



MINUTES

of the

Ordinary Council Meeting

held

Tuesday 23 March, 2021

in the

Council Chambers
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Tuesday 23 March 2021

Signed:
Presiding Elected Member

Date: 21/4/21

Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin expressly disclaims any liability for any loss or damage 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.



Shane Ivers
CHIEF EXECUTIVE OFFICER

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ORDINARY COUNCIL MEETING

held

Tuesday 23 March, 2021

at 6.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff, Guests and members in the Gallery and opened the meeting at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

COUNCIL DECISION 010321:

MOVED: Cr West

SECONDED: Cr Wells

That Council, by Absolute Majority approve Cr Wyse and Cr Scott to attend the 23 March 2021 Ordinary Council Meeting by teleconference.

VOTING DETAILS:

Carried by Absolute Majority 7/0

Members

Councillor M T Smith Shire President
Councillor B Wyse (*via teleconference*) Deputy Shire President
Councillor A J Gillam
Councillor I Scott (*via teleconference*)
Councillor H M Wells
Councillor I F West
Councillor G S Eva

Staff

Mr S D Ivers Chief Executive Officer
Mrs D K Chandler Acting Manager Corporate & Community
Mr B Jeans Manager Development
Mr M Jones Acting Manager Infrastructure & Development
Mr P Godfrey Manager Finance
Mrs R Shadbolt Process Improvement Coordinator
Mr L Smith Coordinator Recreation Services
Ms S J Clarkson Acting Senior Finance Officer
Ms N A M'Leane Development & Executive Officer
Mrs F Boksmati Community Development Officer
Mrs K Haug IT Systems & Governance

Guest

Ms Efthalia Samaras (*via video link*) Office of the Auditor General

Approved Leave of Absence

Nil.

Apologies

Councillor M Leonard
Mr P Traylen

Acting Manager Infrastructure & Development

Gallery

J Arden – Premier Circle, Dongara
R Murray – Ocean Drive, Port Denison
L Beatty – Geraldton Newspapers
L Butler – Ocean Drive, Port Denison

The Shire President obtained verbal consensus to proceed with Item CEO01-03/21 (Annual Meeting with Council's Appointed Auditor) as the next order of business due to time limitations.

OFFICE OF CEO	CEO01-03/21
Subject:	CEO01-03/21 Annual Meeting with Council's Appointed Auditor
Author:	D Chandler, A/Manager Corporate & Community
Responsible Officer:	S Ivers, Chief Executive Officer
File Reference:	3.0207
Voting Requirements:	Simple Majority

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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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Report Purpose:

To meet with Council's appointed auditor via teleconference.

Background:

The Annual Financial Report for the year ended 30 June 2020, along with the 2019/20 Annual Report will be presented to Council for consideration at this Ordinary Council Meeting (Item CEO02-03/21). In accordance with section 7.12A of the *Local Government Act 1995*, a local government is to meet with the auditor of the local government at least once in every year. It is therefore considered appropriate that this meeting coincides with the presentation of the 2019/20 Annual Report and Auditor's Report.

Officer's Comment:

The Shire of Irwin's 2019/20 audit was conducted by the Office of the Auditor General (OAG) who contracted Moore Australia (WA) as field auditors. Mikey Fiorucci, OAG was invited to attend the meeting via teleconference to provide comment on the audit process and findings, however was unable to attend. Therefore, Efthalia Samaras, OAG will be presenting to Council on his behalf. This will provide Councillors an insight into the preparation of the financial reports and how to appropriately interpret the results.

Consultation:

An Audit Exit Meeting was held on Thursday 28 January 2021 attended by Mikey Fiorucci (OAG), Greg Godwin (Moore Australia (WA)), Cr Ian West (Audit Committee Chairperson), Cr Mike Smith (Shire President), Shane Ivers (CEO), Danika Chandler (A/Manager Corporate & Community), Jenny Goodbourn (Supervisor Finance) and Stephanie Clarkson (A/Senior Finance Officer).

The 2019/20 Annual Financial Statement and audit opinion were received and accepted by the Shire of Irwin Audit Committee at its meeting on 16 March 2021.

Statutory Environment:

Local Government Act 1995

- Section 7.12A: Duties of local government with respect to audits

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles.

