



MINUTES
ORDINARY COUNCIL MEETING
HELD ON
WEDNESDAY
14 DECEMBER 2022
COMMENCING AT 5 PM



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

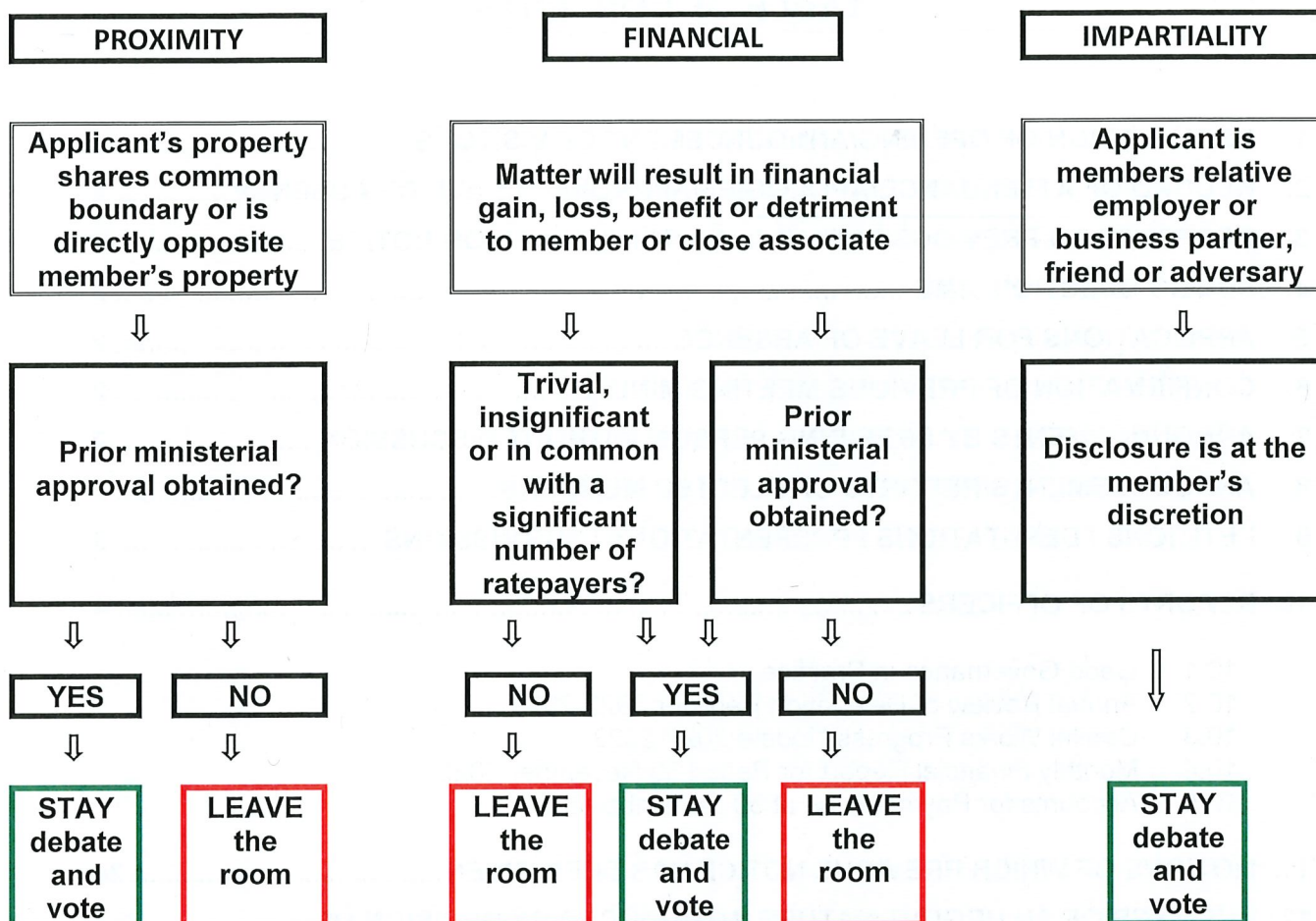
CEO

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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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at: 5.05pm

