



# **MINUTES**

**Ordinary Council Meeting  
Monday, 13 December 2021**

**Commencing at 6.00pm**

**Council Chambers  
Hopetoun Community Centre**

# SHIRE OF RAVENSTHORPE

Minutes for the Ordinary Meeting of Council to be held in the Council Chambers, Hopetoun Community Centre on Monday, 13 December 2021 – commencing at 6.00pm.

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## **1. Declaration of Opening / Announcements of Visitors**

The Presiding Member declared the meeting open at 6.04pm

## **2. Attendance / Apologies / Approved Leave of Absence**

COUNCILLOR'S:      Cr Keith Dunlop      (Shire President)  
                             Cr Sue Leighton      (Deputy Shire President)  
                             Cr Julia Bell  
                             Cr Rachel Livingston  
                             Cr Thomas Major  
                             Cr Mark Mudie  
                             Cr Graham Richardson

STAFF:                      Gary Clark                      (Acting Chief Executive Officer)  
                                 Les Mainwaring              (Director Corporate and Community Services)  
                                 Graham Steel                  (Director Technical Services)  
                                 Ashleigh Stevenson        (Administration Officer – Hopetoun)

APOLOGIES:

Nil.

ON LEAVE OF ABSENCE:

Nil.

ABSENT:

Nil.

MEMBER OF THE PUBLIC:

Ken Norman, 1090 Woodenup Road, Ravensthorpe, WA, 6346

## **3. Swearing in of Newly Elected Councillor**

S.2.29 of the *Local Government Act 1995* requires the newly Elected Councillor to make a declaration prior to performing the duties of a Council Member.

*"2.29 Declaration*

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) A declaration required by this section is to be taken or made before a prescribed person.*
- (4) A person who acts in an office contrary to this section commits an offence."*

Mr Gary Clark officiated the swearing in of the newly Elected Councillors Rachel Livingston and Julia Bell as a prescribed person.

**4. Applications for Leave of Absence**

Nil.

**5. Response to Previous Public Questions Taken on Notice**

Nil.

**6. Public Question Time**

Ken Norman, 1090 Woodenup Road, Ravensthorpe, WA, 6346  
Non Agenda Item

Q1. Ken requested that question 5, submitted by him for the Ordinary Council Meeting on 16 November 2021 be added to the minutes as it is currently missing.

A1. This oversight will be amended.

Q2. What are the checks and balances in place to oversee the development of the admin building in Ravensthorpe to ensure best practice?

A2. Your question will be taken on notice and answered at the next Ordinary Council Meeting.

**7. Petitions / Deputations / Presentations / Submissions**

Nil.

**8. Disclosures of Interest**

Nil

**9. Confirmation of Minutes of Previous Meetings Held 16 November 2021**

**9.1 Ordinary Council Meeting Minutes 16 December 2021  
Attachment A (Attachment Grey)**

**Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

**Moved: Cr Major**

**Seconded: Cr Leighton**

**Res: 151/21**

**Decision:**

**That the Minutes of the Ordinary Meeting of Council held in Council Chambers, Ravensthorpe Recreation Centre on Tuesday, 16 November 2021 be confirmed as true and correct.**

**Voting Requirements: Simple Majority**

**Carried: 7/0**

## **10. Announcements by the Presiding Member**

Nil.

## **11. Office of the Acting Chief Executive Officer**

### **11.1 Local Government Report – Summary of Proposed Reforms**

<b>File Reference:</b>	<b>GR.LR.4</b>
<b>Location:</b>	<b>Shire of Ravensthorpe</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Acting Chief Executive Officer</b>
<b>Authorising Officer</b>	<b>Acting Chief Executive Officer</b>
<b>Date:</b>	<b>25 November 2021</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Local Government Reform – Summary of Proposed Reform – Attachment A (Attachment Blue)</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary:**

The Minister for Local Government announced legislative reform initiatives on 10 November 2021 and is seeking submissions by 4 February 2022. WALGA has requested feedback on the reform proposals to inform a sector position.

Council is requested to adopt the recommended feedback, advise WALGA and make a submission directly to the Department of Local Government, Sport & Cultural Industries.

#### **Background:**

Local Government legislative reform initiatives were announced by the Minister for Local Government on 10 November 2021.

This paper includes advice on the sectors current positions that are covered in the reform proposals together with recommendations on new positions required on matters not previously canvassed. Feedback from Council is requested by 5.00pm on Wednesday, 12 January 2022.

Given the consultation timeframes, WALGA intend to convene a Special Meeting of State Council to finalise a sector position prior to the 4 February 2022 deadline.

