



MINUTES

ORDINARY MEETING OF COUNCIL

held on

Monday, 18 December 2023 at 5:30pm

at the

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



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

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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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Contents

Item 1	Opening of Meeting	7
Item 2	Acknowledgement of Traditional Owners and Dignitaries	7
Item 3	Recording of Attendance	7
3.1	Attendance	7
3.2	Apologies	7
3.4	Approved Leave of Absence	7
3.5	Disclosure of Interests	7
Item 4	Applications for Leave of Absence	7
Item 5	Response to Previous Questions	7
Item 6	Public Question Time	8
Item 7	Questions from Members without Notice.....	8
Item 8	Announcements by Presiding Member without Discussion	8
Item 9	Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting.....	9
Item 10	Confirmation of Minutes of Previous Meeting.....	9
Item 11	Reports of Officers	10
11.1	Chief Executive Officer	10
11.1.1	Actions Performed under Delegated Authority for November 2023	10
11.1.2	Adoption of 2024 Extraordinary Council Election Processes	14
11.1.3	Policy Manual Review – Stage 2	18
11.1.4	Project Development Update – Morawa Early Childhood Education and Family Centre	21
11.2	Executive Manager Corporate & Community Services	25
11.2.1	Statement of Financial Activity – November 2023	25
11.2.2	Disability Access and Inclusion Plan (DAIP) Adoption.....	29
Item 12	Reports from Committees	32
Item 13	Motions of Which Previous Notice Has Been Given.....	32
Item 14	New Business of an Urgent Nature	32
14.1	Acceptance of Late Item	32
14.2	Acceptance of Annual Financial Statements and Audit Report.....	33
Item 15	Matters for Which the Meeting May Be Closed (Confidential Items)	36
15.1	Closure of the Meeting to the Public.....	36
15.2	Appointment of Primary Contractor to Undertake RFT-02-2324 AGNR1021 Flood Recovery Minor Works - Confidential	39
15.3	Reopening of the Meeting to the Public.....	40

Item 16 Closure..... 40

 16.1 Date of Next Meeting 40

 16.2 Closure 40

Item 1 Opening of Meeting

The President declared the meeting open at 5:30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

Item 3 Recording of Attendance**3.1 Attendance****Council – Electronic Attendance**

President (Presiding Member) Councillor Karen Chappel
Deputy President Councillor Ken Stokes
Councillor Grant Chadwick

Council – In Person Attendance

Councillor Mark Coaker
Councillor Debbie Collins
Councillor Diana North

Staff

Chief Executive Officer	Scott Wildgoose
Executive Manager Corporate & Community Services	Jackie Hawkins

Members of the Public

Nil

3.2 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosure of Interests

CEO noted Impartiality (perceived interest) in Item 11.1.4 Project Development Update – Morawa Early Childhood Education and Family Centre as he is a Board Member of the Not-For-Profit organisation Regional Early Education and Development Inc (REED).

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

Nil

Item 6 Public Question Time

Nil

Item 7 Questions from Members without Notice

Nil

Item 8 Announcements by Presiding Member without Discussion

President's Meetings for the month of November 2023.

Date	Details of Meeting
1 November 2023	LGIS Meeting
2 November 2023	2024 Australian of the Year Awards
7 November 2023	Grattan Institute Briefing
8 November 2023	LMDRF
10 November 2023	WALGA New Councillor Seminar
16 November 2023	Shire of Morawa – Ordinary Council Meeting
17 November 2023	ALGA Board Meeting
21 November 2023	Meeting with National Office of Road Safety
21 November 2023	Wildflower Country Meeting
21 November 2023	National Situation Room Tour
22 November 2023	ALGA Board Meeting
24 November 2023	Joint Council Meeting – Closing the Gap
27 November 2023	Northern Country Zone of WALGA Meeting - Coorow
27 November 2023	Morawa Art Awards and Exhibition Working Group Meeting
27 November 2023	Town Teams Movement Information Session
27 November 2023	Shire of Morawa – Council Forum
27 November 2023	Citizen of the Year - Panel Meeting
27 November 2023	Midwest Development Commission – Audit and Risk Committee Meeting
29 November 2023	LGHT Finance and Services
30 November 2023	State Council Introduction

Item 9 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting

The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

- President (Presiding Member) Councillor Karen Chappel
- Deputy President Councillor Ken Stokes
- Councillor Grant Chadwick
- Councillor Mark Coaker
- Councillor Debbie Collins
- Councillor Diana North

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 16 November 2023 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 17 November 2023.

