



murchisonshire

Ancient land under brilliant skies

Agenda for the Ordinary Meeting of the

Murchison Shire Council

To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
on Thursday **23 March 2023**, commencing at 12 Noon.

Ancient land under brilliant skies

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ATTACHMENTS

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Shire President declared the meeting open at

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Councillors

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

Staff

Bill Boehm – CEO
William Herold – Works Manager
Travis Bate (RSM) – Financial Accountant

3 CONFIRMATION OF MINUTES

3.1 Ordinary Council Meeting – 23 February 2023

Background

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

Recommendation

That the minutes of the Ordinary Council meeting held on 23 February 2023 be confirmed as an accurate record of proceedings.

Voting Requirements:

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

4 DISCLOSURE OF INTERESTS

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 STANDING ORDERS

Matter for Consideration

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

Recommendation

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

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

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

7 PUBLIC QUESTION TIME

8 NEXT MEETING

Thursday 27 April 2023

9 APPLICATIONS FOR LEAVE OF ABSENCE

10 URGENT BUSINESS

11 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

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

12 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

13 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

14 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

14.1 Shire President

14.2 Councillors

15 REPORTS OF COMMITTEES

Nil

16 WORKS

16.1 Works Report

File: 12.42
Author: William Herold – Works Manager
Interest Declared: No interest to disclose
Date: 17 March 2023
Attachments: Nil

Construction Crew

The construction crew have completed the works down at the Wreath Flower lane and moved up to the Billabalong Woolshed to start on the reconstruction and widening of the Carnarvon Mullewa Road. Their first job will be putting in some new floodways between the New Forrest-Yallalong intersection and the Billabalong homestead. They have also spent several days doing signage on the Beringarra Byro Road, Erong Road and the north section of the Carnarvon Mullewa Road. A delay in delivery of parts for the two rollers have also been the cause of the delay.

Maintenance Crew

The maintenance crew have graded the Beringarra Pindar Road as far as the MRO intersection, done a patch grade on the Boolardy-Kalli Road and Kalli-Cue Road. By the time Council meets they should have made a start on the north end of the Carnarvon Mullewa Road.

Beringarra-Cue Road

By the time Council meets, Rowe Contracting should be days away from completing works on the Beringarra-Cue Road. This includes the new floodway (SLK 1.55) and reconstruction and cement stabilisation of a second floodway SLK 13.58

Flood Damage

Squires Resources This package is nearing completion with current work on the Beringarra-Mt Gould Road and some work on the north end of the Beringarra-Pindar Road still to be done.

THEM Earthmoving. THEM are progressing along the Beringarra-Byro Road toward the Carnarvon Mullewa Road intersection. By the time Council meets the south end of the Erong Road will also have been completed.

Flood 10

We are still waiting for DFES to approve and finalise the claim for Flood 10 (AGRN 1021). It is hoped this will happen prior to any of our 2 flood damage contractors demob from their current camps. Otherwise, it will mean a second demobbing. They are a very frustrating organisation to work with.

ALUBS Festival

The Shire Works Dept are now involved in the festival with Lisa and I now on the Working Group. There is considerable work still to be done and not a lot of time in which to do it.

Recommendation

That the Works Report be noted.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

17 FINANCE

17.1 Accounts Paid since the last list was presented to Council

File: 4.37.1
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 18 February 2023
Attachments: 17.1.1 EFT & Cheque Details for February 2023 (Elected Members Only)

Matter for Consideration

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

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

Strategic Implications

None

Policy Implications

None

Budget/Financial Implications

Nil

Consultation

Nil

Recommendation

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

Voting Requirements

Simple Majority

Item to be Discussed behind closed doors

Council Decision		
Moved: Cr	Seconded: Cr	
Carried	For	Against

The meeting was moved to behind closed doors at

Motion to open the meeting to the public

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

The meeting was moved out of closed doors at

Decisions Disclosed from the Closed Section of Meeting associated with Attachment Item 17.1

