



Shire of Pingelly

Minutes

Special Council Meeting
11 February 2021

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 2.11pm.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past, present and emerging.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

3.1 Council Agenda Reports

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

MEMBERS PRESENT

Cr W Mulroney (President)
Cr K Hastings
Cr B Hotham
Cr P Narducci
Cr D Freebairn
Cr P Wood
Cr A Oliveri

STAFF IN ATTENDANCE

Ms J Burton Chief Executive Officer
Mrs D Sweeney Executive Manager Corporate Services
Mr D Watkins Executive Manager Technical Services
Mrs L Boddy Executive Assistant

APOLOGIES

Cr J McBurney (Deputy President)

5. PUBLIC QUESTION TIME

No members of the public present.

6. DISCLOSURES OF INTEREST

Nil.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil.

7.1 Audit Committee Meeting Minutes

12943 Moved: Cr Hotham Seconded: Cr Oliveri

Recommendation and Council Decision

That Council receive the Minutes of the Audit Committee Meeting held on 11 February 2021.

Carried 7:0

8. REPORTS OF COMMITTEES OF COUNCIL

Audit Committee

8.1 Report on Audit Regulation 17

12944 Moved: Cr Hotham Seconded: Cr Hastings

Recommendation and Council Decision:

That the Audit Committee accept and endorse the review of the appropriateness and effectiveness of the systems and procedures in relation to risk management, internal control and legislative compliance, pursuant to Regulation 17 of the Local Government (Audit) Regulations.

Carried 7:0

8.2 Compliance Audit Return

12945 Moved: Cr Hotham Seconded: Cr Oliveri

Recommendation:

That Council endorse the Compliance Audit Return (CAR) for the 2020 calendar year as attached.

Carried 7:0

8.3 Annual Financial Report and Audit Report 2019/20

12946 Moved: Cr Narducci Seconded: Cr Hotham

Recommendation:

That Council accepts the 2019/20 Audit Report and notes the actions required by the Chief Executive Officer to address matters raised in the attached Final Management Letter Report.

Carried 7:0

8.4 Significant Matter Raised in Audit Report 2020

12947 Moved: Cr Hastings Seconded: Cr Hotham

Recommendation

That Council receives the report on the significant matters indicating an adverse trend in the Current Ratio and Operating Surplus Ratio, raised in the 2019/20 Audit Report.

Carried 7:0

8.5 Financial Management Systems and Procedures Review December 2020

12948 Moved: Cr Hotham Seconded: Cr Narducci

Recommendation

That Council receives the Regulation 17 - Financial Management Systems and Procedures Review December 2020, finding and recommendations.

Carried 7:0

9 OFFICE OF THE CHIEF EXECUTIVE OFFICER

9.1 Adoption of 2019/20 Annual Report

File Reference:	ADM0074
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Attachment 1 Annual Report 2019/20
Previous Reference:	Nil

Summary

Council is requested to accept the Annual Report, inclusive of the Annual Financial Report and the Audit Report for the 2019/20 financial year, and schedule the Annual Meeting of Electors.

Background

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare an Annual Report in the manner and form prescribed, and by 30 September submit to its Auditor the accounts balanced up to the last day of the preceding year, and the annual financial report for each financial year.

Section 5.53 of the Local Government Act 1995 requires a Local Government to prepare an Annual Report for each financial year. The Annual Report is to contain a report from the President, a report from the Chief Executive Officer, the Financial Report for the Financial Year, the Auditor's Report for the Financial Year, a number of other matters in relation to principal activities and such other information as may be prescribed. Once received, Council is then required by Section 5.27 of the Local Government Act 1995 to hold a General Meeting of Electors once every financial year to discuss the contents of the Annual Report for the previous financial year and any other general business. This meeting is to be held not more than 56 days after the local government accepts the annual report for the previous year.

Section 5.54 of the Local Government Act 1995 requires Council to accept the Annual Report no later than 31 December each year. Should the auditor's report not be available in time for the Annual Report to be accepted by 31 December, then the local government is to accept the Annual Report no later than two months after the auditor's report becomes available. The Audit Report was made available by the Office of the Auditor General on 16 December 2020.