OFFICER'S RECOMMENDATION/RESOLUTION**231203****Moved: Cr Stokes****Seconded: Cr Coaker****That Council confirm that:**

1. **the Minutes of the Ordinary Council Meeting held 16 November 2023 are a true and correct record.**

CARRIED BY SIMPLE MAJORITY 6/0*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 November 2023**

Author: Governance and Executive Support Officer

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION/RESOLUTION**231204****Moved: Cr Collins****Seconded: Cr North**

That with respect to Actions Performed under Delegated Authority for November 2023, Council:

- 1. Accept the Report.**

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

To report back to Council, actions performed under delegated authority from the period 01 November 2023 to 30 November 2023.

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 November 2023 to 30 November 2023 ('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 hawkers, 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

No delegated decisions were undertaken by Shire pursuant to *Planning & Development Act 2005* during the period.

Building Permits

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
7/11/2023	23/16	Steel Framed Shed	Norwest Building Group Pty Ltd	

9/11/2023	23/17	Steel Patio	Outdoor World Wangara	
21/11/2023	23/18	Construction of Attached Patio	K J Beattie	

Other Delegations

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
30/11/2023	Approved	Application for Public Event Approval	Morawa CRC	

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)

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 Adoption of 2024 Extraordinary Council Election Processes

Author: Governance and Executive Support 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.

OFFICER'S RECOMMENDATION/RESOLUTION**231205****Moved: Cr Stokes****Seconded: Cr Coaker****That Council:**

- 1. Note that there is currently 1 Councillor vacancy as an outcome of the 2023 Local Government election.**
- 2. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election;**
- 3. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

LOST BY ABSOLUTE MAJORITY 1/5

Cr Collins voted in favour of the Officer Recommendation.

Cr Chappel, Cr Stokes, Cr Coaker, Cr North, Cr Chadwick voted against the Officer Recommendation. The reason for not accepting the recommendation is due to the cost of the service and value for money considerations.

PURPOSE

For Council to review the processes for the 2024 Extraordinary Council Election and adopt a Council position accordingly.

DETAIL

At the October 2023 Local Government Council Election, the Shire of Morawa had 3 Councillor vacancies to fill. Only two (2) Candidate Nominations were received and both candidates were elected unopposed. This leaves one Councillor vacancy, therefore requiring an Extraordinary Election to be held to fill the remaining one (1) vacant position.

At the 16 March 2023 Ordinary Council Meeting, Council resolved to "Declare in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible

for the conduct of 2023 ordinary elections together with any other elections or polls that may be required.”

Given this previous declaration stating the Electoral Commissioner will be responsible for other elections as required, it has been assumed that the WAEC will be conducting the extraordinary election, however a formal resolution is required.

The Extraordinary Election has been scheduled for Friday, 15 March 2024.

The WAEC have provided a cost estimate to undertake the 2024 Extraordinary Election (*Attachment 1*). Noting it is just an estimate and the Act provides the WAEC to undertake elections on a cost recovery model. An \$11,000 cost estimate is provided based on under 410 electors, 50% voter turnout, 1 vacancy, standard Australia Post services. All assumptions seem reasonable and may result in a lower than quoted cost if candidate numbers or voter turnout is low.

The WAEC, although not yet confirmed, have indicated that the final cost for undertaking the 2023 Local Government Council Election will be approximately \$6,000. The estimated cost was \$12,000.

The decision for the Shire of Morawa centres around whether the cost of engaging the WAEC to run the extraordinary election is more than the Shire can afford, noting it is a cheaper option to run in house in person elections.

It is the opinion of the Author that the Shire should engage the WAEC to run the 2024 Extraordinary Election based on several factors:

- The new regulations and reforms aligned to election processes will likely require research and understanding that will attract previously unallocated officer time.
- The Shire administration is in the process recruiting for multiple administrative position vacancies. Many of the Shire’s operations cannot be outsourced due to human interaction or processes, therefore it seems sensible to outsource the elections to ensure daily operations are not impacted.
- Postal voting tends to attract more voters which could be seen as a win for local democracy.
- Whilst historic costs show that in house elections cost half as much as the quote provided, this does not consider unallocated officer time such as CEO and EA hours, and the opportunity cost of other tasks foregone during election time. Jan to March tends to be a busy operational period with budget reviews, compliance audit returns, and interim audit preparations.

