THREE SPRINGS SHIRE COUNCIL

Heart of North Midlands

MINUTES
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
26 JUNE 2024
COMMENCING AT 5.30 PM

WILDFLOWER COUNTRY

Shire of Three Springs

PO Box 117, Three Springs
WA 6519

Disclosure of Interest Form

(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

☐ **Ordinary Council Meeting held on** ____________________

☐ **Special Council Meeting held on** ____________________

☐ **Committee Meeting held on** ____________________

☐ **Other** ____________________

Report No ____________________

Report Title ____________________

Name ____________________

☐ **Elected Member** ☐ **Committee** ☐ **Employee** ☐ **Contractor**

Type of Interest *(*see overleaf for further information)*

☐ **Proximity** ☐ **Financial** ☐ **Impartiality**

Nature of Interest

____

____

____

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

____

____

Name:____________________ **Signed:**____________________**Date:** ____________________

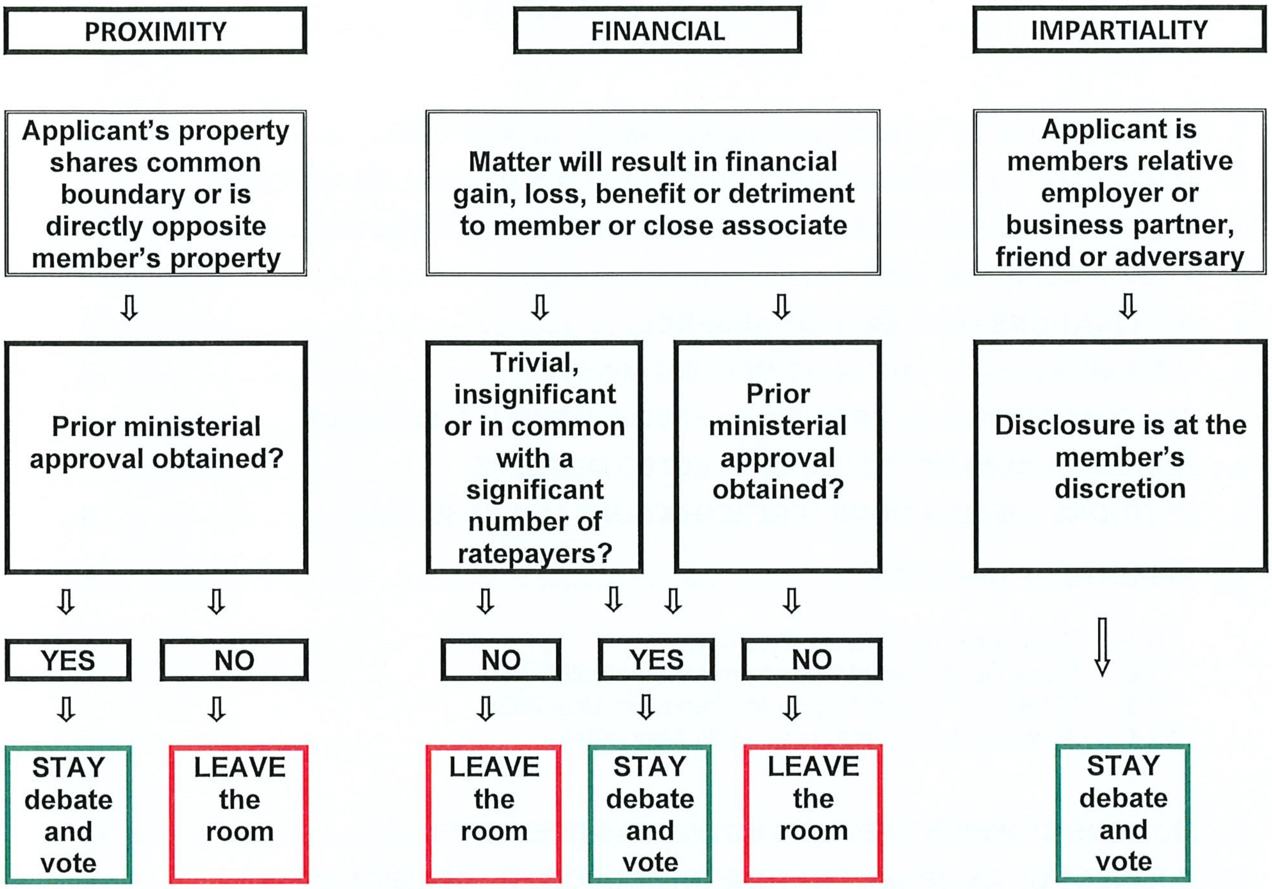
Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