Strategy 4.3.2 Adopt and follow better practice processes.

Attachments:

Attachment Booklet – 2019/20 Annual Report

CEO01 & CEO02-03/21 Attachment 1 – 2019/20 Annual Report

COUNCIL DECISION 020321:

MOVED: Cr Eva

SECONDED: Cr Wells

That Council suspends Clause 10.2 of the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.02pm, in order for Ms Efthalia Samaras, Office of the Auditor General, to provide a verbal report on the Shire's Annual Financial Report for the year ending 30 June 2020.

VOTING DETAILS:

Carried 7/0

Ms Samaras, Office of the Auditor General presented via video link to present the Shire of Irwin 2019/20 Audit Report with the following points noted:

- *The OAG issued a clear audit opinion*
- *Three significant adverse trends were identified in the Current Ratio, Asset Sustainability Ratio and Operating Surplus Ratio being that they are below the DLGSCI benchmark, note there are very few other local governments that do not have any adverse trends*
- *The results of the remainder of the audit were pleasing with only 1 matter identified as a significant risk and 3 considered medium risk - none warranting inclusion in the Audit Opinion*
- *No matters of significant non-compliance were identified*
- *Moore Australia conducted the audit on the OAG's behalf*
- *Efthalia congratulated Council on a successful audit and invited questions*
- *There were no questions from Councillors*

The Shire President thanked Ms Samaras for attending the meeting via video link.

Ms Samaras left the meeting at 6.05pm.

COUNCIL DECISION 030321:

MOVED: Cr Gillam

SECONDED: Cr Wells

That Council reconvenes under the *Shire of Irwin Meeting Procedures Local Law 2016* at 6.05pm.

VOTING DETAILS:

Carried 7/0

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 040321:

MOVED: Cr Eva

SECONDED: Cr Wells

That Council notes the verbal report provided by Ms Efthalia Samaras on behalf of Mikey Fiorucci, Office of the Auditor General with regards to the Shire of Irwin Annual Financial Statement for the year ending 30 June 2020.

VOTING DETAILS:

Carried 7/0

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question taken on notice at the 23 February Ordinary Council Meeting:

R Murray – Ocean Drive, Port Denison: Can Council consider reducing the speed limit from 50km/h to 40km/h at the Point Leander Drive Granny’s Beach roundabout and in front of the Port Store as it is quite dangerous for pedestrians?

Response by the Shire President at the 23 February 2021 Ordinary Council Meeting: Speed zones are controlled by Main Roads WA and 50km/h is the recommended limit for built up areas, however it can be investigated therefore we will take your question on notice.

Response: Main Roads WA have been notified of the request and R Murray has been contacted directly by Mark Jones, Supervisor Parks & Gardens.

4. PUBLIC QUESTION TIME

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Wells submitted an application for a Leave of Absence for the period 10 May 2021 to 15 June 2021 (inclusive).

COUNCIL DECISION 050321:	
MOVED: Cr Eva	SECONDED: Cr West
That Council grants Cr Wells a Leave of Absence for the Period 10 May 2021 – 15 June 2021 (inclusive).	
VOTING DETAILS:	Carried 6/0

6. PETITIONS AND DEPUTATIONS

Nil.

7. CONFIRMATION OF MINUTES

7.1. Minutes of the Ordinary Council Meeting held 23 February 2021

A copy of the minutes of the 23 February 2021 Ordinary Council Meeting have been provided to all Councillors under separate cover.

COUNCIL DECISION 060321:	
MOVED: Cr Eva	SECONDED: Cr Wells
That the Minutes of the Ordinary Council Meeting, held 23 February 2021, as previously circulated, be adopted as a true and accurate recording of that meeting.	
VOTING DETAILS:	Carried 7/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Functions, Meetings & Events

4 March 2021

Shire President and Councillors attended the Shire's Strategic Community Plan "Our Brilliant Future" Engagement Sessions at the Irwin Recreation Centre Function Room.

9. REPORTS

9.1. Officer Reports

CORPORATE AND COMMUNITY		CC01-03/21
Subject:	CC01-03/21 Accounts for Payment	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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Report Purpose:

To receive the list of accounts paid under delegated authority during February 2021.