As such the Author considers that the 2024 Extraordinary Election run through the WAEC will offer more benefit to the Shire than the dollar cost incurred in terms of reduced risk, administrative burden, and the ability for other tasks to continue uninterrupted during the election process.

At this stage, the next Ordinary Meeting of Council post-election will be Thursday, 21 March 2024. As such, it is expected that a Councillor declaration ceremony will be held before this meeting.

LEVEL OF SIGNIFICANCE

Medium

CONSULTATION

WAEC

DLGSCI Reform Information

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 Part 2 – Constitution of local government

Local Government Act 1995 Part 4 – Elections and other polls

- Section 4.7 Ordinary elections day usually third Saturday in October
- Section 4.20 (4) A local government may, having first obtained the written agreement of the Electoral Commissioner (attachment 1), declare*(by absolute majority) the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.
- Section 4.61 Choice of methods of conducting election
 - 4.61(2) The local government may decide (by absolute majority) to conduct the election as a postal election
 - 4.61(7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election

Local Government (Constitution) Regulations 1998

Local Government (Elections) Regulations 1997

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire incorporated \$15,000 in the 2023/2024 Annual Budget to accommodate the election based on the previous WAEC cost estimate and to cover any other unforeseen costs. It is expected that both the October and March election WAEC costs will amount to approximately \$17,000, this minor over budget expenditure would be manageable within normal budget parameters by adjusting other ledger budgets in this area to accommodate the need for the extraordinary election.

RISK MANAGEMENT CONSIDERATIONS

By engaging the WAEC the Shire is reducing its risk exposure by reducing the administrative resources required to run the election and engaging a professional organisation.

CONCLUSION

The decision to again engage the WAEC to manage elections using postal voting, comes at an extra cost but is being recommended by the administration as it represents a sound outsourcing solution that will allow officer time to remain focussed on other operational areas.

ATTACHMENTS

Attachment 1 – 11.1.2a Shire of Morawa Local Government Extraordinary Election - Cost Estimate Letter from WAEC

Attachment 2 – 11.1.2b Shire of Morawa Local Government Extraordinary Election – Written Agreement Letter from WAEC

11.1.3 Policy Manual Review – Stage 2

Author: Governance and Executive Support 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.

OFFICER'S RECOMMENDATION/RESOLUTION**231206****Moved: Cr Stokes****Seconded: Cr Collins**

That with regard to the Shire of Morawa Policy Manual and pursuant to s2.7 Local Government Act 1995, Council:

- 1. Resolves to adopt the revised policies, as per Attachment 1. These policies being:**
 - **CORP03 Closed Circuit Television and Video Surveillance Devices Management**
 - **ELM02 Recognition of Retiring Councillors**
 - **ELM03 Code of Conduct Council Members, Committee Members and Candidates**
 - **ELM06 Conduct of Public Question Time**
 - **ELM10 Affixing of the Shire of Morawa Common Seal**
 - **ELM14 Community Projects Letters of Support**
 - **RTED02 Tourism**

- 2. Resolves to revoke the following policies, as per Attachment 1, and direct the CEO to implement appropriate operational controls to govern these areas:**
 - **ADM07 Key/Swipe Card Policy**

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

Under Section 2.7 of the Local Government Act 1995, Council has adopted several policies to govern Local Government affairs. It is good practice to continually review the existing policies in view of changing legislation, operations, and requirements.

DETAIL

The Policy Manual is intended as a set of clear overarching directions from Council to the administration to govern the consistent, transparent, and compliant management of Shire operations. The policies and procedures may be changed as circumstances dictate and be amended at any time by Council.

Several policies within the manual have fallen due for renewal. It was therefore seen as practical and efficient to undertake a review of numerous policies but given resource constraints the administration has broken the review into stages.

Stage 1 was completed and adopted at the 20 July 2023 Ordinary Council Meeting. During Stage 2 of the review, 8 policies have been reviewed - all policies for review under this report are attached and the below table summarises key review points for each policy.