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

17.2 Financial Activity Statements 28 February 2022

File: 2.6
Author: Travis Bate (RSM) – Financial Accountant
Interest Declared: No interest to disclose
Date: 20 March 2023
Attachments: 17.2.1 Monthly Management Financial Report February 2023

Matter for Consideration

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

Comment

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

Budget/Financial Implications:

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

Consultation

RSM Australia

Recommendation

That Council note the financial statements as presented for the period ending 28 February 2023 as attached.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

17.3 Budget Review March 2023

File: 2.2
Author: Travis Bate – Financial Accountant (RSM Australia)
Interest Declared: No interest to disclose
Date: 20 March 2023
Attachments: 17.3.1 2022-23 Budget Review Report

Matter for Consideration

A review of the 2022-23 Budget based on financial performance between 1 July 2022 and 20 March 2023 has been conducted and is presented to Council.

Background

As required by the Local Government Act 1995, Council adopted a budget for the 2022-23 financial year based on forward plans and best estimates at the time. According to the *Local Government (Financial Management) Regulations 1996*, each year, between 1 January and 31 March, a local government is to carry out a review of its annual budget for that year, considering its financial performance for at least the first six months of the year, its position at the date of review and its forecast position to the end of the financial year. This review is required to be submitted to the Council for consideration.

The Budget review for 2022-23 has been conducted and amendments are detailed in the Budget Review Report as attached. This followed an in depth review the relevant financials for each Chart of Account and where applicable individual job levels.

The following highlights are of note:

Opening Carried Forward figure

At the time of budget adoption, a precise opening figure was not able to be determined as Council's 2022 financial statements were yet to be audited. The unaudited opening figure of \$481,440, has been increased to \$1,406,382 based on the latest draft 2022 financial statements.

Operating Revenue

Operating revenues have increased \$305,243. The main increases relate to:

- ~ An increase of \$20,000 in revenue for Tourism Area Promotion associated with sponsorship for the Ancient Lands Under Brilliant Skies Festival.
- ~ Increased Roadhouse sales of \$226,680 based on year-to-date fuel sales and current increases in fuel prices; and

Operating Expenditure

Overall, operating expenditure has increased \$494,028, the most notable movements relate to:

- ~ Increased costs for the Roadhouse operations in line with increased revenue \$216,222
- ~ Increased fuel costs \$157,076
- ~ Increased tourism expenses of \$45,647 associated with festival.
- ~ \$15,000 costs associated with hire of generator.
- ~ \$9,000 increase to donations to RFDS

Capital Expenditure - Infrastructure Roads

Overall Capital Road expenditure has increased \$1,518,467. The notable adjustments relate to:

- ~ \$1,006,534 increase to works on Beringarra Cue Road.
- ~ \$330,000 for works on the SKA Route.

Capital Expenditure – Other Infrastructure

Other Infrastructure capital expenditure has been decreased by \$566,030, mainly relating to:

- ~ Deferral of \$1,100,000 for Provision of Solar Power; offset by
- ~ \$570,000 increase in improvements to Drinking Water Reticulation in line with increased tendered costs.

Capital Expenditure – Buildings and Improvements

Buildings and Improvements capital expenditure has been decreased by \$655,000 due to deferral of:

- ~ Staff Housing \$250,000;
- ~ Roadhouse Residence \$425,000; and
- ~ Depot Building & Improvements \$15,000.

Capital Revenue

Capital revenue has increased \$490,500, which relates to:

1. An increase of \$363,000 for SKA Roads;
2. \$120,000 for Main Roads Specific Grant; and
3. \$7,500 for Road Use Agreement

Transfers from reserves have increased by \$464,814, relating to:

- ~ \$1,214,814 from the Beringarra – Cue Road Reserve in line with additional works; offset by
- ~ \$750,000 reduction in transfer from Settlement Buildings and Facilities reserve due to deferral of capital works.