Acknowledgement of Country:-

The Shire of Three Springs acknowledges the traditional owners of this land – the 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	Apologies	Approved Leave of Absence
Councillor Lane	Present		
Councillor Connaughton	Present		
Councillor Heal	Present		
Councillor Mutter	Present		
Councillor Mills		Apology	
Councillor Ennor			Approved Leave
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Executive Secretary	Present		

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.		
5.2	Cr.		Cr.	Cr.		
5.3	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 OCM	23/11/2022	Cr. Lane	Cr. Mutter	5/0

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The 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.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	Friday 4 Nov – CEO Annual Review JCP Consulting Friday 11 Nov – Remembrance Day Service Saturday 19 Nov – Seniors Christmas Dinner Wednesday 23 Nov – OCM Weekly catch up with CEO
Cr. Connaughton	
Cr. Heal	Wednesday 23 Nov – OCM
Cr. Mutter	
Cr. Mills	
Cr. Ennor	Wednesday 23 Nov – OCM
Cr. Eva	Wednesday 23 Nov – OCM

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICERS

Executive Services	
10.1. Good Governance in Practice	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0211
Disclosure of Interest:	Nil
Date:	14 December 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Nil

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:

1. The Governance Compliance Calendar report for November 2022.
2. Actions Performed under Delegated Authority for November 2022.

Background:

Local Governments are required to fulfil duties and functions prescribed in legislation.

This expectation is prescribed in the *Local Government Act 1995* through the Office of the CEO.

Officer's Comment:

Compliance Table for November 2022

Compliance Action	Compliance Requirement	Section / Ref	Good Practice Resources and LG Operational Procedures	Records Ref (Evidence of completion)	Comments. If Action not completed, report on plan to rectify non-compliance
Monthly Financial Report LG is to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget under FM.Reg.22(1)(d). Presented at an Ordinary Council meeting within 2-months after the end of the month to which the statement relates.	Local Government Act 1995	s.6.4 FM.Reg.34	DLGSC website - WA Local Government Accounting Manual	November 2022 Report submitted to the December 2022 OCM. Reference Minutes	
Emergency Services Levy - Option A Remittance Due by: 21st of the month Option A Remittance Report - see Form B Schedule 5 and ESL Assessment Profile Return Form A	DFES - ESL Manual of Operating Procedures	Clause 5.13.	DFES -ESL website - Manual of Operating Procedures		The Shire does not practice option A. Option B is activated during the months of September / March / June.
Primary Returns - Request Primary Return from any new employee who is a Designated Employee. Return must be received by CEO within 3 months of the person's start day	Local Government Act 1995	s.5.75	WALGA Guideline - Primary and Annual Returns Management DLGSC website - Operational Guideline No.21 Disclosure of Financial Interests in Returns	No new designated employees.	
Financial Interests Register - Review • Review register to remove Primary and Annual Returns (not other interest disclosures) from the Financial Interest Register that relate to persons who are no longer Designated Employees (resigned or changed roles).or for Elected Members who have resigned. • Returns that are removed are to be kept by the CEO as LG Record for at least 5 years after the person ceased to be a	Local Government Act 1995	s.5.88(3)(4)		Register has been updated. Returns that have been removed have been placed in a separate folder and will be retained for 5 years.	

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Designated Employee.					
Elected Members - Review Meeting Attendance Register - check EMs have not been absent for 3 consecutive meetings without Leave of Absence being granted	Local Government Act 1995	s.2.25		Attendance Register is up to date – No EM has been absent for 3 executive meetings	
Elections - Enrolment Eligibility Claims (Owners and Occupiers) Register - Review register and take action re expired Eligibility Claims (no longer property owner / claim based on occupation or nominee expired)	Local Government Act 1995	s.4.35 Elections Regs.14 and 15 Form 6 and 7	WALGA website - Template Enrolment Eligibility Claims Register	Next Elections October 2023	
Policy Review - Code of Conduct Following each Election - provide Council report to enable the 'new' Council to review and adopt the Code of Conduct.	Local Government Act 1995	s.5.103 s.5.104 Admin.Regis. Part 9 Rules of Conduct Regs.	WALGA website - Model Code of Conduct Recommended Practice • Review the Code following each Election cycle to ensure new (and old) Elected Members understand requirements.	Next Elections October 2023	
Elections - Declarations of Office for new Elected Members <u>elected unopposed</u> (due 2 months from declaration of result at close of nominations - s.2.32(c))	Local Government Act 1995	s.2.29	DLGSC website - Elections Timetable DLGSC website - Returning Officer Manual	Next Elections October 2023	
Valuer General Information Due 14th day of each month - providing schedules of: • building licenses issued • building license works completed • registered plans and amendments under the Strata Titles Act 1985	Valuation of Land Act 1978	s.37			Prepared by the City of Geraldton