#### **Comment:**

The attached submission includes WALGA commentary and additional officer commentary where further information is considered necessary. Officer recommendations in for items 3.2 and 3.5 differ from WALGA's position.

### **2.1 Resource Sharing**

Groups of regional local governments need to be enabled to establish Regional Subsidiaries as shared service centres for difficult to recruit skill sets such as Asset Management, Project Management, Strategic Finance, Environmental Health, Town Planning and Community Engagement.

### **Supported**

#### **2.7 Regional Subsidiaries**

Where Regional Subsidiaries are established as shared service centres for difficult to recruit skill sets the legislation should treat them as if a local government was employing a consultant. A regional subsidiary should only need to report back to the member local governments rather than the Department. It should be up to the member local governments to ensure the good

governance of the subsidiary not the State Government. This approach would simplify compliance.

## **Supported**

### **3.1 Recordings and Live-Streaming of All Council Meetings**

The notion that recordings of Council meetings improves behaviours at meetings of small local governments is not established. It could also be held that recordings enable social media attacks.

The cost of recording and compliance with the State Records Act means that the costs may outweigh the benefits in many small local governments.

The public would still need to read the officer report in the written agenda in order to be fully informed about the decisions at a meeting. The debate would not necessarily provide the observer with all of the information. In fact the public has in fact been observed to form a view based on misinformation provided during debate.

The decision to record meetings at band 3 and 4 local governments should be left to the Council to decide.

## **Recording of Council meetings for band 3 and 4 not supported**

### **3.2 Recording All Votes in Council Minutes**

The recording of votes enables Council members to deny responsibility for decisions and enables social media attacks on those that making evidence based decisions rather than populist ones.

The recording of votes is in conflict with the notion that once a decision is democratically made then the entire Council should support that decision. This is the same principle as State Cabinet.

## **Not supported**

### **3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published**

This is not done anywhere else in the public or private sector for good reason. It confuses who is responsible for the performance of the organisation.

The Council is responsible for providing effective and efficient services to the community. The Council is responsible for the CEO's performance. The CEO is responsible to the Council for that performance.

The Local Government's priority objectives and KPI's are set out in the Corporate Business Plan. The CEO's KPI's should be aligned to objectives in the Corporate Business Plan.

Therefore the CEO's KPI's, as they relate to the community's priorities, should already be a matter of public record. The local government's performance against those KPI's should also be published.

## **Not supported**

### **4.4 Public Vote to Elect the Mayor and President**

The team should elect its captain. Any other method increases the potential for conflict and dysfunction.

There have been past examples where a popularly elected Mayor has advocated policy positions that are contrary to Council's adopted position.

Any change to the legislation would need to ensure that the Mayor required to reflect the majority view of both policy and strategic priorities.

**Not currently supported**

**Consultation:**

Nil.

**Statutory Environment:**

Nil.

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

Nil.

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant economic considerations.

**Risk Implications:**

There are no material risk associated with this decision.

**Moved: Cr Richardson**

**Seconded: Cr Mudie**

**Res: 152/21**

**Decision:**

**That the attached submission be sent to WALGA and the Department of Local Government, Sport & Cultural Industries.**

**Voting Requirements: Simple Majority**

**Carried: 7/0**

## **12. Directorate of Corporate and Community Services**

### **12.1 Monthly Financial Report – 30 November 2021**

<b>File Reference:</b>	<b>N/A</b>
<b>Location:</b>	<b>Shire of Ravensthorpe</b>
<b>Applicant:</b>	<b>Nil</b>
<b>Author:</b>	<b>Senior Finance Officer</b>
<b>Authorising Officer</b>	<b>Director of Corporate and Community Services</b>
<b>Date:</b>	<b>7 December 2021</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Monthly Financial Reports for November 2021 – Attachment A (Attachment Yellow)</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary:**

In accordance with the *Local Government Financial Management Regulations (1996)*, Regulation 34, a local government is to prepare a monthly Statement of Financial Activity for approval by Council.

#### **Background:**

Council is requested to review the November 2021 Monthly Financial Reports.

#### **Comment:**

The November 2021 Monthly Financial Reports are presented for review.

#### **Consultation:**

Acting Chief Executive Officer.

#### **Statutory Environment:**

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 apply.

#### **Policy Implications:**

Nil.

#### **Financial Implications:**

All expenditure has been approved via adoption of the 2020/21 Annual Budget, or resulting from a Council Motion for a budget amendment.

#### **Strategic Implications:**

Strategic Community Plan 2014 – 2024

Theme 4 – Civic Leadership: 4.2 High quality corporate governance, accountability & compliance.