Council Policy	Reason for Review/Change
ADM07 Key/Swipe Card Policy	This policy has been identified as operationally focussed and more fitting with an Executive Policy. Essentially Council expects the administration to implement a robust security and access control procedure for the management of assets, but this policy goes into operational detail without addressing the nuances of different asset scenarios. As such it is suggested that the policy be repealed, and the CEO develop an appropriate operational procedure to address this area.
CORP03 Closed Circuit Television and Video Surveillance Devices Management	Scope of access has been expanded to allow for a more active role for WA Police. The policy changes place authorisation and management authority with the CEO which is more reflective of current practices.
ELM02 Recognition of Retiring Councillors	Addition of a one full term minimum service eligibility.
ELM03 Code of Conduct Council Members, Committee Members and Candidates	
ELM06 Conduct of Public Question Time	
ELM10 Affixing of the Shire of Morawa Common Seal	
ELM14 Community Projects Letters of Support	Reviewed with current operational practices and nature of minor requests in mind, and recommended changes propose to allow the CEO to execute letters for minor applications or local level support initiatives. This should streamline processes but still ensure high value projects or activities are reviewed and approved by the President or Council.
RTED02 Tourism	Debate was had about the relevancy of this policy given the Shire now has a Tourism Plan, and the Strategic Community Plan talks about “creating a sense of place for visitors”. It was also

	noted that the Shire doesn't have a policy that highlights the importance of agriculture or small business or education. At this time no changes have been made but it is for Council to review if this policy is still relevant in the current climate.
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LEVEL OF SIGNIFICANCE

Medium – regular reviews and updates of Council policies are part of a good governance framework and ensure the organisation remains current with best practice.

CONSULTATION

Chief Executive Officer
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995
1.7 Role of Council

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

Policies are aimed at providing an administrative control later which works to reduce risk by controlling actions within certain limits.

CONCLUSION

The second stage of Council Policy has now been completed and the revised policies are ready for Council review and adoption. The next round of review is set to be undertaken for Council adoption in March 2024.

ATTACHMENTS

Attachment 1 - 11.1.3a Reviewed Council Policies (Stage 2)

11.1.4 Project Development Update – Morawa Early Childhood Education and Family Centre

Author: Governance and Executive Support Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author declares an impartiality interest in this item due to currently sitting on the Board of Regional Early Education and Development Inc. (REED), a not-for-profit operating ECEC centres in country areas. At this stage the CEO believes REED may be the only feasible delivery option for an ECEC centre in Morawa, given they run the Perenjori, Mingenew, and Northampton centres, and they were established as a solution to regional care shortages. This is a voluntary role, and the CEO has no financial gain from any mergers undertaken by REED.

OFFICER'S RECOMMENDATION/RESOLUTION**231207****Moved: Cr Collins****Seconded: Cr Coaker****That Council:**

- 1. Endorse the Regional Early Education and Development Inc. (REED) Partnership Agreement as per Attachment 1 and approve the Shire President and CEO to sign the agreement on behalf of the Shire.**
- 2. Request the CEO submit a Full Application for the Growing Regions Program Grant program before the closing date of Monday, 15 January 2024.**
- 3. Reconfirm the Shire's willingness and capacity to fund the funding gap of 30% of the project costs, if alternate funding isn't available.**
- 4. Direct the CEO to seek State Government funding commitments towards the project.**
- 5. Accept the Preliminary Facility designs as presented in Attachment 2 and authorise the CEO to undertake the necessary tender advertising process as soon as grant funding is approved.**

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

For Council to consider approving the proposed partnership agreement between the Regional Early Education and Development Inc. (REED) and the Shire of Morawa for the purposes of fostering an ongoing relationship for the benefit of REED operating a Shire facilitated Early Childhood Education and Care centre (ECEC).