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of February 2021.

Officer's Comment:

Nil.

Consultation:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations 1996 provides as follows:

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;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (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:

Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles Strategy

4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – March 2021

CC01-03/21 Attachment 1 – Accounts for Payment – February 2021

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 070321:

MOVED: Cr West

SECONDED: Cr Gillam

That Council, receives the Accounts paid during February 2021 as present in Attachment Booklet – March 2021, represented by;

Payment Type/Numbers	Total Amount
EFT 26921 – 27042	\$422,562.34
Muni Cheques – 32031 – 32034	\$4,375.00
Direct Debit – Telstra	\$3,884.78
Direct Debit – WA Treasury Corporation	\$20,727.35
Direct Debit – Solar Panel Repayments	\$1,947.66
Direct Debit – Insurance Premiums Repayment	\$28,344.32
Direct Debit – Credit Card	\$5,303.44
Direct Debit – Superannuation	\$31,406.55
Grand Total	\$518,551.44

VOTING DETAILS:

Carried 7/0

CORPORATE AND COMMUNITY		CC02-03/21
Subject:	CC02-03/21 Monthly Financial Statements for the Period Ended 28 February 2021	
Author:	S Clarkson, A/Senior Finance Officer	
Responsible Officer:	D Chandler, A/Manager Corporate & Community	
File Reference:	Minute Book	
Voting Requirements:	Simple Majority	

Council Role:

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Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2020 to 28 February 2021.

Background:

The Monthly Financial Statements to 30 June 2021 are prepared in accordance with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 and includes the following statutory reports:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Explanation of Material Variances
- Net Current Funding Position

The Statements also include various other financial information not required by legislation, but for Council information.

Officer’s Comment:

The financial position to the end of February 2021 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

28/02/2021		YTD Actual	Variance to YTD Budget
	Operating Revenue	7,423,053	100%
	Operating Expenditure	(7,301,796)	99%
	Net Operating	121,257	
	Non-Operating Revenue	1,219,473	43%
	Non-Operating Expenditure	(1,253,483)	25%
	Net Non-Operating	(34,010)	
	Cash at Bank	4,783,791	
	Cash at Bank Restricted	362,875	
	Reserve Bank	1,296,858	
	Total Cash Funds	6,443,524	

The attached statements provide explanatory notes for items greater than 10% or \$10,000. This commentary provides Council with an overall understanding of how the financial position is situated in relation to the adopted budget.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

- *Section 6.4 Financial report*

Local Government (Financial Management) Regulations

- *Section 34 Financial activity statement report provides as follows:*

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (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 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;*
 - (b) *an explanation of each of the material variances referred to in sub-regulation (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 may be shown -*
- (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -*
- (a) *presented to the council -*
 - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
 - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*

Policy Implications:

Nil.

Financial/Resource Implications:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – March 2021

CC02-03/21 Attachment 1 – Financial Statements for the Period Ended 28 February 2021

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 080321:

MOVED: Cr Gillam

SECONDED: Cr West

That Council receives the Monthly Financial Statements for the period 1 July 2020 to 28 February 2021 as provided in Attachment Booklet – March 2021.

VOTING DETAILS:

Carried 7/0

CORPORATE AND COMMUNITY		CC03-03/21
Subject:	CC03-03/21 Budget Review 2020/21	
Author:	D Chandler, A/Manager Corporate & Community	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.00047	
Voting Requirements:	Absolute Majority	

Council Role:

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Report Purpose:

To consider and adopt the annual budget review for the 2020/21 financial year as presented in Attachment Booklet – March 2021.

Background:

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires Council to conduct a review of its budget between 1 January and 31 March in each financial year. The Regulation requires that the results be submitted to Council to determine whether to adopt the review and recommendations made. Within 30 days of the review a copy of the review and determination is to be provided to the Department of Local Government, Sport and Cultural Industries.

Officer's Comment:

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. Council adopted a 10% and \$10,000 variance level for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

- This report provides information by program and is based on the seven-month period from 1 July 2020 to 31 January 2021.
- The budget review reflects a view of the position of the Shire of Irwin – projected full year income and expenditure against full year original budget.
- The projected actuals are based on the information provided for each program, with an estimated Net Operating Surplus of \$2,229.