#### **Sustainability Implications:**

- **Environmental:** Not applicable to this specific recurring report.
- **Economic:** Not applicable to this specific recurring report.
- **Social:** Not applicable to this specific recurring report.



**Risk Implications:**

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

**Risk Matrix:**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that November flow from it. An effect November be positive, negative or a deviation from the expected and November be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Moved: Cr Richardson**

**Seconded: Cr Major**

**Res: 153/21**

**Decision:**

**That Council receive the 30 November 2021 Monthly Financial Reports as presented.**

**Voting Requirements: Simple Majority**

**Carried: 7/0**

## 12.2 Schedule of Account Payments – November 2021

**File Reference:** GR.ME.8  
**Location:** Shire of Ravensthorpe  
**Applicant:** Shire of Ravensthorpe  
**Author:** Finance Officer  
**Authorising Officer:** Director Corporate and Community Services  
**Date:** 06 December 2021  
**Disclosure of Interest:** Nil  
**Attachments:** Schedule of Payments to 30 November 2021 – Attachment A  
 Credit Card Transactions to 01 November 2021 – Attachment B  
 Creditors List of Accounts Paid November 2021 – Attachment C  
 (Attachment Red)  
**Previous Reference:** Nil

### Summary:

This item presents the schedule of payments for Council approval in accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

### Background:

Period 01/11/2021 to 31/11/2021

#### 2021/2022

Month	Cheques	EFT Pymts	Direct Debits	Credit Card	Trust	Total Creditors	Payroll
Jul	9,263	891,041	66,300	17,747	0	984,351	334,350
Aug	10,872	1,244,379	154,795	9,740	0	1,419,785	311,991
Sep	5,146	384,151	86,718	10,136	0	486,151	316,212
Oct	8,906	1,293,209	54,405	6,740	0	1,363,289	324,782
Nov	4,730	1,107,352	62,925	9,057	0	1,184,065	318,387
Dec							
Jan							
Feb							
Mar							
Apr							
May							
Jun							
<b>Total</b>	<b>38,917</b>	<b>4,920,132</b>	<b>425,143</b>	<b>53,450</b>	<b>0</b>	<b>5,437,641</b>	<b>1,605,723</b>
<b>20/21</b>	<b>219,357</b>	<b>8,442,181</b>	<b>965,406</b>	<b>135,103</b>	<b>0</b>	<b>9,762,047</b>	<b>3,790,863</b>
<b>19/20</b>	<b>197,977</b>	<b>8,450,678</b>	<b>997,212</b>	<b>102,791</b>	<b>6,319</b>	<b>9,754,977</b>	<b>3,174,082</b>
<b>18/19</b>	<b>147,967</b>	<b>21,298,438</b>	<b>1,329,904</b>	<b>70,241</b>	<b>13,590</b>	<b>22,860,140</b>	<b>2,219,053</b>
<b>17/18</b>	<b>327,905</b>	<b>18,507,404</b>	<b>209,587</b>	<b>65,010</b>	<b>317,445</b>	<b>19,427,351</b>	<b>2,601,283</b>

### Comment:

This schedule of accounts as presented, submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costing's and the amounts shown have been paid.

### Consultation:

Senior Finance Officer.

**Statutory Environment:**

Regulation 13 (1) – (3) of the *Local Government (Financial Management) Regulations*

**Policy Implications:**

Nil.

**Financial Implications:**

This item address Council's expenditure from Trust and Municipal funds which have been paid under delegated authority.

**Strategic Implications:**

Nil

**Sustainability Implications:**

- **Environmental:** Not applicable to this specific recurring report.
- **Economic:** Not applicable to this specific recurring report.
- **Social:** Not applicable to this specific recurring report.

**Risk Implications:**

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

**Risk Matrix:**

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Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Moved: Cr Major**

**Seconded: Cr Richardson**

**Res: 154/21**

**Decision:**

**That Council endorse:**

**Pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, the payment of accounts for the month of November 2021 be noted.**

**Voting Requirements: Simple Majority**

**Carried: 7/0**

**13. Directorate of Technical Services**

Item from Agenda moved to Item 16.1.

**14. Elected Members Motions of Which Previous Notice Has Been Given**

Nil.

**15. New Business or Urgent Business Introduced by Decision of the Meeting**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

**15.1 Elected Members**

Nil.

**15.2 Officers**

Nil.