DETAIL

In July 2023, Council resolved:

That Council:

- 1. Direct the CEO to submit an Expression of Interest for the Growing Regions Grant Program for the Morawa Early Childhood Education and Family Centre – prior to the 1 August closing date.*
- 2. That Council authorize the Chief Executive Officer to approve a development application for an Early Childhood Education and Family Centre on Lot 409 on Deposited Plan 210931, being 26 Prater Street Morawa, subject to appropriate notice being given in accordance with clause 64 of the deemed provisions.*
- 3. Accept the opinion of probable cost of construction for Morawa Early Childhood Education and Family Centre as detailed in Attachment 2 and accept that the Shire's cash contribution towards the project, if successful in obtaining 70% growing regions program funding, would be up to \$1,050,000.*
- 4. Approve the Shire President to write to REED's board of management to formally request negotiations on a facility lease and terms of reference for a partnership arrangement commence to allow for formal Council acceptance in line with growing regions grant funding. Noting that all agreements are subject to funding being received and the project being delivered and does not tie the Shire to the delivery of the project in anyway and to any timeframe.*

A submission for the Expression of Interest (EOI) for the Growing Regions Program grant for the Morawa Early Childhood Education and Family Centre was completed and lodged in July 2023. A response was received on 24 November 2023 declaring our EOI submission successful and inviting the Shire of Morawa to apply for the next stage. Round 1, Stage 2 will open for applications on Monday, 27 November 2023 and close on Monday, 15 January 2024.

One of the components of the Stage 2 grant application is justifying the long-term viability of the federal investment. Therefore, a partnership agreement with an approved provider will be a key signal that the Shire has already planned for the operations of the facility.

Following negotiations with REED, a partnership agreement has been drafted for consideration of both parties (*Attachment 1*). REED presented the draft agreement at their Board Meeting on 12 December 2023, and the REED General Manager and Chair have been approved to execute the document.

Attachment 2 to this report represents the preliminary design of the facility that has been developed by the Shire's architect with inputs from REED, the working group, and aligned to the Australian Children in Education and Care Quality Authority standards. The facility design allows for a clear separation between the ECEC components of the facility and the more multi use family centre components. The ECEC centre layout has been developed with input from REED and will be able to accommodate a 19-place approved centre and may even be able to accommodate a couple more places depending on the finished product. The family centre has a space for parents to meet as well as wellness/meeting spaces for parent/child support services that wrap around such as speech, health nurse etc.

LEVEL OF SIGNIFICANCE

High significance - One of the components of the Stage 2 grant application is justifying the long term viability of the project. Therefore, a partnership agreement with an approved ECEC provider will be a key component to the applications success.

CONSULTATION

Senior Management Team
REED
Council Forum

LEGISLATION AND POLICY CONSIDERATIONS

N/A

STRATEGIC COMMUNITY PLAN 2022 - 2032

Be future focused in all we do:

- Ensure the Shire and its assets are well resourced and sustainable.
- Foster passion and belief in younger residents

Activate a vibrant small business sector:

- Maintain strong support systems and services

Embrace cultural and social diversity:

- Invest in socialisation and belonging

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire has previously reviewed the financial implications of this project and at this stage no new funding impacts are apparent. As well as the upfront costs of the project, the Shire can expect to incur annual costs aligned to the partnership agreement when supporting REED service delivery. This has yet to be budgeted but is unlikely to come into effect until the 2025-2026 financial year.

RISK MANAGEMENT CONSIDERATIONS

Minimal risk considerations due to the framing of the agreement noting that all agreements are subject to funding being received and the project being delivered and does not tie the Shire to the delivery of the project in anyway and to any timeframe.

CONCLUSION

That Council considers and approves the Shire President and CEO to sign acceptance of the partnership agreement between the Shire and Regional Early Education and Development Inc. (REED). This agreement will secure an ECEC facilitator and increase the prospect of success with the Round 1, Stage 2 Growing Regions Program grant.

ATTACHMENTS

Attachment 1 – 11.1.4a Draft REED & Shire of Morawa Partnership Agreement

Attachment 2 – 11.1.4b Preliminary Design

11.2 Executive Manager Corporate & Community Services

11.2.1 Statement of Financial Activity – November 2023

Author: Executive Manager Corporate & Community Services

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.

OFFICER'S RECOMMENDATION/RESOLUTION

231208

Moved: Cr North

Seconded: Cr Coaker

That Council receive;

1. the Monthly Financial Report including the Statement of Financial Activity for the period ending 30 November 2023.
2. the Bank Reconciliation Report for period ending 30 November 2023.
3. the attached List of Payments for the period ending 30 November 2023.
4. with respect to the Chief Executive Officer authorisations and reporting to Council;
4.1 Reimbursement applications made by the Chief Executive Officer for the period ending 30 November 2023.