Comment

The Annual Report for the year ended 30 June 2020 is presented to Council for acceptance. The Annual Report is presented in two parts, being the Annual Report, and the Financial Report. Also included is a full set of audited annual financial statements and the Independent Auditor's report. Once formally received and accepted by Council, the Annual Report can be referred for discussion at the Annual Electors' Meeting.

This Report will be available to the Public and Electors prior to the Annual Electors Meeting, subject to its acceptance by Council.

Industry best practice is to endeavour to hold the Annual Meeting of Electors in the same calendar year that the financial year ended. This is dependent on the timing of the audit of the Shire's financial statements and the receipt of the audit statement. The timing of this important process was hampered by the late amendments to Financial Regulations which delayed the audit report, and the adjustment to the Minister for Local Government's COVID-19 order. The acceptance of the Annual Report will trigger the timeline for the Annual Meeting of Electors, necessitating it to be held by Wednesday 7 April 2021. It is proposed to hold the Annual Meeting of Electors for 2019/20 at 7:00pm, Wednesday 24 March 2021.

Consultation

The availability of the Annual Report is advertised in conjunction with the statutory advertising required for the Annual Meeting of Electors. Advertising will appear in the local paper, Shire website, social media platform, and notice boards.

Statutory advertising is required to be carried out requiring the Chief Executive Officer to convene an electors' meeting by giving at least 14 days' local public notice.

Statutory Environment

Part 5 Division 5 of the Local Government Act 1995 (the Act) specifies the legislative requirements for preparation and acceptance of the Annual Report.

Section 5.53(1) of the Act requires a local government to prepare an annual report for each financial year.

Section 5.53(2) specifies the content of the Annual Report, including a report from the Shire President, a report from the Chief Executive Officer, an overview of the plan for the future, the financial reports for the year under review, the auditor's report, and specified information including that relating to employees, disability services, and complaints.

Section 5.54(1) specifies that the Annual Report is to be accepted by Absolute Majority decision.

Section 5.55 notes that the Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 5.27 of the Local Government Act 1995 and Part 3 of the Local Government (Administration) Regulations 1996 specify the legislative requirements for annual meeting of electors, including when a meeting is to be held, the matters to be discussed (Annual Report and other General Business), who may vote and how, and the procedure at the meeting.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Goal 5	Innovation Leadership and Governance
Outcome 5.8	A strong corporate governance framework is maintained
Strategy 5.8.2	Ensure compliance with legislative requirements and excellence in business performance

Risk Implications

Risk	The key risk is in relation to the annual report legislative process not being adhered to, including sufficient public notice being given.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	Nil

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)

Voting Requirements

Absolute Majority

12949 Moved: Cr Narducci

Seconded: Cr Hotham

Recommendation

That Council:

- 1. adopt the Shire of Pingelly Annual Report for the Financial Year ended 30 June 2020, inclusive of the Annual Financial Report and Audit Report; and**
- 2. approves the Annual Meeting of Electors to be held at 7:00pm on Wednesday 24 March 2021.**

Carried 7:0

12950 Moved: Cr Narducci Seconded: Cr Hotham

Procedural Motion

That Council close the meeting to members of the public to discuss the item behind closed doors as the matter is related to 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.

Carried 7:0

9.2 Confidential Item - Tender – Memorial Park Re-development

12951 Moved: Cr Oliveri Seconded: Cr Narducci

Recommendation and Council Decision:

That Council accepts the Tender submitted by LIGNA Construction for the construction of the Memorial Park Re-development.

Carried 7:0

12952 Moved: Cr Oliveri Seconded: Cr Wood

Council Decision:

That the meeting be re-opened to the public.

Carried 7:0

10 . CLOSURE OF MEETING

The Chairman declared the meeting closed at 2.29pm.

<p>These minutes were confirmed by Council at the Ordinary Council Meeting held on 17 February 2021</p> <p>Signed..... Presiding Person at the meeting at which the minutes were confirmed.</p>