## **16. Matters Behind Closed Doors**

**Moved:** Cr Leighton

**Seconded:** Cr Mudie

**Res:** 155/21

### **Decision:**

In accordance with section 5.23 (2) of the *Local Government Act 1995*, the meeting be closed to members of the public for this item as the following subsection applies:

(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

**Voting Requirements:** Simple Majority **Carried:** 7/0

**Voting Requirements:** Simple Majority

**Carried:** 7/0

### **16.1 Confidential Item - Cancellation of RFT 08-2020/21 Tender for Floater Road Realignment & Intersection Upgrades**

<b>File Reference:</b>	CA.TD.8
<b>Location:</b>	Shire of Ravensthorpe
<b>Applicant:</b>	Galaxy Lithium Australia
<b>Author:</b>	Director Technical Services
<b>Authorising Officer</b>	Chief Executive Officer
<b>Date:</b>	6 December 2021
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil
<b>Previous Reference:</b>	Ordinary Council Meeting – 18 May 2021 – Item 18.3

### **Summary:**

**Moved:** Cr Major

**Seconded:** Cr Mudie

**Res:** 156/21

### **Decision:**

**That Council by Absolute Majority;**

- 1. Council rescind Resolution 62/21 from the Ordinary Council Meeting on 18 May 2021 for Tender submitted by Lucus Total Contract Solutions Pty Ltd (ABN 79 137 901 805) as the Preferred Tender for the construction of Floater Road Realignment & Intersection Upgrades (RFT 08 – 2020/21) as detailed in their tender submission.**
- 2. Direct the Chief Executive Officer to formally advise Lucus Total Contract Solutions Pty Ltd (ABN 79 137 901 805) of the cancellation of the RFT 08-2020/21 and any subsequent of award of contract by the Shire of Ravensthorpe.**
- 3. Note Galaxy Lithium Australia Limited will be directly undertaking the contract to construct the road to the approved Floater Road Realignment & Intersection Upgrades design and specifications.**
- 4. Delegate authority to the Chief Executive Officer to negotiate and execute a replacement road diversion deed with Galaxy Lithium Australia Limited that outlines the operational and administrative obligations of both parties regarding Floater Road Realignment & Intersection Upgrades. Where the Shire allows Galaxy to build the road on the new road reserve.**
- 5. Approve the write off of Invoice #3738 dated 20 July 2021 for \$5,539,200.68.**

**Voting Requirements: Absolute Majority**

**Carried: 7/0**

**Moved: Cr Richardson**

**Seconded: Cr Leighton**

**Res: 157/21**

**Decision:**

**That the meeting be opened to the public.**

**Voting Requirements: Simple Majority**

**Carried: 7/0**

### **17. Reports of Committees of Council**

- Audit Committee Full Council
- Bushfire Advisory Committee Member - Cr Major  
Deputy - Cr Mudie
- CEO Performance Review Committee Member - President  
Member - Deputy President  
Member - Cr Mudie

### **18. Reports of Council Delegates on External Committees**

- Great Southern Regional Road Group Delegate - Cr Mudie  
Proxy - Vacant
- Local Emergency Management Committee (LEMC) Delegate - President  
Proxy - Deputy President
- Development Assessment Panel (DAP) Delegate - Cr Leighton  
Delegate - Cr Major  
Proxy - Cr Mudie  
Proxy - Cr Richardson
- Hopetoun Progress Association Delegate - Cr Richardson  
Proxy - Vacant
- Munglinup Community Group Delegate - Cr Leighton  
Proxy - Cr Major
- Community Liaison Committees Delegate - President  
Delegate - Deputy President  
Proxy - CEO  
Proxy - DCCS
- Hopetoun Community Resource Centre Delegate - Cr Dunlop  
Proxy - Cr Richardson
- Ravensthorpe Community Resource Centre Delegate – Cr Leighton  
Proxy - Vacant
- South Coast WALGA Zone Delegate - President  
Proxy - Deputy President

- Fitzgerald River National Park Delegate - Cr Richardson  
Proxy - Cr Mudie
- Ravensthorpe Agricultural Initiative Network (RAIN) Delegate - Cr Major  
Proxy - Cr Mudie
- Fitzgerald Biosphere Community Collective Delegate - Cr Leighton  
Proxy - Cr Mudie
- Hopetoun Recreation Management (HDRA) Delegate - Cr Dunlop  
Proxy - Vacant
- Ravensthorpe Historical Society Delegate – Cr Leighton  
Proxy - Vacant

## **19. Reports from Councillors**

### **Cr Sue Leighton**

25 November 2021 – Fitzgerald Biosphere Community Collective

7 December 2021 – Ravensthorpe Community Resource Centre Management Committee meeting.

## **20. Closure of Meeting**

The Presiding Member declared the meeting closed at 6.46pm

These minutes were confirmed at the meeting of the Ordinary Council Meeting on Tuesday 15 February 2022.

Signed:   
(Presiding Person at the meeting of which the minutes were confirmed.)

Date: 15 February 2022