



MINUTES

14th of DECEMBER 2023

ORDINARY COUNCIL MEETING

Held at the Shires Administration Building situated at Gascoyne Junction
commencing at 10.45am

DISCLAIMER

Disclaimer

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

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

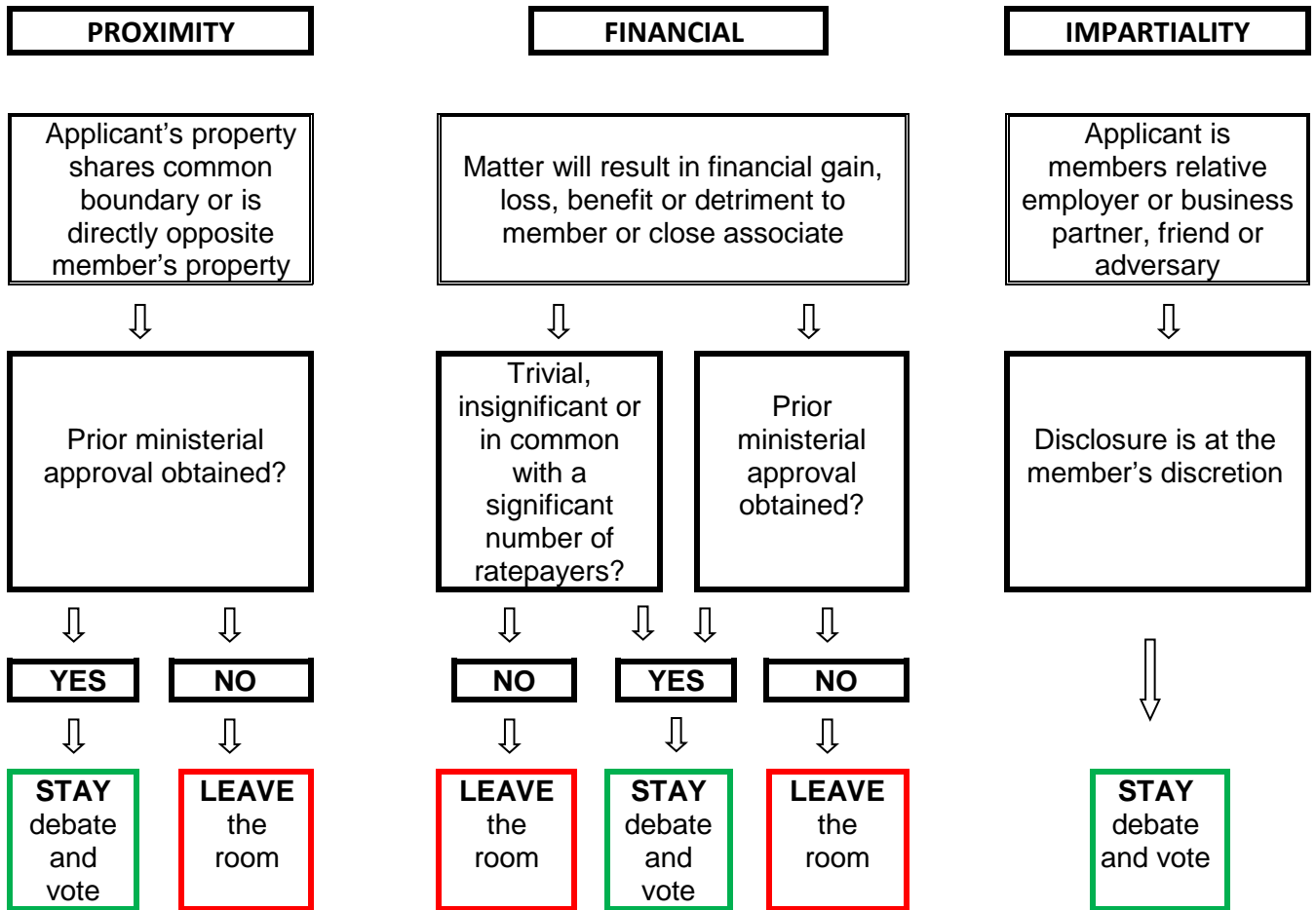
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John McCleary, JP
CHIEF EXECUTIVE OFFICER

* Declaring an Interest



Local Government Act 1995 - Extract

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

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(Penalties apply).

(2) It is a defense to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

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

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

'Local Government (Administration) Regulations 1996 - Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.