The recently audited 2019/20 annual financial statements resulted in a closing deficit of \$412,904. The variance between this opening deficit at 1 July 2020 and the budgeted opening deficit of \$168,015 is attributed to unforeseen additional expenditure relating to the Medical Centre as well as approximately \$140,000 held in restricted funds (largely consisting of very old developer contributions) being brought to account as contract liabilities as per the direction of the Auditor General.

Attachment 1 is an explanation of identified major expenditure and revenue variations and a review of the capital program showing all budgeted items and any variances required. It is worth noting that a net operating surplus of \$2,229 has been achieved from an opening deficit of \$412,904 at 1 July 2020. Some of the major variances in the review include:

REVENUE

- Additional \$1M drought extension funding that is being used to fund Moreton Terrace upgrade.
- Additional \$261,054 LRCI Stimulus grant funding (Phase 2) which is being used to fund Surf Beach stabilisation works.
- Significantly higher than expected revenue from the Container Deposit Scheme.
- Allowance made for coastal node camping revenue that commences 22 March 2021.

EXPENDITURE

- Additional expenditure on the Dongara Medical Centre relating to the provision of practice management and IT.
- Additional expenditure on Environmental Health consultant services for COVID-19 and asbestos at the Drive-In.

Consultation:

Responsible officers have predicted the balances on their activities.

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

33A. *Review of budget*

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must -*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Australian Accounting Standards

Policy Implications:

Nil.

Financial/Resource Implications:

The adoption of this budget review will forecast the budget with an estimated surplus of \$2,229. To achieve this, the following reserve transfers are proposed in addition to those already budgeted:

- \$410,000 - Transfer to Asset Management Reserve (proceeds of the sale of 4A and 4B Kennedy Heights);

- \$40,000 – Transfer **from** Plant Replacement Reserve (net plant/vehicle changeovers); and
- \$70,000 – Transfer **from** Coastal Management Reserve (Surf Beach dune remediation works).

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes

Attachments:

Attachment Booklet – March 2021

CC03-03/21 Attachment 1 – Budget Review 2020/21

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 090321:

MOVED: Cr Eva

SECONDED: Cr Gillam

That Council, by Absolute Majority:

- a) Adopts the 2020/21 Budget Review, as presented in Attachment Booklet – March 2021; and**
- b) Amends the budget accordingly.**

VOTING DETAILS:

Carried by Absolute Majority 7/0

OFFICE OF CEO	CEO02-03/21
Subject:	CEO02-03/21 2019/20 Annual Report and Auditor’s Report
Author:	N M’Leane, Development & Executive Officer
Responsible Officer:	D Chandler, A/Manager Corporate & Community
File Reference:	3.0075
Voting Requirements:	Absolute Majority

Council Role:

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Report Purpose:

To consider and accept the Shire of Irwin Annual Report for the year ending 30 June 2020.

Background:

The *Local Government Act 1995* requires local governments to prepare and accept, by Absolute Majority, an Annual Report for each financial year by no later than 31 December after that financial year. As the audited financial statements were not received from the auditor until 4 February 2021, Council must adopt the Annual Report within 2 months after the audited financial statements are received.

The *Local Government Act 1995* also requires local governments to hold a general meeting of electors once every financial year and not more than 56 days after accepting the annual report from the previous financial year. It is therefore proposed to hold the Annual Electors’ Meeting on Tuesday 27 April 2021 at 5.00pm directly before the Ordinary Council Meeting.

Officer’s Comment:

The 2019/20 Annual Report, prepared in accordance with the requirements of the *Local Government Act 1995*, is presented as an attachment for Councillors’ perusal, consideration and acceptance. The report contains the audited annual financial statements and independent audit report, and highlights the Shire of Irwin’s achievements throughout 2019/20, in accordance with the Strategic Community Plan 2017-2027.

Consultation:

The Shire of Irwin’s auditors, Moore Australia (WA), on behalf of the Office of the Auditor General, have completed an audit of the annual financial statements for the year ended 30 June 2020. The audit report and management letter have been provided to the Shire President and CEO, and have been presented to the Shire of Irwin Audit Committee at its meeting on 16 March 2021.