CEO: ____________________ **Signed:** ____________________ **Date:** ____________________

Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

(1) A member who has an 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 CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3)This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the Council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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MINUTES

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire Deputy President declared the meeting open at: 5.33pm

Acknowledgement of Country: -
The Shire of Three Springs acknowledges the traditional owners of this land – the Southern Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging.

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

	Attendance	**Approved Leave of Absence**	**Absent**
Councillor Lane		Approved	
Councillor Eva	Present		
Councillor Heal	Present		
Councillor Mutter	Present		
Councillor Ennor			Absent
Councillor Connaughton	Present		
Councillor Mills	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Manager of Infrastructure	Present		
Executive Secretary	Present		

Public Gallery – Uni Volunteer Students	
Elijah Moore	Abby Hogan
Alisha Shilvock	Tejaswini Arcot Hemanth Kumar
Vi Pham	Mamata, Adhikari
Emily Kearns	Samidhi De Silva
Michelle Miotti	Kalei Parianen
Samara Spadanuda	

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

4. PUBLIC QUESTION TIME
Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	**Moved**	**Seconded**	**Vote**	**Date**
5.1	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.					
		Date	**Moved**	**Seconded**	**Vote**
6.1	Ordinary Council Meeting	22.05.2024	Cr. Eva	Cr. Mutter	5/0
6.2	Special Council Meeting	19.06.2024	Cr. Connaughton	Cr. Heal	5/0

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The Deputy Shire President reminds Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting prior to the matter being discussed.

Members of the public are cautioned against taking any action on Council decisions, on items in which they may have an interest, until such time as they have seen a copy of the Minutes of the meeting or have been advised in writing by Shire of Three Springs staff.

The Deputy Shire President acknowledged the recent passing of former long term resident of Three Springs, Mrs. Val (Valerie) Durack nee Gooch.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	20.05.24 – Strategic Briefing 22.05.24– TSPS Student Voice Guest Speaker-Shire Chambers 22.05.24 – OCM Weekly catch up with CEO
Cr. Eva	20.05.24 – Strategic Briefing 22.05.24 - OCM
Cr. Heal	20.05.24 – Strategic Briefing
Cr. Mutter	20.05.24 – Strategic Briefing 22.05.24 - OCM
Cr. Ennor	20.05.24 – Strategic Briefing 22.05.24 - OCM
Cr. Connaughton	20.05.24 – Strategic Briefing 22.05.24 - OCM
Cr. Mills	20.05.24 – Strategic Briefing 22.05.24 - OCM

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10. REPORTS OF OFFICERS

Executive Services	
10.1. Containers for Change Program	
Agenda Reference:	ADM0188
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	26 June 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Containers for Change Report 23 May 2024

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
■	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
To present the Containers for Change program implementation report and seek Council approval to fund and implement this initiative in the 2024/25 financial year, with a budget allocation of $3,000.

Background:
The Shire of Three Springs is launching a Containers for Change program to reduce waste, promote recycling, and engage the community in sustainable practices. This initiative aligns with our strategic environmental stewardship goals, community involvement, and economic development. The program will enable residents, community groups, and sporting clubs to collect eligible beverage containers and return them for a refund, thereby reducing litter and contributing to environmental conservation.

The Containers for Change program supports the Strategic Community Plan (SCP) and Corporate Business Plan (CBP) objectives by enhancing waste management infrastructure, promoting environmental awareness, and engaging the community in sustainable practices. It aligns with the SCP's Environment pillar (Outcome 8), the Community pillar (Outcomes 4 and 5), and the CBP's goals for improving community health, safety, and sustainability.

Officer's Comment:
The recommendation is to initially adopt a low-cost option, with a budget allocation of $3,000. This budget covers essential items such as 240L wheelie bins with Containers for Change branding, bin-mounted recycling container baskets, and basic informational flyers.

Starting with this low-cost option allows us to effectively manage financial resources while assessing the program's initial performance and community engagement levels. By monitoring participation and feedback, we can determine if the program meets the community's needs and environmental goals without incurring significant upfront costs.