Transfers to reserves have increased \$77,469 related to:

- ~ \$31,992 interest on the Grants Commission Reserve and \$38,246 on the Settlement buildings and Facilities Reserve.

The \$950,000 Microgrid Power loan is geared for an 8-year life but will only be taken up when the Project commences. This has been deferred in line with the expected timeline for the project.

Closing Carried Forward Figure

The closing carried forward review figure is shown in the attached documents has increased by \$396,231.

Reserve Transfer Summary

Overall summary of all reserves highlighting Balances and movements is detailed in the attached 2022-23 Budget Review Report

Combined Net Current Assets and Reserves

Overall summary of balances of Net Current Assets and Reserves are detailed in the attached 2022-23 Budget Review Report

2022-23 Budget Review Report

As attached.

CEO Comments

As per recent normal practice a three-year outlook has also been provided in the attached Supplementary Schedules. Although not an in-depth review with inflation aspects ignored, all of the major projects have been considered and where applicable budget items that are now not expected to be completed in 2022/23 are shown in ongoing years. The resultant indicative net current asset and reserve positions are then shown. It only with this approach that an indicative overall position can be revealed. This remains good financial practice notwithstanding that strictly speaking it is not a mandatory requirement.

Statutory Environment

Local Government (Financial Management) Regulations 1996

33A Review of Budget

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

**Absolute majority required.*

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

Strategic Implications

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

Sustainability Implications

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

Policy Implications

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

Financial Implications

The changes suggested in the budget review are based on the local government's financial performance for the financial year up to 20 March 2023. Adjustments have been made to better reflect actual performance for the period and to give a more accurate projection of an increased surplus at 30 June 2022.

Consultation

CEO Works Manager

Recommendation

That Council

- 1 Note the 2022/23 Budget Review Report as attached which amongst other things highlights various explanations including the notional two indicative forecasts which maintains the strategic focus as envisaged when the 2022/23 budget was adopted.
- 2 Adopt the 2022/23 Budget Review as presented in the attached Budget Review Report
- 3 Amend the 2022/23 Budget as outlined in the 2022/23 Budget Review.

Voting Requirements

Absolute Majority.

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

18 DEVELOPMENT

18.1 Ancient Lands Under Brilliant Skies Festival

File: 13.2
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 18 March 2023
Attachments: Nil

Matter for Consideration

Brief Update of Ancient Lands Under Brilliant Skies Festival (ALUBSF) Activities

Update

Working Group has recently been extended and thus far comprises myself, Cr M Fowler, Steven Cosgrove (absent), Vicki Dumbriis, Nick Drew, Will Herold and Lisa Keen (Council), Megan Howlett (Megan Howlett Business Concepts), and Community Members Francis Pollock, Julia Foulkes-Taylor, Kylie Simpson and Sam Walton. and Chris Brayton (CSIRO). Others will be added as a matter of course

There have been several meetings of the ALUBSF Working Group with additional telephone link ups for some members since the last meeting of the 17 February 2023. A raft of email traffic between Working Group members has continually been circulated between Working Group Members and various operational decisions made along the way. An onsite meeting is planned for Tuesday 21 March 2023.

It is fair to say that there is still a significant amount of work to do but interest remotely has been significant with the event set to cater for 500 people. A number appear to be specifically attending Murchison on their way to visit Exmouth for the Solar Eclipse.

A verbal update can be provided at the meeting.

For Information

19 ADMINISTRATION

19.1 Local Government Elections 2023

File:	4.9
Author:	Bill Boehm – Chief Executive Officer
Interest Declared:	No interest to disclose
Date	18 March 2023
Attachments:	19.1.1 Minister Local Government Memorandum on Election Arrangements 19.1.2 WAEC Local Government Ordinary Election Cost Estimate Letter 19.1.3 WAEC CountWA Software Letter

Matter for Consideration:

Arrangements to conduct the 2023 Ordinary Local Government Elections.

Background

The Minister for Local Government is progressing a range of Local Government Act legislative reform initiatives related to the conduct of elections, notably the introduction of optional preferential voting to replace the first past the post system. Legislation will be in place for the conduct of the 2023 elections to put this into effect.

