



PILBARA
REGIONAL
COUNCIL

Ordinary Council Meeting MINUTES

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

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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	A VOICE FOR THE PILBARA	EFFICIENCY & EFFECTIVENESS	ECONOMIC VALUE
We work with our members to improve efficiencies across the region, through a best-practice approach to bureau service delivery.	We provide regional advocacy for the Pilbara to facilitate positive change in the region and champion the interests of our member councils.	We strive to be an effective and efficient organisation in project management, local government compliance and engagement with members.	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	HONESTY	INNOVATION	EXCELLENCE
We hold ourselves fully accountable to our stakeholders, and for all that we do.	We are honest at all times, including about our capacity and unique capabilities.	We see things differently and aren't afraid to challenge the status quo.	We deliver outcomes for the region that are considered excellent by our stakeholders.
ENTHUSIASM	COLLABORATION	RESPECT	INTEGRITY
We are passionate and enthusiastic about our work and our colleagues.	We work willingly with others to share knowledge and deliver value.	We value the opinions of others, and approach all with dignity and respect.	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 declared the Ordinary Meeting of Council open at 12:38pm.

1.2. Acknowledgement of Traditional Owners

The PRC acknowledged the traditional owners of the land on which we meet, and their continuing connection to land, sea and community. We paid 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:	Lyne Mear	Acting CEO, PRC
Guests:	Mr Rob Paull Mr Jeremy Edwards Mr David Pentz	CEO, Shire of Ashburton CEO, Shire of East Pilbara CEO, Town of Port Hedland
Members of the Public:		
Apologies:	Mr Chris Adams	CEO, City of Karratha
Absent:	Nil	
Leave of Absence:	Nil	

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 Diver	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	X	X	X	X	X

					Rumble					
OCM	08/11/18	WALGA	X	X	X	X	X	X	X	X

Council requested a correction to the attendance record of the 29/08/2018 OCM noting that Cr Diaz was recorded as the Shire of Ashburton representative incorrectly for this OCM, and Cr Diver attended instead.

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 declared giving 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.

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.

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.

Resolution

That the minutes of the Pilbara Regional Council Meeting of Council held on 29 August (OCM), 5 October 2018 (SCM), and 19 October 2018 (SCM) be confirmed as a true and correct record of proceedings.

Resolution No:	FY19-36
Voting Requirement:	Simple Majority
Moved:	Cr White
Seconded:	Cr Grace
Result:	8/0 (passed)

4. EXECUTIVE REPORTS

4.1. Response to questions taken on notice

None received

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

Resolution

That Council receive the progress update as presented.

Resolution No: FY19-37
Voting Requirement: Simple Majority
Moved: Cr Scott
Seconded: Cr Grave
Result: 8/0 (passed)

Action arising:

Cr Scott requested that a report be done on the field trip undertaken with Treasury, NAIF, etc. by the PRC CEO outlining meeting outcomes and activities.

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 spoke to the meeting about her activities since the last meeting, in particular her meetings with legal practitioners.

Resolution

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

Resolution No:	FY19-38
Voting Requirement:	Simple Majority
Moved:	Cr Long
Seconded:	Cr White
Result:	8/0 (passed)

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.

Resolution

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.

Resolution No: FY19-39

Voting Requirement: Simple Majority

Moved: Cr Foster
Seconded: Cr White
Result: 8/0 (passed)

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

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

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:	Cr Long
Seconded:	Cr White
Result:	8/0 (passed)

Resolution

That with regards to item 5.1 – Progress on Wind Up, Council resolves to:

- **Wind up** the Pilbara Regional Council as Resolved by the Participant Local Governments at their respective Meetings held on 13/9/18, 19/9/18, 26/9/18 and 28/9/18.
- **Note** that the wind up will be in accordance with the terms of the Establishment Agreement and overseen by the Acting CEO.
- **Note** that the wind up is to broadly proceed as outlined in the Wind up plan in Confidential Agenda items 5.1a and 5.1b, under the guidance from the Acting CEO.

That with regards to the PRC Office lease, Council:

- **Requests** that the Acting CEO get real time figures of remainder of lease and pay outs for early termination of and also to explore sub lease possibilities including penalties.
 - If feasible, to look at obtaining a sublet tenant, the timeframe for this is to 28 February 2019.
 - If not leased by this time, the lease is to be paid out following advice to the individual Councillors.

- **Requests** a progress report on the feasibility to be provided to the 7 December 2018 meeting of Council.