This strategy aligns with the Shire's core values of sustainability, innovation, and excellence in governance by adopting a prudent and responsive approach to program implementation. If the initial phase demonstrates success and high community engagement, the program can then be expanded.

By starting small and scaling up based on proven success, we can maximise the program's impact, encourage widespread community participation, and achieve our environmental stewardship objectives. This systematic approach ensures that resources are used efficiently, promoting long-term sustainability and community involvement.

Consultation:
Shire of Three Springs President Cr Lane.

Statutory Environment:
Local Government Act 1995

- *3.1 General function (1) The general function of a local government is to provide for the good government of persons in its district.*

- *3.18 Performing executive functions (2) In performing its executive functions, a local government may provide services and facilities.*

Waste Avoidance and Resource Recovery Act 2007
Section 5 - Objectives of the Act:

- *The objectives of this Act are to contribute to sustainability, and the protection of human health and the environment in Western Australia, and to the move towards a waste-free society by —*
- *(a) promoting the most efficient use of resources, including resource recovery and waste avoidance;*
- *(b) reducing environmental harm, including pollution through waste; and*
- *(c) the consideration of resource management options against the following hierarchy —*

(i) avoidance of unnecessary resource consumption;

(ii) (ii) resource recovery (including reuse, reprocessing, recycling and energy recovery);

(iii) (iii) disposal.

Policy Implications:
Nil

Financial/Resources Implications:
The initial costs for the program's low-cost option require $2607.50 for essential infrastructure and marketing. An allocation of $3,000 is recommended in the 2024/25 budget to cover these costs and provide a buffer.

Strategic Implications:
This item is relevant to the Strategic Community Plan 2024-2034.

Strategic Community Plan 2024-2034	
Council Objectives:	**Outcome:**
Safe and active community Inclusive and diverse community activities and events Healthy Community	Outcome 4.1 Outcome 4 Outcome 5

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	**Project Outputs:**
Community - Support for community groups and activities	Objective 4.1
Environmental health and waste services	Objective 8.1

Voting Requirements:
Absolute Majority.

Officer's Recommendation:

043/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	**10.1**

MOVED: Cr. Mills
SECONDED: Cr. Mutter

That Council

1. Approves the implementation of the Containers for Change program as outlined in this report.
2. Allocates $3,000 for the program's initial phase in the 2024/2025 Shire of

Three Springs Budget.

	FOR	AGAINST
Cr. Eva (Deputy President)	✓	
Cr. Mutter	✓	
Cr. Heal	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0
By Absolute Majority

10. REPORTS OF OFFICERS

Executive Services	
10.2. Removal of Cricket Pitch from the Football Oval	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	CEO
File Reference:	ADM0466
Disclosure of Interest:	Nil
Date:	26 June 2024
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	a. Three Springs Cricket Club – 1/9/2017 b. Shire of Three Springs Purchase Order - 26/10/2017 c. Shire of Three Springs Council Report - 14/2/2018

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
To obtain the Council's approval for the removal of the cricket pitch from the centre of the football oval. The concrete cricket pitch is not used, and the sand covering it poses a problem for football players.

Background:
The cricket pitch in the football oval's centre has been a longstanding feature. However, it is no longer utilised for cricket matches. The sand covering the concrete wicket creates an uneven surface, leading to difficulties and potential safety hazards for football players.

Officer's Comment:
The removal of the unused cricket pitch will improve the safety and playability of the football oval. It will eliminate the issues caused by the sand cover and provide a consistent playing surface for football games. This action aligns with our commitment to maintaining high-quality and safe recreational facilities for the community.

Consultation:
Shire of Three Springs Council.

Statutory Environment:

Local Government Act 1995

- *3.1 General function (1) The general function of a local government is to provide for the good government of persons in its district.*

- *3.18 Performing executive functions (2) In performing its executive functions, a local government may provide services and facilities.*

Policy Implications:
Nil

Financial/Resources Implications:
The cost associated with the removal of the cricket pitch is estimated at $1,500. Returfing the oval centre is estimated to cost $3,000. The total financial implication is $4,500.

Strategic Implications:
This item is relevant to the Council's Strategic Community Plan 2024- 2034.