In our instance optional preferential voting will likely significantly increase the complexity of the election count as the Shire has no wards meaning if there is an election to fill the three vacancies, whilst optional preferential voting applies to each voter, the counting of votes is by the proportional representational method.

In accordance with section 4.7 of the *Local Government Act 1995* (Act), the next ordinary Local Government election is scheduled for Saturday, 21 October 2023.

Whilst a Council can appoint the CEO as Returning Officer to conduct an in-person election there is an option for the Council to appoint the West Australian Electoral Commission (WAEC) to undertake this task via post voting. A significant number of Local Governments have already gone down this path

As indicated in the attached letter from the Minister for Local Government all local governments have been requested make a determination as to their preference for the conduct of the election by the end of March so that the WAEC can have enough time to accommodate these arrangements.

The process to appoint the WAEC to conduct the elections involves an Agreement to be sought from the WAEC to conduct the Shire's election and formal appointment of the WAEC by the Council.

Accordingly, the WAEC has been contacted to ascertain the nature of any agreement and costs involved. A copy of WAEC's response is attached. In addition, following discussions with the WAEC it is to be noted that

- ~ The election is to be postal voting
- ~ The timeframe to allow for postal votes to be sent and returned has been extended by a week meaning 5 weeks between the close of nominations and election day
- ~ Under postal voting there is still a requirement to have at least one place for voters to deposit their completed postal votes and that this place be open on election day and be manned by a WAEC appointed Returning Officer.
- ~ There would still be a WAEC Ballot Box available at the Council Office during the election period for voters to deposit their completed postal votes
- ~ WAEC costs are \$10,000 plus variations such as provision of casual staff to assist the Returning Officer on Election Day.

Comments

Benefits

There are a number of benefits of the WAEC conducting the elections under postal voting includes the following.

- ~ A WAEC appointed Returning Officer is independent of the Shire and this separation may improve the community's perception and confidence in the election process.
- ~ Postal voting is more convenient for Electors and typically achieves a higher rate of voter participation. From experience at the 2021 Extraordinary Election where only 5 votes were cast on the day and the balance prior postal voting in Murchison would likely increase voter participation as there would be a mail return option plus an in-person option to deposit the postal votes at the Council Office during the election period.
- ~ If the Shire was to conduct the Local Government Elections themselves, without engaging the services of the WAEC this is likely to have an additional impact on financial and staff resources. There is a considerable amount of legislative knowledge to be learnt and relearnt every two years such that historically WALGA is heavily relied upon.
- ~ Proportional Representation vote counting is a significantly more difficult task with additional time involved and inherent administrative risks. Method involves establishing a quota and transferring the value of any excess votes over and above a quota on a proportional basis to remaining candidates. Depending in the results distribution can be complex.
For this reason, WAEC have available software that will virtually eliminate this risk as each ballot paper is separately inputted with software program calculating determining the results. The result is quicker and accuracy is assured. Costs of this to be supplied to the Shire are \$5,300 plus additional help desk support costs. These costs however would not apply with a WAEC option.
- ~ Conducting voting in-person elections presents a number of challenges, particularly on account of the role of the Chief Executive Officer who is also the Returning Officer. The requirements and expectations placed on the Chief Executive Officer when taking on this dual role can be both contentious and time consuming. In addition to dealing with complaints received during the election period the dual role can lead to an unwelcome perception of conflict of interest and bias from the community.

Overarching Principle

In relation to the conduct of elections generally Australia has a well-established, respected and creditable system for the conduct of elections which are conducted independently from the government of the day through the respective Commonwealth and State Electoral Commissions. Amongst other things it's this independence that protects the democratic process.

Simple questions to answer is that would it be appropriate for the Western Australian Government to appoint the CEO of the Department of Premier and Cabinet to be the Returning Officer for State Elections, and would this be acceptable to electors?

