



PILBARA
REGIONAL
COUNCIL

Ordinary Council Meeting AGENDA

Notice is hereby given that an
Ordinary Meeting of Council will be held
at WALGA, 170 Railway Parade
West Leederville WA 6007
on 8 November 2018 at 12:30pm

DISCLAIMER

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Our Vision

Efficient, cooperative and sustainable local government across the Pilbara, contributing to a region of social and economic prosperity.

Our Mission

To be a passionate and influential advocate for the Pilbara region. To improve efficiency and governance through regional service delivery. To partner with industry to ensure that our members receive equitable economic return.

Our Key Focus Areas

We aim to achieve our Vision through consistent delivery in our four Key Focus Areas, the core components of our business.

REGIONAL SERVICE DELIVERY

We work with our members to improve efficiencies across the region, through a best-practice approach to bureau service delivery.

A VOICE FOR THE PILBARA

We provide regional advocacy for the Pilbara to facilitate positive change in the region and champion the interests of our member councils.

EFFICIENCY & EFFECTIVENESS

We strive to be an effective and efficient organisation in project management, local government compliance and engagement with members.

ECONOMIC VALUE

We deliver economic value by identifying opportunities for economies of scale and targeted funding to enhance member councils' compliance, capacity and capability.

Our Values

ACCOUNTABILITY

We hold ourselves fully accountable to our stakeholders, and for all that we do.

HONESTY

We are honest at all times, including about our capacity and unique capabilities.

INNOVATION

We see things differently and aren't afraid to challenge the status quo.

EXCELLENCE

We deliver outcomes for the region that are considered excellent by our stakeholders.

ENTHUSIASM

We are passionate and enthusiastic about our work and our colleagues.

COLLABORATION

We work willingly with others to share knowledge and deliver value.

RESPECT

We value the opinions of others, and approach all with dignity and respect.

INTEGRITY

We hold ourselves to a strong ethical standard, and expect the same from others.

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1. ADMINISTRATIVE MATTERS

1.1. Official Opening

The Chairperson will declare the Ordinary Meeting of Council open.

1.2. Acknowledgement of Traditional Owners

The PRC acknowledges the traditional owners of the land on which we meet, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to their elders both past and present.

1.3. Attendance

Councillors:	Cr Lynne Craigie Cr Peter Foster Cr Peter Long Cr Daniel Scott Cr Kerry White Cr Anita Grace Cr Camilo Blanco Cr Louise Newbery	President, Shire of East Pilbara and Chairperson, PRC Councillor, Shire of Ashburton, Deputy Chairperson, PRC Mayor, City of Karratha Councillor, City of Karratha President, Shire of Ashburton, WALGA Zone rep. Councillor, Shire of East Pilbara Mayor, Town of Port Hedland Councillor, Town of Port Hedland
PRC Staff:	Lynne Mear	Acting CEO, PRC
Guests:	Mr Chris Adams Mr Rob Paull Mr Jeremy Edwards Mr David Pentz Lyn Fogg	CEO, City of Karratha CEO, Shire of Ashburton CEO, Shire of East Pilbara CEO, Town of Port Hedland WALGA, Minute Taker
Members of the Public:		
Apologies:		
Absent:		
Leave of Absence:		

Meeting Type	Date	Location	Cr Long	Cr White	Cr Foster	Cr Craigie	Cr Grace	Cr Blanco	Cr Newberry	Cr Scott
OCM	31/10/17	WALGA	X	X	X	X	X	X	-	-
OCM	05/12/17	WALGA	X	X	X	X	X	X	X	X
OCM	22/02/18	WASL	X	X	X	X	X	X	Cr Arif	X
SCM	26/03/18	CCC	X	X	Cr Rumble	X	X	X	X	X
OCM	01/05/18	Crown	X	X	X	X	X	X	X	X
OCM	25/06/18	LGIS	X	X	X	X	X	Late	Late	-
OCM	29/08/18	WALGA	Cr Cucel	X	Cr Diaz	X	X	X	X	X
SCM	05/10/18	Teleconf	X	X	Cr Rumble	X	X	X	X	X

SCM	19/10/18	SLWA	X	X	Cr Rumble	X	X	X	X	X
OCM	08/11/18	WALGA								

1.4. Application(s) for leave of absence

Nil received.

2. DECLARATIONS BY MEMBERS

2.1. Oath(s) of office

Form in Attachment 3.1.

2.2. Due consideration by Councillors of the agenda

Councillors should give due consideration to all matters contained in the Agenda presently before the meeting.

2.3. Declaration(s) of conflict of interest

Form in Attachment 3.3.

Councillors to Note:

A member who has an Impartiality, Proximity or Financial 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:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member can do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.

If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.

If in doubt declare.

If written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it MUST be given when the matter arises in the Agenda, and immediately before the matter is discussed.

Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:

Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or

Where the Minister allows the Councillor to participate under s.5.69 (3) of the Local Government Act, with or without conditions.

3. CONFIRMATION OF PREVIOUS MINUTES

3.1. Ordinary Council Meeting held on 29 August 2018

Responsible Officer:	PRC Chairperson
Action Officer:	PRC Chairperson
Disclosure of Interest:	Nil
Attachment(s):	PRC OCM – 29 August 2018 – Unendorsed / Unconfirmed Minutes <i>(attached as a stand-alone document)</i>

Comments/Discussion

No questions relating to the minutes have been received on notice by the Chairperson or the executive prior to the meeting.

Officer's Recommendation

That the minutes of the Pilbara Regional Council Special Meeting of Council held on 29 August 2018 be confirmed as a true and correct record of proceedings.

Resolution No:	FY19-35
Voting Requirement:	Simple Majority
Moved:	
Seconded:	
Result:	

3.2. Special Council Meeting held on 5 October 2018

Responsible Officer:	PRC Chairperson
Action Officer:	PRC Chairperson
Disclosure of Interest:	Nil
Attachment(s):	PRC SCM – 5 October 2018 – Unendorsed / Unconfirmed Minutes <i>(attached as a stand-alone document)</i>

Comments/Discussion

No questions relating to the minutes have been received on notice by the Chairperson or the executive prior to the meeting.

Officer's Recommendation

That the minutes of the Pilbara Regional Council Special Meeting of Council held on 5 October 2018 be confirmed as a true and correct record of proceedings.

Resolution No:	FY19-35
Voting Requirement:	Simple Majority
Moved:	
Seconded:	
Result:	

3.3. Special Council Meeting held on 19 October 2018

Responsible Officer:	PRC Chairperson
Action Officer:	PRC Chairperson
Disclosure of Interest:	Nil
Attachment(s):	PRC SCM – 19 October 2018 – Unendorsed / Unconfirmed Minutes <i>(attached as a stand-alone document)</i>

Comments/Discussion

No questions relating to the minutes have been received on notice by the Chairperson or the executive prior to the meeting.

Officer's Recommendation

That the minutes of the Pilbara Regional Council Special Meeting of Council held on 19 October 2018 be confirmed as a true and correct record of proceedings.

Resolution No:	FY19-36
Voting Requirement:	Simple Majority
Moved:	
Seconded:	
Result:	

4. EXECUTIVE REPORTS

4.1. Response to questions taken on notice

No questions taken on notice were received by the executive.

4.2. Business and action items arising from meetings

Responsible Officer:	PRC Chairperson
Action Officer:	PRC Chairperson
Disclosure of Interest:	Nil
Attachment(s):	Confidential Attachment 4.2

Resolution no./Item no.	Meeting	Action Arising	Completed/Carried Forward
Item 5.7 Advocacy	-	PRC CEO to regularly keep Councillors updated on progress made against advocacy objectives.	Standing item
Item 5 Confirmation of Previous Meeting Minutes	17 May 2017	Chairperson requested that CEO to email digital minutes from PRC meeting to all member Crs.	Standing item
FY19-33	19 Oct 2018	Actions arising from the Confidential Action Plan endorsed by Council at then 19 October 2018 SCM.	Refer to: Confidential item 8 in this agenda, and Confidential Attachment 4.2

Officer's Recommendation

That Council receive the progress update as presented.

Resolution No:	FY19-37
Voting Requirement:	Simple Majority
Moved:	
Seconded:	
Result:	

4.3. Chairperson's report

Responsible Officer:	PRC Chairperson
Action Officer:	PRC Chairperson
Disclosure of Interest:	Nil
Attachment(s):	Nil

Purpose

To provide a summary of the Chairperson's activities.

Chairperson's report

The Chairperson will deliver a verbal update to the meeting.

Officer's Recommendation

That Council receive the Chairperson's verbal report as presented.

Resolution No:	FY19-38
Voting Requirement:	Simple Majority
Moved:	
Seconded:	
Result:	

4.4. Monthly financial reports and warrants of payments

Responsible Officer:	Acting Chief Executive Officer
Action Officer:	PRC Administration
Disclosure of Interest:	Nil
Attachment(s):	Monthly Financial Report and Warrants of Payments

Purpose

To seek Council's consideration and adoption of the Statements of Financial Activity.

Background

The PRC Council is required to review and approve the PRC expenditure and financial position on a regular basis. The PRC's financial system is Xero, which generates Monthly Financial Reconciliations that show the PRC's expenditure and financial position on a monthly basis. Excel spreadsheets are used to provide statutory compliant reporting based on the Xero output. To enable the reporting of material variances to be consistent and compliant with the Local Government Financial Management Regulations (FMR 34) the Council adopted the material variance threshold of plus/minus 10% at sub-program and /or individual project level as per FM 34(1)(d), for the financial year in accordance with Australian Accounting Standards (AAS 5).