Resolution No: FY19-41
Voting Requirement: Simple Majority
Moved: Cr Foster
Seconded: Cr White
Result: 8/0 (passed)

The meeting was closed to the public.
 All staff and CEOs were also asked to leave the room.

Resolution

That the Standing orders be suspended.

Resolution No: FY19-42
Voting Requirement: Simple Majority
Moved: Cr Scott
Seconded: Cr Newbery
Result: 8/0 (passed)

Resolution

That the Standing orders be resumed.

Resolution No: FY19-43
Voting Requirement: Simple Majority
Moved: Cr Foster
Seconded: Cr Long
Result: 8/0 (passed)

Resolution

That with regards to the Late Confidential Item – Settlement Offer from Cornerstone Legal, Council:

- **Instructs** Mr Neil Douglas from McLeods to advise Cornerstone Legal that their offer was rejected and to proceed with any legal action when and as it arises.
- **Seeks** clarification from the Acting CEO / McLeods on the way forward with all payments and payouts of all three staff members to date.
- **Requests** that the Acting CEO provide a report on the above two points to Council at the meeting of the 7 December 2018.

Resolution No: FY19-44
Voting Requirement: Simple Majority
Moved: Cr Foster
Seconded: Cr Long

Result: 8/0 (passed)

Resolution

That Council:

- **Requests** that the Acting CEO write and thank BDO for their scope and quotation document declining their proposal.
- **Notes** that they will await the outcome of the OAG appointed external independent auditors Butler Settineri report before proceeding further.

Resolution No: FY19-45
Voting Requirement: Simple Majority
Moved: Cr White
Seconded: Cr Long
Result: 7/1 (passed) (Cr Blanco voted against)

Resolution

That with regards to Confidential Attachments 5.1b - Indicative Timeline of Actions - Part B, Council resolves to:

- **Direct** the Acting CEO to work with Local Government CEOs on the finalisation of the project list, and
- **Requests** for the Acting CEO to present the final plan to Council for consideration by 30 November 2018, and endorsement at the Council meeting on 7 December 2018.

Resolution No: FY19-46
Voting Requirement: Simple Majority
Moved: Cr Long
Seconded: Cr Grace
Result: 8/0 (passed)

Council noted that Confidential Attachment 5.2 – Facilities Lease options had already been discussed.

Resolution

That with regards to Confidential Attachment 5.3 – Financials, Council **requests** that:

- Figures for all payouts be provided in a detailed report showing all individual expenses (e.g.: tax, superannuation, etc.)
- A report itemising all invoices and detailed accounts for any legal services/opinions to any and all legal firms including Contract Support Services for this Financial Year to be provided for consideration at the next Council meeting on 7 December 2018.
- Details of all trips taken and monies paid out accordingly including daily allowances, coffees, etc. be reported to the next Council meeting on 7 December 2018 for the period shown in the Financial statements (1 August – 31 October).

Resolution No: FY19-47
Voting Requirement: Absolute Majority
Moved: Cr Long
Seconded: Cr White

Result: 8/0 (passed)

Resolution

That with regards to the 5.2 - Suggested CEO's List from WALGA, and Confidential Attachment 5.4 – Acting CEO list, that Council:

- **Recommends** that the Acting CEO write to Ms Mear and the Town of Port Hedland to offer thanks for assuming the role of Acting CEO for the past two week period.
- **Appoints** Mr Allen Cooper to the role of Acting CEO to wind up the Pilbara Regional Council in accordance with the Establishment Agreement, to oversee the legal process until completed and report to the participant local governments on progress.
- **Engages** Mr Allen Cooper on an as needed basis with a letter of engagement to be drawn up with the assistance of WALGA and forwarded to Council members for approval. The remuneration for such a position being within the Salaries and Allowances Tribunal Band 4.

Resolution No: FY19-48
Voting Requirement: Absolute Majority
Moved: Cr Grace
Seconded: Cr Newbery
Result: 5/3 (passed) (Cr Blanco, White, Foster voted against)

Resolution

That Council resolve to move ex-camera.

Resolution No: FY19-49
Voting Requirement: Simple Majority
Moved: Cr White
Seconded: Cr Newbery
Result: 8/0 (passed)

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 7 December 2018 at WALGA, starting at 10:30am.

Resolution No.	FY19-50
Voting Requirement:	Simple Majority
Moved:	Cr Foster
Seconded:	Cr Newbery
Result:	8/0 (passed)

9.2. Closure

The Chairperson declared the meeting closed at 2:21pm.