SHIRE OF UPPER GASCOYNE
AGENDA FOR THE ORDINARY MEETING OF COUNCIL HELD AT THE SHIRES ADMINISTRATION
BUILDING SITUATED AT GASCOYNE JUNCTION ON THE 14th of December 2023 COMMENCING
AT 10.45 AM

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**SHIRE OF UPPER GASCOYNE
AGENDA FOR THE ORDINARY MEETING OF COUNCIL HELD AT THE SHIRES
ADMINISTRATION BUILDING SITUATED AT GASCOYNE JUNCTION ON THE 14th of December 2023
COMMENCING AT 10.45 AM**

1. DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS

The Shire President welcomed those present and declared the meeting open at 10:45am

2. ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

2.1 Councillors

Cr J. Caunt	Shire President
Cr H. McTaggart	Deputy Shire President
Cr B. Walker	Councillor
Cr R. Hoseason-Smith	Councillor
Cr P. Windie	Councillor
Cr A. McKeough	Councillor
Cr W. Baston	Councillor

Staff

John McCleary JP	Chief Executive Officer
Jarrod Walker	Manager of Works and Services
Andrea Pears	Manager of Finance and Corporate Services

Visitors

Joshua Kirk	Greenfield Technical Services
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2.2 Absentees

2.3 Leave of Absence previously approved

3. APPLICATION FOR LEAVE OF ABSENCE

MOVED: CR: H. MCTAGGART SECONDED: CR: W. BASTON

That Councillor Alys McKeough be granted leave of absence for the Ordinary Meeting of Council to be held on the 28th of February 2024.

FOR: CR J. CAUNT AGAINST: CR
CR B. WALKER
CR H. MCTAGGART
CR P. WINDIE
CR R. HOSEASON-SMITH
CR A. MCKEOUGH
CR W. BASTON

F/A: 7/0

4. PUBLIC QUESTION TIME

4.1 Questions on Notice

Nil

4.2 Questions without Notice

5. DISCLOSURE OF INTEREST

11.1 CEO John McCleary

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

- Greenfield Technical Services

7. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8. MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS

11.1 CEO Remuneration Package

9. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

9.1 Ordinary Meeting of Council held on 22nd of November 2023.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Council Resolution No: 01122023			
MOVED:	CR: B. WALKER	SECONDED:	CR: R. HOSEASON-SMITH
<p>That the Unconfirmed Minutes from the Ordinary Meeting of Council held on the 22nd of November 2023 be confirmed as a true and correct record of proceedings.</p> <p>FOR: CR J. CAUNT CR B. WALKER CR H. MCTAGGART CR P. WINDIE CR R. HOSEASON-SMITH CR A. MCKEOUGH CR W. BASTON</p> <p>AGAINST: CR</p> <p>F/A: 7/0</p>			

10. ACCOUNTS & STATEMENTS OF ACCOUNTS	
Applicant:	Shire of Upper Gascoyne
Disclosure of Interest:	Nil
Author:	Andrea Pears
Date:	8 December 2023
Matters for Consideration:	<p>To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Wednesday the 14th of December as attached – see Appendix 1.</p> <p>In addition to the List of Accounts and as part of this agenda report, Council are also requested to receive the Legal Expenses report. This report details all legal costs incurred to the end of this reporting period for both general legal and rates debt recovery expenses – refer to Appendix 1.</p>
Background:	<p>The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.</p>
Comments:	The list of accounts are for the month of November 2023.
Statutory Environment:	<p>Local Government (Financial Management Regulations) 1996</p> <p>13. Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.</p> <p>(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —</p> <ul style="list-style-type: none"> (a) the payee’s name; and (b) the amount of the payment; and (c) the date of the payment; and (d) Sufficient information to identify the transaction. <p>(2) A list of accounts for approval to be paid is to be prepared each month showing —</p> <ul style="list-style-type: none"> (a) for each account which requires council authorisation in that month — <ul style="list-style-type: none"> (i) the payee’s name; and (ii) the amount of the payment; and (iii) sufficient information to identify the transaction; and (b) the date of the meeting of the council to which the list is to be presented.