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

The Monthly Financial Report is prepared to provide Council with a comprehensive report on the financial position on a monthly basis.

The Monthly Financial Report includes the Statement of Financial Activity Report, Bank Reconciliation Report and the List of Payments made during the reporting month.

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 November 2023 is as follows:

Account	Balance
Municipal Account	1,497,220.69
Municipal Online Account	3,048,089.18
Trust Account	1,525.11
Reserve Account	4,675,836.94
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	11,323,784.51

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 November 2023 to 30 November 2023 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)	582,450.82
Municipal	Cheques No: 12055	8,784.15
Municipal	Direct Debit Transactions	50,437.94
Municipal	Bank Transfers / Payroll / Other Payments	137,784.35
Municipal	Corporate Credit Cards	3,920.23
Trust	Electronic Funds Transfers (EFT)	0.00
	TOTAL	\$783,377.49

Reimbursement Applications

There have been no of reimbursements claimed and 4 days of leave taken by the Chief Executive Officer during the month of November 2023.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Chief Executive Officer
Executive Manager Corporate & Community Services

OFFICER'S COMMENTS

1. Decrease of prior year rates outstanding by \$99,085 or 17.79%.
2. Reserve Interest earnings currently \$43,456 compared to \$13,048 for the same period last year. An increase of 70%.
3. Depreciation calculated for the period 1 July to 30 November 2023 at \$805,490.
4. Capital projects spending currently at 37.49%, well below budget. This variance is mainly due to the non-allocation of plant usage through the new payroll system Definitiv, and is being rectified by the consultants.

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 2023 - 2032

Be future focused in all we do:

1. Ensure the Shire and its assets are well resourced and sustainable.

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 Monthly Financial Report that contains 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 - 11.2.1a Monthly Financial Report for the period ending 30 November 2023

Attachment 2 – 11.2.1b Bank Reconciliation for the period ending 30 November 2023

Attachment 3 – 11.2.1c List of Accounts Paid for the period ending 30 November 2023

11.2.2 Disability Access and Inclusion Plan (DAIP) Adoption

Author: Governance & Executive Support Officer

Authorising Officer: Executive Manager Corporate & 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.

OFFICER'S RECOMMENDATION/RESOLUTION**231209****Moved: Cr North****Seconded: Cr Coaker****That Council;**

- 1. Adopt the Shire of Morawa's Disability Access and Inclusion Plan 2024-2029 as presented, in accordance with the Western Australian *Disability Services Act 1993*.**

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

For Council to review and adopt the new Disability Access and Inclusion Plan 2024-2029.

DETAIL

In accordance with the Western Australian *Disability Services Act 1993* (amended 2004), Local Governments are required to review and amend their Disability Access & Inclusion Plan's (DAIP) annually with a complete revision required every five (5) years upon the end of plans stated functional period.

The DAIP serves as a structured framework for executing initiatives and programs aimed at ensuring that individuals with disabilities receive the same opportunities as others when it comes to accessing services, facilities, and information.

The Shire of Morawa's DAIP 2024-2029 (attached) outlines attainable objectives for working towards this goal over a five-year period.

LEVEL OF SIGNIFICANCE

High - The current DAIP 2019-2023 was adopted in February 2019 and needed to be reviewed during 2023. To maintain legislative compliance, a new full report must be adopted and lodged with the Department of Communities by the end of 2023.

CONSULTATION

Community survey

Consultation sessions including with Home Support participants
Senior Management Team
Shire Employees

LEGISLATION AND POLICY CONSIDERATIONS

Disability Services Act 1993 – Section 28 Disability access and inclusion plans

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.*
- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing, or amending a disability access and inclusion plan.*

STRATEGIC COMMUNITY PLAN 2022 - 2032

The revised DAIP links in with a number of areas within the Strategic Community Plan as highlighted below.

Occupy a Safe and Healthy living space:

- Build safer neighbourhoods
- Occupy fit for purpose housing
- Increase active living
- Enhance health service provisions

Embrace cultural and social diversity:

- Champion inclusion and engagement
- Invest in socialisation and belonging
- Promote positive aging in place across the community

Create a sense of place for visitors

- Ensure the townsite and its services are accessible to all

FINANCIAL AND RESOURCES IMPLICATIONS

There will be minor financial impacts, for example Outcomes 1.2 and 4.1 require training to be conducted. These financial impacts will be considered when undertaking future budgeting activities.