Once the 2019/20 Annual Report has been accepted by Council, the Shire is required to give local public notice of the availability of the report as soon as practicable.

Statutory Environment:

Local Government Act 1995

- Section 5.53
- Section 5.27
- Section 5.29
- Section 7.2
- Section 7.12A

Local Government (Audit) Regulations 1996

- Regulation 10

Policy Implications:

Nil.

Financial/Resource Implications:

There are no financial or budget implications.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles.

Strategy 4.3.3 Adopt and follow better practice processes.

Attachments:

Attachment Booklet – 2019/20 Annual Report

CEO01 & CEO02-03/21 Attachment 1 – 2019/20 Annual Report

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 100321:

MOVED: Cr West

SECONDED: Cr Gillam

That Council, by Absolute Majority:

- Receives the Audit Report from the Office of the Auditor General for the year ending 30 June 2020;**
- Accepts the 2019/20 Annual Report as presented in Attachment Booklet – 2019/20 Annual Report;**
- Approves the Chief Executive Officer to give local public notice of the availability of the 2019/20 Annual Report as soon as practicable; and**
- Holds the Annual Electors' Meeting at 5.00pm on Tuesday 27 April 2021 in the Shire Council Chambers directly before the Ordinary Council Meeting.**

VOTING DETAILS:

Carried by Absolute Majority 7/0

OFFICE OF CEO	CEO03-03/21
Subject:	CEO03-03/21 Compliance Audit Return (CAR) 2020
Author:	K Haug, IT Systems & Governance Officer
Responsible Officer:	D Chandler A/Manager Corporate & Community
File Reference:	3.0198
Voting Requirements:	Absolute Majority

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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- 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:

For Council to consider and adopt the 2020 Compliance Audit Return as per the *Local Government Act 1995*, Section 7.13 and the *Local Government (Audit) Regulations*, Regulation 14.

Background:

Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return (CAR) annually and have the return adopted by Council. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk".

The Audit Committee is to review the annual CAR and report to Council the results of that review, prior to adoption of the return by Council. After adoption, the return is to be signed by the Shire President and CEO prior to it being forwarded to the Department of Local Government, Sport and Cultural Industries (DLGSCI) by no later than 31 March.

Officer's Comment:

The Shire of Irwin Audit Committee reviewed the 2020 CAR at its meeting on 16 March 2021 and resolved to support the responses in the CAR, provided as Attachment 1.

The following list provides an outline of each section addressed in the 2020 Compliance Audit Return:

Commercial Enterprises by Local Governments

The acquisition of the Dongara Medical Centre in 2020 was considered a major land transaction that was not exempt, therefore a business plan was prepared in accordance with s3.59(2)(b) of the *Local Government Act* and Regulations 7, 8 and 10 of the *Local Government (Functions and General Regulations) 1996*. Compliance with public notice requirements and proceeding by absolute majority has all been met in accordance with s3.59(4)(5).

Delegation of Power / Duty

An investigation was undertaken to ensure that the Shire is meeting statutory obligations regarding Delegated Authority. N/A response has been provided for questions relating to delegation of powers to Committees as there have been no delegations of this type. Regarding delegations from Council to CEO and CEO to staff, processes around administering and recording these delegations are sound, particularly with the in-depth review of Council to CEO delegations and adoption of the new register at the 28 July 2020 Ordinary Council Meeting.

Disclosure of Interest

Recordkeeping practices for Disclosures of Interest are sound and staff have a number of practices/procedures in place to ensure compliance in this area.

All Annual returns were lodged by the 31 August as per Section 5.76 of the *Local Government Act 1995*, however a Primary Return was not lodged by an employee within three months of their start date. This was reported to the DLGSCI with a response advising that the Department has considered the matter and determined that in this case no further action will be taken. However, the employee should be reminded of their obligations under the Act to submit all future annual returns by the due date. The Department also advised that the matter has been recorded in their case management system should a similar matter arise in the future. To fulfill obligations by the CEO, the matter was also reported to the Crime and Corruption Commission with notification of the outcome advising that no further action will be taken.