Execution of Delegation for October 2022

Date	File Ref	Delegation Number	Decision Detail	Applicant	Initiating Officer	1 st Auth.	2 nd Auth.	Comment
03-Nov-22	PMT ID: F211038 339164	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	CSO2	Finance Officer	CEO	Weekly Creditor Payments totalling \$14,217.36 PMT ID: F211038339164
17-Nov-22	PMT ID:	CS002 -	Weekly	CBA-Muni	CSO2	Finance	Deputy	Weekly Creditor

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	F211179 151328	Payments from Municipal Fund and Trust Fund	Creditor Payments			Officer	CEO	Payments totalling \$10,021.38 PMT ID: F211179151328
18-Nov-22	PMT ID: F211189 199190	CS002 - Payments from Municipal Fund and Trust Fund	Transfer from Muni to Licensing for Cheque Payment of \$431.70	CBA-Muni	CSO2	CSO2	Deputy CEO	Transfer Cheque Funds \$431.70 deposited to Muni account to Licensing Account for Daily Banking 17/11/22 PMT ID: F211189199190
22-Nov-22	PMT ID: F211229 415484	CS002 - Payments from Municipal Fund and Trust Fund	Fortnightly Payroll Through CBA Muni	CBA-Muni	Finance Officer	Deputy CEO	CEO	Fortnightly Payroll through the CBA Muni Bank \$46,704.69 PMT ID: F211229415484
24-Nov-22	PMT ID: F211249 575183	CS002 - Payments from Municipal Fund and Trust Fund	Weekly Creditor Payments	CBA-Muni	CSO2	CEO	Deputy CEO	Weekly Creditor Payments totalling \$43,452.44 PMT ID: F211249575183

Statutory Environment:

Local Government Act 1995, Administration Part 5, Division 4, S.5.40

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the Council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the Council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*

- (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

Policy Implications:

Council Policy 1100 Risk Management. The risk management objectives of this policy are:

1. Optimise the achievement of our vision, mission, strategies, goals and objectives.
2. Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
3. Enhance risk versus return within our risk appetite.
4. Embed appropriate and effective controls to mitigate risk.
5. Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
6. Enhance organisational resilience.
7. Identify and provide for the continuity of critical operations

The Good Governance in Practice Principles 'compliance and reporting' align with Council policy and legislation reducing organisation's risk.

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Councils approved Strategic Community Plan 2018-2028.

Strategic Community Plan 2018 - 2028	
Council Objectives:	Outcome:
A long term, strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

This item is relevant to the Councils approved Corporate Business Plan 2020–2024.

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

100/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.1

MOVED: Cr. Heal
SECONDED: Cr. Mutter

That Council Accepts:

1. The Governance Compliance Calendar report for November 2022.
2. The Execution of Delegation report for November 2022.

CARRIED:
Voted: 5/0

10. REPORTS OF OFFICERS

Executive Services	
10.2. Annual Review of the Delegation Register	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0199
Disclosure of Interest:	Nil
Date:	14 December 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	2022/2023 Delegation Register

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 adopts the December 2022/2023 Delegation Register.

Background:

At the December 2021 Ordinary Council meeting, the following resolution was adopted:

091/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION	10.3
<p style="text-align: right;"><u>MOVED:</u> Cr. Eva <u>SECONDED:</u> Cr. Lane</p> <p>That Council adopt the December 2021/2022 Delegation Register.</p> <p style="text-align: right;">CARRIED: VOTED: 6/0</p>	

Local Governments are empowered under several sections of State Government legislation (Acts and Regulations) to perform specific duties and exercise certain powers.