RISK MANAGEMENT CONSIDERATIONS

Failure to adopt will result in the Shire's non-compliance with the *Disability Services Act 1993*.

CONCLUSION

The Shire of Morawa Disability Access and Inclusion Plan 2024-2029 be considered and adopted as per *Attachment 1*.

ATTACHMENTS

Attachment 1 – 11.2.2a Shire of Morawa - 2024-2029 Disability Access and Inclusion Plan

Item 12 Reports from Committees

Nil

Item 13 Motions of Which Previous Notice Has Been Given

Nil

Item 14 New Business of an Urgent Nature**14.1 Acceptance of Late Item**

The Annual Financial Statements and Audit Report was presented to the Audit & Risk Management Committee at 4:30pm on Monday, 18 December 2023. Given both the December 2023 Audit & Risk Management Committee and December 2023 Ordinary Council Meeting are scheduled for the same day, it is necessary to request the acceptance of Item 14.2 Acceptance of Annual Financial Statements and Audit Report as a late item.

OFFICER'S RECOMMENDATION/RESOLUTION

231210

Moved: Cr Collins

Seconded: Cr Stokes

That Council accept and consider Item 14.2 as new business of an urgent nature.

CARRIED BY SIMPLE MAJORITY 6/0

14.2 Acceptance of Annual Financial Statements and Audit Report

Author: Executive Manager Corporate & Community Services

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.

COMMITTEE RECOMMENDATION

That Council:

1. **Adopt the Annual Report for the 2022-2023 financial year inclusive of the Annual Financial Report and Auditor Opinion.**

OFFICER'S RECOMMENDATION/RESOLUTION

231211

Moved: Cr Stokes

Seconded: Cr Collins

That Council:

1. **Adopt the Annual Report for the 2022-2023 financial year inclusive of the Annual Financial Report and Auditor Opinion.**
2. **Direct the Chief Executive Officer to convene a general meeting of electors for Thursday 8 February 2024 at 6:30pm.**
3. **Amend the date and time of the February Ordinary Council Meeting from 5:30pm on 15 February 2024 to 5:30pm on 8 February 2024, to coincide with the annual electors meeting.**

CARRIED BY ABSOLUTE MAJORITY 6/0

PURPOSE

The purpose of this report is to present to Council the 2022-2023 Annual Report, Audit Report and Audited Financial Statements for adoption and to set the meeting time and date of the annual electors' meeting.

DETAIL

Council has an obligation under the Local Government Act 1995 to prepare an Annual Report which includes audited financial statements. The 2022-2023 audit has been completed by the Office of the Auditor General contractor Nexia. The audit findings and financial statements are presented in the 2022-2023 Annual Report - *Attachment 1*.

As required by the Local Government Act 1995 the Local Government is required to present the report to an Annual Electors Meeting within 56 days of accepting the Annual Report by Council, giving at least 14 days' public notice. The Shire will advertise the meeting and the availability of the 2022-2023 Annual Report on the Shire Website, noticeboards and other local communication channels.

In order to reduce the meeting burden upon Councillors it is proposed that the date for the February council meeting be amended to coincide with the electors meeting.

The Annual Report and Audited Financial Statements includes:

- Shire President's Report
- Chief Executive Officer's Report
- Statutory Reports
- Freedom of Information Statement
- Audited Financial Statements
- Audit Report

The reports outline activities undertaken during 2022-2023 together with the financial position of the Shire of Morawa as at 30 June 2023.

The Audit exit meeting was held on 4 December 2023 with Cr Karen Chappel, Cr Ken Stokes, CEO Scott Wildgoose, EMCCS Jackie Hawkins, Suraj Karki from the OAG, Justin Mulhair and Chethakee Kumarage from Nexia in attendance with the final reports being taken to the Audit Risk Committee to review and receive the financial statements as audited on 18 December 2023.

LEVEL OF SIGNIFICANCE

High – The sequence and timing of acceptance and meetings are prescribed by legislation.