Strategic Community Plan 2024- 2034	
Council Objectives:	**Outcome:**
Support community sporting clubs, groups, local clubs, and associations to deliver their activities, competitions, and services.	Outcome 2

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

044/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.2

MOVED: Cr. Heal
SECONDED: Cr. Mutter

That Council:

1. Directs the Chief Executive Officer to arrange for the removal of the cricket pitch and restoration of the oval surface to ensure a safe and even playing field for football games, with the total cost of $4,500 to be included in the 2024/25 Shire budget.

	FOR	AGAINST
Cr. Eva (Deputy President)	✓	
Cr. Mutter	✓	
Cr. Heal	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

10. REPORTS OF OFFICERS

Corporate Services	
10.3 Monthly Financial Report for Periods 31 May 2024	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	26 June 2024
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 31 May 2024

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
■	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
That Council accepts the monthly financial report for the period ending 31 May 2024.

Background:
The Provision of the FM Regulations 1996 and associated regulations requires a monthly financial report to be presented at an ordinary council meeting within 2 months of the period end date.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

Officer's Comment:
The 2023-2024 Budget was adopted in August 2023.

Further information can be found by referring to Financial/Resources Implications.

Consultation:
Nil

Statutory Environment:
The preparation of Monthly Financial reports is prepared under Section 6.4 of the Local Government Act 1995.

In accordance with FM regulation 34 (5), a report must be complied on variances greater than the materiality threshold adopted by the council of $10,000 or 10%. As this report is composed at a program level, variances commentary considers the most significant items that comprise the variance.

34. *Financial activity statement required each month (Act s. 6.4)*

(1A) In this regulation —

***committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month (the **relevant month**) in the following detail —*

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the relevant month; and

(c) actual amounts of expenditure, revenue and income to the end of the relevant month; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

(2) Each statement of financial activity is to be accompanied by documents containing —

[(a) deleted]

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity must be shown according to nature classification.

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*

(a) *presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and*

(b) *recorded in the minutes of the meeting at which it is presented.*

(5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

[Regulation 34 inserted: Gazette 31 Mar 2005 p. 1049-50; amended: Gazette 20 Jun 2008 p. 2724; SL 2022/88 r. 8; SL 2023/106 r. 19.]

Policy Implications:
Nil

Financial/Resources Implications:
The total Cash Available as of 31 May 2024 is $4,675,594. Cash available comprises Unrestricted cash of $2,525,373 and Restricted cash of $2,150,220, primarily made up of various reserves.

Rates Debtors balance as of 31 May 2024 is $146,437. Rates Notices for 2023-24 were issued on the 28 August 2023. The rates collected as of the end of March 2024 were $2,714,425 – 94.88%

May 2024:

Operating Revenue – Operating revenue of 3,519,981 comprises Rates – 43%, Grants - 50%, Fees and Charges - 5%, Other Revenue - 1% and Interest Earnings – 1%.

Operating Expenses – Operating expenses of $5,482,525 are made of Depreciation - 40%, Employee Costs – 31%, Materials and Contracts – 20%, Insurance – 3%, Utilities – 5%, Loss on Disposal of Assets – 0% and Other Expenditure – 1%.

Strategic Implications:
This item is relevant to the Council's approved Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	**Outcome:**
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2024-2034	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

045/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.3

MOVED: Cr. Mills
SECONDED: Cr. Mutter

That Council accepts the monthly financial report for the period ending 31 May 2024.

	FOR	AGAINST
Cr. Eva (Deputy President)	✓	
Cr. Mutter	✓	
Cr. Heal	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

10. REPORTS OF OFFICERS

Corporate Services	
10.4 Accounts for Payments 31 May 2024	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	26 June 2024
Author:	Jelena Brown, Assistant Finance Officer
Attachment (s):	List of creditors paid as at 31 May 2024

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
■	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
That Council accepts the payment of creditors in accordance with Local Government (Financial Management) Regulations 1996 section 13 (1).

Background:
Financial regulations require a schedule of payments made through the Council's bank accounts, be presented to Council for their inspection. The list includes details for each account paid, incorporating the payee's name, amount of the payment, date of payment and sufficient information to identify the transaction.

Officer's Comment:
Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Consultation:
Nil

Statutory Environment:
Local Government Act 1995 Section 6.4.
Local Government (Financial Management) Regulations 1996 Section 12 and 13.

