting of Council will be held on Thursday, 18 November 2021 commencing at 5.30pm.

**16.2 Closure**

There being no further business, the President to declare the meeting closed.