**Council Agenda**

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Shire of Pingelly

Special Council Meeting

27 November 2019

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No responsibility whatsoever is implied or accepted by the Shire of Pingelly for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Pingelly disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person’s or legal entity’s own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Pingelly during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Pingelly. The Shire of Pingelly warns that anyone who has an application lodged with the Shire of Pingelly must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Pingelly in respect of the application.

**MISSION STATEMENT**

*To enhance the quality of life for the people of Pingelly through the provision of leadership, services and infrastructure.*



**Shire of Pingelly**

**Notice of Meeting**

Notice is given that a meeting of the Council will be held in the Council Chambers, 17 Queen Street, Pingelly on 27 November 2019, commencing at 9am.

Your attendance is respectfully requested.

**Disclaimer**

The recommendations contained in this agenda are officers’ recommendations only and should not be acted upon until Council has resolved to adopt those recommendations. The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.



**Julie Burton**

**Chief Executive Officer**

|  |
| --- |
| **PUBLIC QUESTION TIME INFORMATION** |

The Shire of Pingelly welcomes community participation during public question time. This document is to be read in conjunction with the *Shire of Pingelly Standing Orders Local Law 2017* and the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996.*

1. A member of the public who raises a question during question time must:

1. be in attendance at the meeting;
2. first state their name and address;
3. direct the question to the Presiding Member;
4. ask the question briefly and concisely;
5. limit any preamble to matters directly relevant to the question; and
6. ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
7. Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.

1. Where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled.

1. Where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member.

1. Where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting.

1. A member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.

Questions may be submitted by e-mail to [admin@pingelly.wa.gov.au](mailto:admin@pingelly.wa.gov.au).

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# 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

# 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 and present.

# 3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

# 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

# 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

# 

# 6. PUBLIC QUESTION TIME

# 7. APPLICATIONS FOR LEAVE OF ABSENCE

# 8. DISCLOSURES OF INTEREST

# 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

N/A

# 10 OFFICE OF THE CHIEF EXECUTIVE OFFICER

# 10.1 Adoption of 2018/19 Annual Report

**File Reference: ADM0074**

**Location: Not Applicable**

**Applicant: Not Applicable**

**Author: Chief Executive Officer**

**Disclosure of Interest: Nil**

#### Attachments: Attachment 1 Annual Report 2018/19

**Previous Reference: Nil**

**Summary**

Council to receive the accept the Annual Report 2018, inclusive of the Annual Financial Report and the Audit Report for the 2018/19 financial year.

**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.

**Comment**

The Annual Report for the year ended 30 June 2019 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.

The Shire auditors indicated that procedures and controls in respect to the Shire of Pingelly internal processes, procedures and financial reporting framework are adequately designed and have been maintained to adequate standards throughout the audit period subject to the comments and recommendations within the Management Review Report.

The Auditor General has made the following comments in their Report on Other Legal and Regulatory Requirements:

In accordance with the Local Government (Audit) Regulations 1996 I report that:

(i) In my opinion, the following material matters indicate significant adverse trends in the financial position of the Shire:

* 1. The Current Ratio as reported in Note 34 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries' standard for the last two financial years.
  2. The Operating Surplus Ratio as reported in Note 34 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries' standard for the last three financial years.

(ii) The following material matter indicating non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law was identified during the course of my audit:

* 1. The Shire has not reported the Asset Renewal Funding Ratio for 2019, 2018 and 2017 in the annual financial report as required by section 50(1) of the Local Government (Financial Management) Regulations 1996, as planned capital renewals and required capital expenditure were not estimated in a long-term financial plan and asset management plan respectively.

The Current Ratio adverse trend reported, is due to the extent of short term borrowings, which are due to be transferred to a long term debenture in the 2019/20 year. This will significantly impact the ratio in future years and return it to within benchmark levels.

The Operating Surplus Ratio reflects the reliability of local governments on grant funds. Small regional local governments are limited in their ability to increase own source revenue and are more reliant on grant funding for both operating activities and renewal of assets. Depreciation expense is a significant factor in this ratio as it is included in operating expenses.

Overall, the Audit Report reflects that high standards of financial controls and accurate reporting is in place.

**Consultation**

AMD Chartered Accountants

Office of the Auditor General

**Statutory Environment**

Section 7.9(1) of the *Local Government Act* provides that an auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

(a) the mayor or president;

(b) the Chief Executive Officer of the local government; and

(c) the Minister.

Section 5.27 of the *Local Government Act* provides that:

(1) a general meeting of the electors of a district is to be held once every financial year.

(2) a general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

(3) the matters to be discussed at general electors’ meetings are to be those prescribed.

Section 5.29 provides that the Chief Executive Officer is to convene an electors’ meeting by giving —

(a) at least 14 days’ local public notice; and

(b) each council member at least 14 days’ notice,

of the date, time, place and purpose of the meeting.

The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Section 5.53 requires a local government to prepare an annual report containing:

(a) a report from the mayor or president;

(b) a report from the Chief Executive Officer;

(e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;

(f) the financial report for the financial year;

(g) such information as may be prescribed in relation to the payments made to employees;

(h) the auditor’s report for the financial year;

(ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and

(i) such other information as may be prescribed.

Section 5.55 requires the Chief Executive Officer 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 1.7 (local public notice) provides that:

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

(a) published in a newspaper circulating generally throughout the district;

(b) exhibited to the public on a notice board at the local government’s offices; and

(c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

(a) published under subsection (1)(a) on at least one occasion; and

(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —

(i) the time prescribed for the purposes of this paragraph; or

(ii) if no time is prescribed, 7 days.

**Policy Implications**

1.4 Minimum Audit Standard Specifications

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan Goal 5: Innovation, Leadership and Governance

**Risk Implications**

|  |  |
| --- | --- |
| Risk | The key risk is in relation to the annual report legislative process not being adhered to. |
| Risk Rating (Prior to Treatment or Control) | Medium (6) |
| Principal Risk Theme | Reputational / Legislative |
| Risk Action Plan (Controls or Treatment Proposed) | Nil |

Risk Matrix

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Consequence** |  | **Insignificant** | **Minor** | **Moderate** | **Major** | **Catastrophic** |
| **Likelihood** |  | **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

**Recommendation**

**That Council**

1. **accepts the Shire of Pingelly Annual Report for the Financial Year ended 30 June 2019, inclusive of the Annual Financial Report; and**
2. **receives and notes the Shire of Pingelly Audit Report for 2018/19.**

Moved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Seconded: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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# 11 DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

Nil.

# 12. DIRECTORATE OF TECHNCAL SERVICES

Nil.

# 13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

# 14. 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. CLOSURE OF MEETING

The Chairman to declare the meeting closed.