12. Payments from municipal fund or trust fund, restrictions on making

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub regulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Policy Implications:
Nil

Financial/Resources Implications:
Funds available to meet expenditure in accordance with Shire of Three Springs adopted budget 2022-2023.

Strategic Implications:
This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028	
Council Objectives:	**Outcome:**
Nil	Nil

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024	
Scope Statement:	**Project Outputs:**
Nil	Nil

Voting Requirements:
Simple Majority.

Officer's Recommendation:

046/2024 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.4

MOVED: Cr. Mutter
SECONDED: Cr. Eva

That Council accepts:

1. The accounts for payment as presented for *May* 2024 from the CBA Municipal Fund totalling $1,297,069.57.

2. Represented by Electronic Fund Transfers No's 19783 - 19921 and Direct Debits 15886.1, 15889.1 – 15895.1, 15906.1, 15912.1, 15931.1, 15936.1 – 15936.7, 15945.1 – 15946.1, 15953.1 – 15953.2.

3. Licensing Fund totalling $3,856.40 represented by Direct Debit No. 15887.1 – 15888.1, 15905.1, 15910.1, 15930.1, 15932.1 – 159331, 15939.1 and 15947.1 – 15952.1.

Total Payments for May 2024 $1,300,925.97

	FOR	AGAINST
Cr. Eva (Deputy President)	✓	
Cr. Mutter	✓	
Cr. Heal	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED:5/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1. Elected Members – Nil
12.2 Staff – Late Item - Tender - Provision of Financial Services

Officer's Recommendation:

047/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 12.2

MOVED: Cr. Mutter
SECONDED: Cr. Connaughton

That the following item, namely:

12.2.1 " Tender - Provision of Financial Services"

Is accepted as a late item onto this Agenda.

	FOR	AGAINST
Cr. Eva (Deputy President)	✓	
Cr. Mutter	✓	
Cr. Heal	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

12. REPORTS OF OFFICERS

Executive Services	
12.2.1 Tender - Provision of Financial Services – Late Item	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	26 June 2024
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Confidential Evaluation Report

Council Role:

☐	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
■	Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	Legislative	Includes adopting local laws, local planning schemes and policies.
☐	Review	When Council reviews decisions made by Officers.
☐	Quasi-judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
To seek the Council's approval to award the Tender RFT 23.24-04 for the provision of financial services to Bob Waddell & Associates Pty Ltd (BWA), based on the evaluation of tender submissions received.

Background:
BWA have provided intermittent financial services to the Shire of Three Springs since 2010/11.

During the period from December 2021 to March 2022, the Shire engaged BWA to assist the Shire of Three Springs (Shire) Chief Executive Officer (CEO) in performing financial tasks in the absence of a Shire of Three Springs Deputy Chief Executive Officer (DCEO). Quotes were sought from three companies, with BWA being considered the best value and the company having the required expertise. BWA provided an hourly rate for services. Another consideration was the advantage of having a team to ensure that financial tasks being undertaken by BWA are completed on time without reliance on a single person.

BWA has been providing Shire rates services since July 2021, when the Shire Senior Finance Officer responsible for the Council's rating system was initially on maternity leave and subsequently resigned. This arrangement has worked well, with the cost to Council for the period from July 2021 to 2024 costing an average of $20,000 per year. This may seem excessive, but when compared to the cost of having a Rates Officer (wages, housing and overheads) is very cost-effective. By engaging a contractor to provide the required services, shire staffing issues do not impact the continuity of the service. Rates in Local Government are unique, and finding suitable applicants in this field when seeking to engage employees is rare. Unfortunately, even if able to employ and train a suitable person, they will not remain indefinitely with the Shire. Outsourcing this service is a suitable long-term solution at a reasonable cost.

Any company providing financial services must do so in line with Accounting standards and the requirements of Local Government. The Local Government's financial reporting requirements are constantly changing. Utilising a company that produces reports for several Local Governments within Western Australia ensures compliance.