In many instances, a piece of legislation empowers the Chief Executive Officer (CEO) or another officer of the Local Governments to perform duties, but often the Act or Regulations (particularly the *Local Government Act 1995*) defaults to the Local Government Council with the ability to delegate some of its powers and duties to the CEO or to Committees in order to expedite the effective operations and implementation of the Shire's functions.

The Council delegating its authority requires that a 'Register of Delegations' be maintained and reviewed annually. Therefore, this report aims to review the list of delegations to the CEO and the sub-delegation of duties to other nominated officers within the organisation.

Officer's Comment:

The Delegation Register is to formalise the Council's "day to day" functions/operations through the empowerment of staff to operate efficiently, effectively and productively in the interest of good governance. However, the level of delegation should not extend beyond the Council losing (or perceived to be losing) control of its responsibilities under applied legislation.

It is also pertinent that such delegations to staff on "day to day" matters are reported back to Council to ensure the grant of delegated authority, in the Council's opinion, is not misused and abused in any way. Should Council not be satisfied, it may amend or remove the delegation to the CEO or another officers.

The reporting back to Council will occur at the OCM in the following format:

This report is prepared for Council and includes all actions performed under delegated authority, including:

Date	File Reference	Delegation No	Decision Detail	Applicant	Officer
	Example				
18 November 2019	November 2019 OCM. Report 9.3	G0004	Advertising Ordinary Council Meeting Dates	CEO	CEO

Changes to the Delegation Register for 2022/23 are as follows:

1. CS008 – Authorised Purchasing Officers.

Consultation:

Nil

Statutory Environment:

The Council is, empowered according to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate roles and responsibilities, while Section 5.46 (2) requires an annual review of delegations by the Council.

The Act allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegation to be in writing.

The Chief Executive Officer is also permitted under the Act to place conditions on any sub-delegation passed onto another Shire employee.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

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

Strategic Community Plan 2018-2028	
Council Objectives:	Outcome:
A long term strategically focused Shire that is efficient, respected and accountable.	4.3.2. Ensure compliance with all relevant legislation.

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

Corporate Business Plan 2020 – 2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority.

Officer's Recommendation:

101/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION:	10.2
<p style="text-align: right;"><u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Heal</p> <p>That Council adopts the December 2022/2023 Delegation Register.</p> <p style="text-align: right;">CARRIED: Voted: 5/0 (By an Absolute Majority)</p>	

10. REPORTS OF OFFICERS

Works and Services	
10.3 Capital Works Progress Update 2022-2023	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM
Disclosure of Interest:	Nil
Date:	14 December 2022
Author:	Keith Woodward, Chief Executive Officer
Attachment (s):	Capital Works Report 2022-2023

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 Capital Works Report for November 2022.

Background:

This report provides Council with the 2022-2023 Capital Works progress update.

Officers Comment:

Refer to the attached status report.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Purchasing Policy 3007.1

Financial/Resources Implications:

Shire of Three Springs Adopted Budget 2022-2023

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 approved Corporate Business Plan 2020–2024.

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

Voting Requirements:

Simple Majority.

Officer's Recommendation:

102/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3
<p style="text-align: right;"><u>MOVED:</u> Cr. Lane <u>SECONDED:</u> Cr. Eva</p> <p>That Council accepts the Capital Works Report for November 2022.</p> <p style="text-align: right;">CARRIED: Voted: 5/0</p>

10. REPORTS OF OFFICERS

Corporate Services	
10.4 Monthly Financial Report for Period 31 November 2022	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0243
Disclosure of Interest:	Nil
Date:	14 December 2022
Author:	Krys East, Deputy Chief Executive Officer
Attachment (s):	Monthly Financial Report 30 November 2022

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 30 November 2022.

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:

At the time of writing this report, there were still several outstanding invoices etc. and end of year calculation have yet to be done, so the closing surplus is an estimate only and is subject to change until 2021-2022 year has been audited.

The 2022-2023 Budget was adopted in August.

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 compiled 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 that 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 month to which the statement relates; and*
 - © *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - © *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*
 - © *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - © *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —*

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- (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.
- (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.