If the answer to that question is no, then why should a Shire CEO be appointed to such a role merely to save a few dollars which in a budget of our size represents a miniscule amount?

Summary

It is the prerogative of Council to decide whether to conduct elections by postal vote and to make a declaration that the elections are to be conducted by the WAEC. For the reasons as outlined above it is recommended that this be undertaken.

Financial Implications:

WAEC Option

\$10,000 plus costs of one staff member to assist the Returning Officer on Election Day

Shire Option

\$5,300 for use of Count WA Software if used plus staff time throughout election period plus costs of one staff member to assist the CEO on Election Day

Risks and Impacts

WAEC Option

Minimal. Council staff training and upskilling not required. Day to day operations largely not affected

Shire Option

Potentially significant. Council staff training and upskilling essential. Day to day operations affected.

Recommendations

That Council

- 1 declares that in accordance with section 4.20(4) of the *Local Government Act 1995*, the WA Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
- 2 decides that in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be a Postal Election.

Voting Requirements

Absolute Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

19.2 MSOTA Donation Request

File:
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 18 March 2023
Attachments: 19.2.1 MSOTA Donation Request

Matter for Consideration

Request from Meekatharra School of the Air Parents and Citizens Association (MSOTA) requesting a donation to assist their activities. No specific amount has been requested

Background

Council has traditionally supported MSOTA for minor aspects and informally discussed this request as per the attached at the last Council Meeting where a general broad agreement was reached but no specific amount decided upon. It is considered prudent that a formal Council resolution is reached, in part as there seems to be a lack of precedent.

Policy Implications

Policy 4.2 Donations and Grants

Financial Implications

Amount to be determined to be determined by Council.

Recommendation

That Council agree to support the Meekatharra School of the Air Parents and Citizens Association (MSOTA) and donate an amount of (*Council to Decide*) to support their activities.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

20 CEO ACTIVITY REPORT

File:

Author: Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Date 18 March 2023

Attachments: Nil

General

The following update of activities is provided.

Date	Activity
21.02.2023	Budget Review Meetings with Travis Bate and Bertus Lochner (RSM). Regional Roads Group Meeting via Teams. Budget Review Work. Road Asset Management Work
22.02.2023	Budget Review Meetings with Travis Bate and Bertus Lochner (RSM), Budget Review Work. Road Asset Management Work. Murchison Roads Business Case Work. Briefings with Works Manager over Genset Issues
23.02.2023	Budget Review Works Council Meeting
24.02.2023 to 26.02.2023	Council & Audit Committee Meeting Minutes. Follow up Council Actions
27.02.2023	TOIL. Meeting with Adam Murszewski & Nils Hay (MWDC) whilst in Geraldton. Emails Phone calls
28.02.2023	TOIL. Emails and Phone calls. Catch up with Works Manager over 10M cartage
1.03.2023	Emails. Remote Auditor Meeting via Teams. AARNET Response. Meetings with Depot Officer and Works Manager
2.03.2023 to 3.03.2023	TOIL Emails and responses and General Administration
6.03.2023	Public Holiday. General Administration
7.03.2023	TOIL. Emails and General Administration
8.03.2023 to 13.03.2023	Annual Leave
14.03.2023	General Administration Emails. Catch up with Works Manager, Depot Officer and Administration Officer. Budget Review Work
15.03.2023	Budget Review Work. Meeting with Works Manager and Liam Kelly (Athena Resources). ALUBS Festival Phone Meeting with Works Manager, Depot Officer & Megan Howlett
16.03.2023	Budget Review Work. Meeting with Depot Officer. ALUBS Festival Budget
17.03.2023	Budget Review Work. ALUBS Festival Budget. Agenda Work
18.03.2023 to 20.03.2023	Agenda, Budget Review and Road Asset Management Work

Recommendation

That Council note the CEO's Activity Report.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr

Seconded: Cr

Carried/Lost

For

Against

21 OTHER ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

22 MEETING CLOSURE

The Shire President closed the meeting at.