Codes of Conduct were reviewed, and new Codes of Conduct adopted at the 20 August 2020 Ordinary Council Meeting in accordance with Regulations 34B and 34C of the *Local Government (Administration) Regulations 1996*.

Disposal of Property

The Shire disposed of a number of vehicles, furniture, equipment & property during 2020 by public auction and other means. Therefore, the Shire is considered to be compliant in all areas relating to disposal of property.

Elections

N/A response was provided for this section as there were no disclosures of electoral gifts received by the CEO during the reporting period.

Finance

This section relates to the Audit Committee and its duties. The Shire is considered to be compliant in all areas. The Shire is required to report on actions taken to address significant adverse trends identified in the 2019/20 audit within 3 months of receiving the audit report. The auditor's report was received 4 February 2021. A report addressing significant adverse trends will be presented to the Audit Committee at a meeting in early April 2021 and then to Council at the 27 April 2021 Ordinary Council Meeting.

Integrated Planning and Reporting

This section seeks input about Integrated Planning and Reporting and Regulation 17 of the *Local Government (Audit) Regulations 1996*. Council has recently adopted a Corporate Business Plan in line with the existing Strategic Community Plan. It has been identified previous to completion of the CAR, that a revised Asset Management Plan and Workforce Plan all need to be developed and adopted along with a review of the Long Term Financial Plan. These will be done after the review of the Strategic Community Plan in 2021.

Local Government Employees

This section relates to the recruitment of the Chief Executive Officer (CEO) or designated senior employees. All responses are N/A as there were no appointments made for these positions during the reporting period.

Official Conduct

The Shire of Irwin has not received any complaints relating to official conduct of Council members resulting in an action under s5.110(6)(b) or (c) during 2020.

Optional Questions

All optional questions were answered in the CAR with the Shire considered compliant in all areas, including the proactive adoption of council policy CP45 Attendance at Events in accordance with s5.90A(2) and council policy CP44 Councillor Training and Continuing Professional Development in accordance with s5.128(1).

Tenders for Providing Goods and Services

The Shire is considered to be compliant in all areas of this section.

The Compliance Audit Return is due for submission to the DLGSCI by 31 March 2021.

Adoption of the CAR is a statutory requirement of Council which could have major compliance implications for the Shire and is therefore considered to have a high risk rating, however the completion of this return annually helps to ensure that the Shire is following good governance practices and complies with the relevant Acts and Regulations.

Consultation:

The 2020 CAR was presented to the Shire of Irwin Audit Committee on Tuesday, 16 March 2021. The committee reviewed the return and resolved to support the responses provided.

Statutory Environment:

Local Government Act 1995

- Section 7.13 – Regulations as to audits

Local Government (Audit) Regulations

- Regulation 14 - Compliance audits by local governments

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.3 Adopt and follow better practice processes.

Attachments:

Attachment Booklet – March 2021

CEO03-03/21 Attachment 1 – Compliance Audit Return (CAR) 2020

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 110321:

MOVED: Cr Eva

SECONDED: Cr West

That Council, by Absolute Majority, adopts the Shire of Irwin’s Compliance Audit Return for the 2020 calendar year, presented as Attachment 1 in Attachment Booklet – March 2021.

VOTING DETAILS:

Carried by Absolute Majority 7/0

INFRASTRUCTURE & DEVELOPMENT		ID01-03/21
Subject:	ID01-03/21 Delegated and Authorised Actions for February 2021 – Development	
Author:	B Jeans, Manager Development	
Responsible Officer:	P Traylen, A/Manager Infrastructure & Development	
File Reference:	3.00125	
Voting Requirements:	Simple Majority	

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. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- 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 inform Council of officer actions made under delegated authority and authorisation in the Development department.

Background:

To increase transparency this report has been prepared for Council and includes actions performed under delegated authority and authorisation for:

- Development Approvals issued;
- Subdivision Clearances issued;
- Building Permits issued; and
- Health Approvals issued.

Officer's Comment:

The table in Attachment 1 outlines the actions performed within the Development department under delegated authority or authorisation for the period 1 February 2021 to 26 February 2021.