Policy Implications:

Nil

Financial/Resources Implications:

Total Cash Available as at 30 November 2022 is \$5,698,719. Cash available is made up of Unrestricted cash \$3,906,771 and Restricted cash of \$1,791,948 being primarily made up of various reserves.

Rates Debtors balance as at 30 November is \$382,282. Rates Notices for 2022-23 were issued in August 2022. Rates collected as at end of November 2022 was \$2,084,945 - 84.51%

November 2022:

Operating Revenue – Operating revenue of \$2,998,409 is made up of Rates – 53%, Grants - 43%, Fees and Charges - 4%, Other Revenue - 0% and Interest Earnings – 0%.

Operating Expenses – Operating expenses of \$1,217,766 is made of Depreciation - 0% (depreciation will be run after completion of Annual Financial Report audit), Employee Costs – 45%, Materials and Contracts – 29%, Insurance – 18%, Utilities – 7%, 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 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Simple Majority.

Officer's Recommendation:

103/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	10.4
<div data-bbox="916 297 1273 371"><p><u>MOVED:</u> Cr. Heal <u>SECONDED:</u> Cr. Mutter</p></div> <div data-bbox="229 409 1332 477"><p>That Council accepts the monthly financial report for the period ending 30 November 2022.</p></div> <div data-bbox="916 501 1070 575"><p>CARRIED: Voted: 5/0</p></div>	

10. REPORTS OF OFFICERS

Corporate Services	
10.5 Accounts for Payments as at 31 October 2022	
Agenda Reference:	CEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0083
Disclosure of Interest:	Nil
Date:	14 December 2022
Author:	Donna Newton, Finance and Payroll Officer
Attachment (s):	List of creditors paid as at 30 November 2022

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:

104/2022 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.5
<p style="text-align: right;"><u>MOVED:</u> Cr. Connaughton <u>SECONDED:</u> Cr. Eva</p> <p>That Council accepts:</p> <ol style="list-style-type: none"> 1. The accounts for payment as presented for <i>November</i> 2022 from the CBA Municipal Fund totalling \$107,001.97 represented by Electronic Fund Transfers No's 18405 – 18455 and Direct Debits 14312.1– 14341.1, 14346.1 - 14357.1, 14361.1 - 14369.1, 14378.1 - 14378.6 and 14394.2 - 14414.1. 2. Licensing Fund totalling \$8,973.55 represented by Direct Debit No. 14342.1, 14358.1 - 14360.1, 14371.1 - 14375.1 and 14380.1 - 14390.1. <p>Total Payments for October 2022 is \$115,975.52</p> <p style="text-align: right;">CARRIED: Voted: 5/0</p>

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 – Annual Financial Report 2021-2022

105/2022	OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION	12.2
<div><div>That the following item, namely:</div><div>12.2.1 “ Annual Financial Report 2021-22”</div><div>Is accepted as a late item onto this Agenda.</div></div> <div><div><u>MOVED:</u> Cr. Mutter</div><div><u>SECONDED:</u> Cr. Heal</div><div>CARRIED:</div><div>VOTED: 5/0</div></div>		

10. REPORTS OF OFFICERS

Corporate Services	
12.2.1. Annual Financial Report 2021-22	
Agenda Reference:	DCEO
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	ADM0081
Disclosure of Interest:	Nil
Date:	14 December 2022
Author:	Krys East - Deputy Chief Executive Officer
Attachment (s):	10.4.1 Audited Annual Financial Report 2021-2022 10.4.2 Auditors Opinion 10.4.3 Transmittance Letters

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:

The Audit and Risk Committee recommends that the Council accepts the Annual Financial Statements, Audit Report and Management Report for 2021-2022 and set the date for the Annual Electors Meeting.

Background:

Section 5.54 "Acceptance of Annual Reports" of the Local Government Act 1995, requires an Annual Report to be accepted by Council by 31 December in each year unless the Auditors Report is not available in time. The Local Government Act 1995 Section 5.54(2) requires that if the Annual Report is not accepted by the Local Government by 31 December then it must be presented within two (2) months of the Auditors Report becoming available.

Following the proclamation of the Local Government Amendment (Auditing) Act 2017, the Auditor General was made responsible for the financial and performance auditing of local governments.