	(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.														
Policy Implications:	Nil														
Financial Implications:	2023/2024 Budget														
Strategic Implications:	SCP – Objective 4 – Our Leadership – 4.2 An efficient and effective organisation. Strategy 4.2.2 Maintain accountability and financial responsibility through effective planning. Strategy 4.2.3 Comply with statutory and legislative requirements.														
Risk:															
Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)										
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation										
Consultation:	Nil														
Voting requirement:	Simple Majority														
Officer's Recommendation:	<p><i>That Council endorse the payments for the period 1st of November 2023 to the 30th of November 2023 as listed, which have been made in accordance with delegated authority per LGA 1995 s5.42 and receive the Legal Expenses Report detailing all legal costs incurred to the 30th of November 2023.</i></p> <table border="1"> <tr> <td><i>Municipal Fund Bank EFTs ()</i></td> <td><i>\$ 476,957.27</i></td> </tr> <tr> <td><i>Cheque</i></td> <td><i>\$ 4,055.68</i></td> </tr> <tr> <td><i>Payroll</i></td> <td><i>\$ 86,593.03</i></td> </tr> <tr> <td><i>BPAY/Direct Debit</i></td> <td><i>\$ 48,616.09</i></td> </tr> <tr> <td><i>TOTAL</i></td> <td><i>\$ 616,222.07</i></td> </tr> </table>					<i>Municipal Fund Bank EFTs ()</i>	<i>\$ 476,957.27</i>	<i>Cheque</i>	<i>\$ 4,055.68</i>	<i>Payroll</i>	<i>\$ 86,593.03</i>	<i>BPAY/Direct Debit</i>	<i>\$ 48,616.09</i>	<i>TOTAL</i>	<i>\$ 616,222.07</i>
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<i>TOTAL</i>	<i>\$ 616,222.07</i>														
Council Resolution No: 02122023															
MOVED:	CR: A. MCKEOUGH	SECONED:	CR: H. MCTAGGART												
<p>That Council endorse the payments for the period 1st of November 2023 to the 30th of November 2023 as listed, which have been made in accordance with delegated authority per LGA 1995 s5.42 and receive the Legal Expenses Report detailing all legal costs incurred to the 30th of November 2023.</p>															

Municipal Fund Bank EFTs ()	\$ 476,957.27
Cheque	\$ 4,055.68
Payroll	\$ 86,593.03
BPAY/Direct Debit	\$ 48,616.09
TOTAL	\$ 616,222.07

**FOR: CR J. CAUNT
CR B. WALKER
CR H. MCTAGGART
CR P. WINDIE
CR R. HOSEASON-SMITH
CR A. MCKEOUGH
CR W. BASTON**

AGAINST: CR

F/A: 7/0

10.1 MONTHLY FINANCIAL STATEMENT	
Applicant:	Shire of Upper Gascoyne
Disclosure of Interest:	None
Author:	Andrea Pears
Date:	8 December 2023
Matters for Consideration:	<p>The Statement of Financial Activity for the period of October 2023, includes the following reports:</p> <ul style="list-style-type: none"> • Statement of Financial Activity • Significant Accounting Policies • Graphical Representation – Source Statement of Financial Activity • Net Current Funding Position • Cash and Investments • Major Variances • Budget Amendments • Receivables • Grants and Contributions • Cash Backed Reserve • Capital Disposals and Acquisitions • Trust Fund <p style="text-align: right;">see Appendix 2</p>
Background:	<p>Under the Local Government (Financial Management Regulations 1996), a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.</p>
Comments:	The Statement of Financial Activity is for the month of November 2023
Statutory Environment:	<p>Local Government Act 1995 – Section 6.4</p> <p>Local Government (Financial Management Regulations) 1996 – Sub-regulation 34.</p>
Policy Implications:	Nil
Financial Implications:	Nil
Strategic Implications:	<p>SCP – Objective 4 – Our Leadership – 4.2 An efficient and effective organisation.</p> <p>Strategy 4.2.2 Maintain accountability and financial responsibility through effective planning.</p> <p>Strategy 4.2.3 Comply with statutory and legislative requirements.</p>
Risk:	

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Consultation:		Nil			
Voting requirement:		Simple Majority			
Officer's Recommendation:		<i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period of November 2023.</i>			
Council Resolution No: 03122023					
MOVED:	CR: B. WALKER		SECONDED:	CR: H. MCTAGGART	
<p><i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period of November 2023.</i></p> <p>FOR: CR J. CAUNT CR B. WALKER CR H. MCTAGGART CR P. WINDIE CR R. HOSEASON-SMITH CR A. MCKEOUGH CR W. BASTON</p> <p>AGAINST: CR</p> <p>F/A: 7/0</p>					

11. MATTERS BEHIND CLOSED DOORS

**Council went behind closed doors at 11.21am
The CEO left the Chamber**

MOVED: CR. W. BASTON SECONDED: CR. H. MCTAGGART

That Council go behind closed doors to discuss confidential items.