Preparing the local government's statutory budget and annual reports is also very time-consuming, with strict deadlines. The Office of the Auditor General audits the Annual Financial Report. In the last two years, the Shire has performed very well, with the Auditor General's Office sending advice congratulating the Shire for,

> "*has recognised your entity as one of the 2022-23 best practice entities for timeliness and quality of financial reporting and controls. A congratulatory email from the Auditor General has been sent to your CEO.*
>
> *This achievement acknowledges your entity's performance across a number of criteria including the timely preparation for audit, high quality of financial report and working papers, and maintenance of good financial management controls.*
>
> *Your best practice status is included in the* Local Government 2022-23 - Financial Audit Results *tabled in Parliament.*"

This could not have been achieved solely with the small Shire team that works on-site.

Preparation of the statutory budget requires approximately 100 dedicated hours, with a similar amount of time for the Annual Financial Report. This is in addition to setting up the template to retrieve the information directly from Synergy Soft (the Shire's accounting software).

These financial services have also been utilised during financial staff absences as required. Having an external 'pair of eyes' looking at the Shire finances is also advantageous. Ultimately, it is like having an internal audit system in place. Additionally, in a larger shire, there would be various people to 'bounce ideas' with or to seek guidance from. As the finance team is very small in Three Springs being able to consult with a third party assists staff in performing their financial roles as required.

The Local Government (Functions and General) Regulations 1996 (Regs) Section 11(1) states:

> *"Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $250 000 unless sub regulation (2) states otherwise."*

It is worth noting that the Regs is silent on the time period that the $250,000 limit applies. Staff have managed the tender process to formalise the procurement of these services to engage a suitably qualified provider on a long-term basis, so there is no potential non-conformance issue.

Officer's Comment:
With Procurement Associates (PA) assistance, the Shire sought tenders for RFT 23.24-04- Provision of Financial Services. The tender's objective was to select a suitably qualified and experienced financial consultant to provide remote assistance to the Shire staff for a range of financial and rating services.

The qualitative criteria for this tender were:

1) Relevant Experience 30%
2) Key Personnel skills and experience 30%
3) Capacity and Capability 20%
4) Approach to Delivery of the Services – 20%

The tenders closed on 14 June 2024. Two tenders were received:
a) BWA
b) RSM Australia Pty Ltd Atf Birdanco Practice Trust trading as RSM
Both tenders are compliant.

The Shire Chief Executive and Deputy Chief Executive Officers evaluated the submitted tenders.

Consultation:
Sue Findlay - Consultant for Procurement Consultants
Keith Woodward – Shire Chief Executive Officer

Statutory Environment:
The tender process complies with the Local Government Act 1995 and associated regulations, ensuring that the Shire fulfills its fiduciary responsibilities.

Policy Implications:
Shire Policy 1.5 Procurement

Financial/Resources Implications:
The costs associated with the engagement of Bob Waddell & Associates Pty Ltd are included in the Shire's 2024-2025 Budget.

Strategic Implications:
This item is relevant to the Council's approved Workforce Plan 2020-2024.

Workforce Plan 2020-2024	
Council Objectives:	**Outcome:**
4.2.1 Establish a replacement program for positions nominated as critical	4.2.1.1 Establish a risk management/backup plan for critical positions: • Identify critical positions. • Assess level of risk; • Identify a pool of potential emergency internal/external replacements.

This item is relevant to the Council's approved Corporate Business Plan 2020 – 2024.

Corporate Business Plan 2020 – 2024	
Scope Statement:	**Project Outputs:**
4.4.6 Review Corporate Business Plan	4.4.6.1 Demonstrate sound financial planning and management

Voting Requirements:
Simple Majority.

Officer's Recommendation:

048/2023 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 12.2.1

MOVED: Cr. Mutter
SECONDED: Cr. Mills

That Council award the Tender RFT 23-24-04 for the provision of financial services to Bob Waddell & Associates Pty Ltd.

	FOR	AGAINST
Cr. Eva (Deputy President)	✓	
Cr. Mutter	✓	
Cr. Heal	✓	
Cr. Connaughton	✓	
Cr. Mills	✓	

CARRIED:
VOTED: 5/0

13. QUESTIONS BY MEMBERS WITHOUT NOTICE
Nil

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
Nil

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 24 July 2024 @ 5.30pm.

16. CONFIDENTIAL ITEMS
Nil

17. MEETING CLOSURE
There being no further business the Presiding Officer closed the meeting at 5.42 pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: ______________________________
Presiding Officer

Date: 24 July 2024