CONSULTATION

Audit and Risk Committee
Chief Executive Officer

LEGISLATION AND POLICY CONSIDERATIONS

The Local Government Act 1995 – Sections 5.53, 5.56 & 5.54
The Local Government (Financial Management) Regulations 1996

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

If Council choose not to accept the Annual Report at this meeting, then the risk of non-compliance may arise if a suitable special meeting date cannot be found prior to 31 December 2023.

CONCLUSION

That Council adopt the recommendation as presented and authorise the CEO to undertaking the necessary notice periods as required under the Local Government Act 1995 and associated regulations.

ATTACHMENTS

Attachment 1 – 14.1a Shire of Morawa Annual Report 2022-2023 including Annual Financial Statements and Audit Report.

Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)**15.1 Closure of the Meeting to the Public**

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.

OFFICER'S RECOMMENDATION/RESOLUTION

231212

Moved: Cr Chadwick

Seconded: Cr North

That Council:

That Council closes the meeting to the public under section 5.23 (2)(c) and (e) of the Local Government Act 1995 and the Shire of Morawa Meeting Procedures Local Law 2012 s 6.2 so that it can consider the following Items:

- 15.2 Appointment of Primary Contractor to Undertake RFT 02-2324 AGNR1021 Flood Recovery Minor Works

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

This item seeks Council's approval under s5.23 (2) of the Local Government Act 1995 to move into camera or closed session to consider confidential matters.

DETAIL

Under s5.23 (2) of the *Local Government Act 1995*, Council must resolve to move into camera or closed session. The following Items are 'confidential matters' as addressed below:

- 15.2 Appointment of Primary Contractor to Undertake RFT 02-2324 AGNR1021 Flood Recovery Minor Works

LEVEL OF SIGNIFICANCE

High – Confidential Items

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) *a matter affecting an employee or employees;*
- (b) *the personal affairs of any person;*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person;*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government’s property;*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

Shire of Morawa Meeting Procedures Local Law 2012

The key parts include:

6.2 Meetings not open to the public;

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried— (a) the presiding member is to direct everyone to leave the meeting except— (i) the members; (ii) the CEO; and (iii) any officer specified by the presiding member; and (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.

- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

Strategic Community Plan 2022 to 2032

N/A

FINANCIAL AND RESOURCES IMPLICATIONS

Any known financial implications are addressed in the respective reports.

RISK MANAGEMENT CONSIDERATIONS

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

CONCLUSION

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012* s 6.2 so that it can consider the reports as addressed.

ATTACHMENTS

Nil

**15.2 Appointment of Primary Contractor to Undertake RFT-02-2324 AGNR1021
Flood Recovery Minor Works - Confidential**

Author: Core Business Australia

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION/RESOLUTION**231213****Moved: Cr Stokes****Seconded: Cr Coaker****That Council:**

- 1. Accepts the selection panels Confidential Evaluation Report “RFT-02-2324 AGNR1021 Flood Recovery Minor Works Confidential Tender Assessment Report”.**
- 2. Award tender RFT-02-2324 AGRN1021 Morawa Flood Recovery Minor Works to JH Rowe and RT Rowe Trading as Rowe Contractors and delegate authority to the CEO to negotiate, finalise, and execute the Contract, subject to DFES approval of the Cost Estimate.**
- 3. Directs the CEO to increase the Flood Damage expenditure account budget by \$200,000 to accommodate the Shire’s contribution towards the flood damage repairs as per DRFAWA requirements. Noting that any subsequent budget deficit should be resolved during the budget review to be adopted in March 2024.**

CARRIED BY ABSOLUTE MAJORITY 6/0

15.3 Reopening of the Meeting to the Public**OFFICER'S RECOMMENDATION/RESOLUTION**

231214

Moved: Cr Collins

Seconded: Cr Stokes

That Council reopens the meeting to the public.

CARRIED BY SIMPLE MAJORITY 6/0

Item 16 Closure**16.1 Date of Next Meeting**

The date of the next ordinary meeting of Council will be amended from Thursday, 15 February 2024, commencing at 5:30pm, to being held on Thursday, 8 February 2024 at 5:30pm.

The date of the Annual Electors meeting has been set as Thursday, 8 February 2024, commencing at 6:30pm.

Both meetings are to be held in the Shire Council Chambers.

16.2 Closure

There being no further business, the President declared the meeting closed at 5:46pm.