FOR: CR J. CAUNT AGAINST: CR
CR B. WALKER
CR H. MCTAGGART
CR P. WINDIE
CR R. HOSEASON-SMITH
CR A. MCKEOUGH
CR W. BASTON

F/A: 7/0

11.1 CEO Remuneration Package

Council Resolution No: 04122023

MOVED:	CR. B. WALKER	SECONDED:	CR. P. WINDIE
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That Council:

That Council increases the Chief Executive Officers Total Reward Package by 4.668%, as detailed, effective from the 1st of November 2023 until the 1st of November 2024.

FOR: CR. J. CAUNT AGAINST: CR
CR. H. MCTAGGART
CR. B. WALKER
CR. R. HOSEASON-SMITH
CR. P. WINDIE
CR. A. MCKEOUGH
CR. W. BASTON

F/A: 7/0

MOVED: CR: W. BASTON SECONDED: CR: R. HOSEASON-SMITH

That Council come out from behind closed doors.

FOR: CR J. CAUNT AGAINST: CR
CR B. WALKER
CR H. MCTAGGART
CR P. WINDIE
CR R. HOSEASON-SMITH
CR A. MCKEOUGH
CR W. BASTON

F/A: 7/0

The CEO re-entered the Chamber at 11.36

12. PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13.1 CHANGE OF DATE FOR THE FEBRUARY 2024 ORDINARY MEETING OF COUNCIL

Council Decision: 05122023

MOVED

CR. H. MCTAGGART

SECONDED

CR. R. HOSEASON-SMITH

That Council:

1. Move the date of the Ordinary Meeting of Council scheduled to be held on the 7th of February 2024 to the 28th of February 2024;
2. Instruct the CEO to advertise as required by the Local Government (Administration) Regulations 1996.

**FOR: CR. J. CAUNT
CR. H. MCTAGGART
CR. B. WALKER
CR. R. HOSEASON-SMITH
CR. P. WINDIE
CR. A. MCKEOUGH
CR. W. BASTON**

AGAINST: CR

F/A: 7/0

13.2 TRANSFER MONIES FROM WORKS RESERVE TO ROAD MAINTENANCE

Council Decision: 06122023			
MOVED	CR. H. MCTAGGART	SECONDED	CR. R. HOSEASON-SMITH
That Council:			
1. Authorise CEO to transfer \$100,000 from Works Reserve to 012272 Road Maintenance; and			
2. Increase value of NGE's purchase order by \$100,000.			
FOR:	CR J. CAUNT CR B. WALKER CR H. MCTAGGART CR P. WINDIE CR R. HOSEASON-SMITH CR A. MCKEOUGH CR W. BASTON	AGAINST: CR	
F/A: 7/0			

14. ELECTED MEMBERS REPORTS

14.1 Cr J Caunt – Attended a WALGA zone meeting in Carnarvon on the 24/11/23, Eddie Smith was elected as chair and Matthew Nilkula as deputy and Eddie was elected as the state council rep, friendship games were discussed, a motion was moved to investigate opportunities to allow remote and virtual attendance at WAGA AGM, and we request that WALGA schedules a team meeting between Gascoyne zone delegates and the relevant policy team to discuss issues the zone faces in complying with aboriginal heritage legislation. I also attended the regional road group meeting on the same day. Then on the 6th of December John, Hamish, Stuart House and I meet with the Yinggarda board in Perth to discuss issues of working together and moving ahead.

14.2 Cr H McTaggart – Attended a meeting with Yinggarda in Perth on the 6th December. Attended RRG Meeting on the 24th of November held in Carnarvon.

14.3 Cr B Walker - Nil to Report

14.4 Cr W Baston - Nil to Report

14.5 Cr R Hoseason-Smith - Nil to Report

14.6 Cr P Windie – Nil to Report

14.7 Cr A McKeough – Nil to Report

15. OUTSTANDING COUNCIL MEETING RESOLUTIONS

Resolution N°	Subject	Status	Open / Close	Responsible Officer
07102023	Application to change valuation method – Yangibana	Waiting on approval from the Department of Local Government.	Open	Consultant

16. STATUS OF SHIRE PROJECTS

As per [Appendix 3](#)

17. MEETING CLOSURE

The Shire President closed the meeting at 12:00pm.