Officer's Comment:

On the 8th of December 2022, Dry Kirkness (formerly Butler Settineri) and the Office of the Auditor General for Western Australia conducted an audit exit meeting with the Shire President, Chief Executive Officer and Deputy Chief Executive Officer.

As per the Local Government Act 1995 Council is required to accept the Audit Report, Management Report and set the date for the Annual Electors Meeting.

The audit report raised concerns with Supplier Masterfile changes, IT Control Environment, Credit Card Transactions, Authorisation of invoice payments, Procurement Practices and Accuracy of employee timesheets.

The impact of the 2020/21 Annual Financial Report Audit being completed late, in March 2022, has meant that issues raised in that audit continued into the 2021/22 financial year. The auditors and OAG acknowledge that the instances in the current audit were identified as occurring during the July 2021 to November 2021 period. Management has implemented a suite of control improvements since March 2022 to remediate the legacy control weaknesses identified. They have not identified any further instances of these controls weaknesses since the improvements were fully implemented.

The auditor comments are clearly identified below (the black text being the findings from the audit, and the blue text being the Shire's Management comment).

1. Supplier Masterfile changes

Finding:

From our review of changes to the supplier Masterfile, we noted 1 instance where the Supplier Masterfile Amendments Form did not contain any evidence of review before the change was processed.

Management Comment:

Procedures have been put in place whereby:

- the Supplier Masterfile Amendments Form is reviewed by DCEO;*
- implemented EFTSure to check BSB and Account Details to further reduce risk; and*
- an audit trail showing changes to the Creditor module, is presented to the DCEO for review during each pay run.*

This amended process was implemented in April/May 2022

2. IT Security Control Environment

Finding:

We noted that the Shire does not have Cyber Security Response Plan in place and no documented process to follow in the event of a cyber-attack.

We also noted that the Shire's Data Recovery Plan has not been reviewed since it was adopted in 2015.

Management Comment:

Noted and in 2022/23 the Shire staff will commence developing a Cyber Security Response Plan aiming to have this completed in the 2023/24 year.

The current Data Recovery Plan will be reviewed in 2022/23.

3. Credit Card Transactions

Finding:

From a sample of 11 credit card transactions, we noted 1 instance where the supplier invoice for the purchase was not able to be provided.

After the matter was communicated to management, the cardholder signed a statutory declaration noting that the purchase was for business purposes, however the supplier invoice could not be obtained.

Management Comment:

The instance identified was for the purchase of bread for \$34 in Morawa, which was urgently needed for Australia Day celebrations as the local supplier, at the last minute, advised that they could not provide it. The staff member failed to retain a receipt due to the stress of ensuring a successful event. The Staff member did sign the credit card statement acknowledging a legitimate purchase.

Forms have been created for staff to complete if the purchase process deviates from the procurement policy e.g., an emergency situation where no purchase order was raised prior to purchase.

4. Authorisation of invoice payments

Finding:

We note 1 instance out of a sample of 15 procurement payments from 1 April 2022 to June 2022 where the payment was not authorised by an appropriate officer in-line with the Shire's invoice approval delegations.

Management Comment:

Staff have been made aware of the importance of ensuring invoices are approved only by those with delegated authority. Management signs off on all invoices. In the absence of an appropriate Manager, only those with delegated authority will sign off. This will be the exception, not the standard practice.

5. Procurement practices

Initial Finding - 2021

During our sample testing of payments made throughout the year we noted:

- 11 instances where the required number of quotes was not obtained prior to engaging a supplier for goods/services
- 3 instances where verbal quotes were obtained, but not documented on the purchase order
- 5 invoices without purchase orders;
- 2 purchase orders were raised after the invoice date.

Finding status - 2022

During our sample testing of payments made throughout the year we noted:

- 3 instances where the required number of quotes was not obtained prior to engaging a supplier for goods/services
- 1 purchase order that was raised after the invoice date.

We acknowledge that the instances identified occurred during the July 2021 to November 2021 period. Management have implemented a suite of control improvements in March 2022 to remediate the legacy control weaknesses identified, we have not identified any further instances of these controls weaknesses since the improvements were fully implemented.