The Local Government Act Financial Regulations require that a statement of financial activity, including reporting on revenue and expenditure, an explanation of the composition of net current assets and an explanation of any material variances between actual and (now) revised budget allocations be presented to Council to consider for inclusion in the minutes of the meeting.

Reporting Period:

The following financial statements for the periods encompassing 01 August 2018 to 31 October 2018 are attached.

1. Comprehensive Income Statement by Program;
2. Comprehensive Income Statement by Nature/Type;
3. Statement of Financial Position;
4. Statement of Changes in Equity;
5. Statement of Cash Flows;
6. Statement of Financial Activity;
7. Statement of Current Assets and Current Liabilities;
8. Supporting Schedules detailing income and expenditure.

The following table is a summary of the Financial Activity Statement Report compared to the budget:

FY18 (for the month ended 31 May 2018)	Endorsed Budget	YTD Budget	YTD Actual	YTD Variance
Revenue	\$1,595,000	\$811,262	\$554,573	(-\$256,689)
Expense	(-\$2,235,679)	(-\$625,467)	(-\$777,296)	(-\$151,829)
Surplus/(Deficit) 17/18	(-\$640,679)	\$185,795	(-\$222,723)	

* Council approved deficit budget, recognising that the deficit arises from unexpended grant revenue carried forward from FY17.

Comments/Discussion

It has been a customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

Policy Implications

Council policy P-012 applies to this report.

Staffs are required to ensure that they comply with P-012 – Purchasing policy and that budget provision is available for any expenditure commitments.

Consultation

Officers have been involved in the approvals of any requisitions, purchase orders, invoicing and reconciliation matters.

Legislative Implications

Local Government (Financial Management) Regulations 1996, reg. 13 & 34.

Financial Implications

Payments are made under delegated authority and are within defined and approved budgets.

Strategic Implications

This item is relevant to the PRC's approved Strategic Community Plan and Corporate Business Plan.

Key Focus Area: *Efficient & Effectiveness*

Strategic Outcome: *We promote good governance and meet all compliance requirements.*

Strategy: *We will fairly and transparently report back to our stakeholders on activities and performance.*

Risk Management considerations

Favourable terms of trade reduce the risk of penalties, loss of quality services.

Impact on capacity

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

Options

1. Option 1: As per Officer's recommendation.
2. Option 2: That Council by Simple Majority pursuant to Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Administration) Regulations 1996 resolves to RECEIVE the Financial Report and Warrant of Payments for the nominated financial period.
3. Option 3: That Council by Simple Majority pursuant to Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Administration) Regulations 1996 resolves to NOT RECEIVE the Financial Report and Warrant of Payments for the nominated financial period.

Officer's Recommendation

That Council by Simple Majority pursuant to Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Administration) Regulations 1996 resolves to RECEIVE Financial Report and Warrant of Payments for the nominated financial period as presented.

Resolution No: FY19-39
Voting Requirement: Simple Majority

Moved:
Seconded:
Result:

5. CONFIDENTIAL MATTERS

Responsible Officer:	PRC Chairperson
Action Officer:	PRC Chairperson
Disclosure of Interest:	Nil
Attachment(s):	5.1a - Confidential Attachment – Acting CEO report - Part A 5.1b - Confidential Attachment – Indicative Timeline of Actions - Part B 5.2 - Confidential Attachment – Facilities Lease options 5.3 - Confidential Attachment – Financials 5.4 - Confidential Attachment – Acting CEO list

Legislative Implications

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of 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; or
 - (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; or
 - (III) Prejudice the maintenance or enforcement of any 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 1981; and
- (h) such other matters as may be prescribed.

Officer's Recommendation

In accordance with Section 5.23(2) of the Local Government Act 1995, that Council move in-camera to discuss confidential items.

Resolution No: FY19-40
Voting Requirement: Simple Majority
Moved:
Seconded:
Result:

The purpose of this confidential item is to discuss:

1. Progress on Wind Up
2. Suggested CEO's List from WALGA
3. Budget implications for wind up and legal allocations.
4. WALGA Zone representation

Resolution

The Council resolve to _____.

Resolution No: FY19-41
Voting Requirement: Simple Majority
Moved:
Seconded:
Result:

Officer's Recommendation

That Council resolve to move ex-camera.

Resolution No: FY19-42
Voting Requirement: Simple Majority
Moved:
Seconded:
Result:

6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

7. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

**8. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY
DECISION**

9. CLOSURE

9.1. Date of the next meeting

The next Ordinary meeting of Council is to be held on _____ in _____, starting at _____.

Resolution No. FY19-
Voting Requirement: Simple Majority
Moved:
Seconded:
Result:

9.2. Closure

The Chairperson will declare the meeting closed.