On 4 May 2022, the Shire, in accordance with section 7.12A (4) (a) of the Local Government Act 1995, advised the Minister for Housing, Lands, Homelessness, Department of Local Government of the Significant Finding associated with the aforementioned Procurement Practices.

Management Comment:

The Policy was amended in May 2022, immediately after this issue was reported in the 2022 Management Letter in March 2022, to allow purchases from local Suppliers with Monthly accounts without the need to seek a verbal quote. We believe that during the review it was noted that all instances identified were prior to this date. After the adoption of the Policy, testing revealed no instances that did not conform to the amended Policy.

A form has been created for staff to complete if the purchase process deviates from the procurement policy e.g. reason for no purchase order raised prior to purchase.

Due to the action that has been taken to rectify these issues and prevent them from occurring in the future, we believe this finding is not significant and should be reduced to Moderate.

6. Accuracy of employee timesheets

Finding:

We noted 1 instance where the hours paid to an employee as recorded in the payroll report exceeded the hours recorded in the employee's approved timesheet.

Management Comment:

Management thoroughly reviews timecard entries at various stages of the payroll process prior to payment.

Consultation:

Bob Waddell & Associates, Finance Officer and Admin Officer, Dry Kirkness audit staff and OAG Director Financial Audit.

Statutory Environment:

Local Government Act 1995 sections 5.27 (2), 5.53 (1), 5.54, 5.55, 5.55A and 6.4

"5.27. Electors' general meetings

(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."

"5.53. Annual reports

(1) The local government is to prepare an annual report for each financial year."

"5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

*7. * Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available."*

"5.55. Notice of annual reports

The CEO 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."

"5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government."

"6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) The financial report is to —*
 - (a) be prepared and presented in the manner and form prescribed; and*
 - (b) contain the prescribed information.*
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) the annual financial report of the local government for the preceding financial year."*

Local Government (Financial Management) Regs 1996, regulation 51

"51. Annual financial report to be signed etc. by CEO and given to Department

(1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.

(2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report."

Local Government Act 1995 Section 7.9(1)

“7.9. Audit to be conducted

(1) 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; and*
- (b) the CEO of the local government; and*
- (c) the Minister.”*

Local Government Financial Management Regulation 1996 Part 2
Local Government (Audit) Regulations 1996 – Reg 10

“10. Report by auditor

- (1) An auditor’s report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.*
- (2) The report is to give the auditor’s opinion on —*
 - (a) the financial position of the local government; and*
 - (b) the results of the operations of the local government.*
- (3) The report must include a report on the conduct of the audit.*
[(4A) deleted]
- (4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor’s report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor’s report.”*

Policy Implications:

Nil

Financial/Resources Implications:

Nil

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 approved ‘Corporate Business Plan 2020 – 2024’.

Corporate Business Plan 2020– 2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority

Officer's Recommendation:

105/2022	AUDIT AND RISK COMMITTEE'S RECOMMENDATION:	12.2
<p style="text-align: right;"><u>MOVED:</u> Cr. Mutter <u>SECONDED:</u> Cr. Eva</p> <p>That Council:</p> <ol style="list-style-type: none">1. accepts the 2021/2022 Annual Report incorporating the audited Financial Statements and auditors report;2. acknowledges receipt of the Management letter;3. instruct the CEO to give local public notice as soon as practicable that the 2021/2022 Annual Report is available for public inspection;4. instruct the CEO to publish the 2021/2022 Annual Report on the Shire of Three Spring's official website within 14 days;5. schedule the Annual Electors meeting for Monday 6 February 2023 commencing at 5:00 pm in Council Chambers. Local public notice to be given at least 14 days prior to the meeting date;6. authorise that the 2021/2022 Annual Report is sent to the Department of Local Government within 30 days of acceptance by the CEO. <p style="text-align: right;">CARRIED: Voted: 5/0 (By Absolute Majority)</p>		

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, 22 February 2023 @ 5pm.

16. CONFIDENTIAL ITEMS

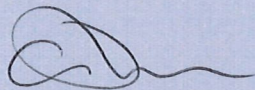
Nil

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 5.14pm.

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

Signed: _____



Presiding Officer

Date: 22 February 2023