The table in Attachment 2 provides further details in relation to actions performed under delegated authority and has been provided to Councillors under separate confidential cover.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Planning and Development Act 2005

- Part 10 Div. 2

Shire of Irwin Local Planning Scheme No.5

- Clause 11.3
Public Health Act 2016

Building Act 2011

Policy Implications:

Nil.

Financial/Resource Implications:

Nil.

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles

Strategy 4.3.2 Adopt and follow better practice processes

Attachments:

Attachment Booklet – March 2021

ID01-03/21 Attachment 1: Table of Delegated Actions for February 2021, Development

CONFIDENTIAL Attachment Booklet – March 2021

ID01-03/21 Attachment 2: Detailed table of delegated actions for February 2021, Development

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 120321:

MOVED: Cr Eva

SECONDED: Cr Wells

That Council receives the Delegated and Authorised Actions for February 2021 as set out in Attachment 1 in Attachment Booklet – March 2021.

VOTING DETAILS:

Carried 7/0

INFRASTRUCTURE AND DEVELOPMENT		ID02-03/21
Subject:	ID02-03/21 RFQ VP232405 Moreton Terrace Upgrade – Asphaltting Works	
Author:	S Pratt-King, Coordinator Infrastructure & Procurement	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	4.00520	
Voting Requirements:	Absolute Majority	

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. performance of the Local Government’s function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- 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:

For Council to consider awarding Request for Quotation (RFQ) VP232405 Moreton Terrace Upgrade – Asphaltting Works.

Background:

The Shire of Irwin is resealing Moreton Terrace and renewing the kerbing and drainage as part of the asset management program funded by the Regional Road Group (RRG) program. The scope of works for this procurement activity is for the asphaltting of Moreton Terrace, the Cemetery carpark, Midlands/Tabletop Road intersection with the option to asphalt Hosken Street, Town Park carpark, Community Resource Centre carpark and the Dongara Hotel Motel precinct.

In accordance with s.11(2)(b) of the *Local Government (Functions and General) Regulations 1996*, quotes were invited for the supply of road sealing services undertaken as a tender exempt purchase through the WALGA Preferred Supplier Program.

Three suppliers were invited to quote, in line with Council Policy *CP20 – Purchasing – Amended for a declared State of Emergency*, of which one submission was received. This submission met the required compliance criteria and was assessed against the qualitative criteria before pricing was applied in the evaluation. This determined the best value for money and most advantageous submission as recommended in the Evaluation Report provided as Confidential Attachment 3.

As per delegation *CEO100 Tenders for Goods & Services – (Amended for a declared State of Emergency)* the Chief Executive Officer has delegated authority to approve tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less. Therefore, this purchase requires Council authorisation.

Officer’s Comment:

The submission by Respondent C met the qualitative criteria as set out in the RFQ document. For full details of the scores and ranking refer to the RFQ Evaluation Report for final scores and ranking as provided in Confidential Attachment 3.

For further details regarding the compliance and qualitative criteria, refer to the attached RFQ Evaluation Report as provided in Confidential Attachment 3.

It is recommended that Council award contract VP232405 Moreton Terrace Upgrade – Asphaltting Works to Respondent C for the contract value of \$426,856 (ex GST) with the option to proceed with the some or all optional packages to the value of \$302,727 (ex GST), subject to the availability of Council approved funds.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of
 - (i) all quotations received; and
 - (ii) all purchases made.

Local Government (Function and General) Regulations 1996

11. When tenders have to be publicly invited

- (1A) In this regulation —

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.
- (1) 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 subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency; or
 - (b) the supply of the goods or services is to be obtained through the WALGA preferred Supplier Program; or
 - [(ba) deleted]

(c) within the last 6 months —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

(i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

(g) the goods to be supplied under the contract are —

(i) petrol or oil; or

(ii) any other liquid, or any gas, used for internal combustion engines;

or

(h) the following apply —

(i) the goods or services are to be supplied by —

(I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or

(II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;

and

(ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and

(iii) the local government is satisfied that the contract represents value for money;

or

(i) the goods or services are to be supplied by an Australian Disability Enterprise; or

(j) the contract is a renewal or extension of the term of a contract (the original contract) where —

(i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and

- (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
- (iii) the original contract contains an option to renew or extend its term; and
- (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

or

(ja) the contract is a renewal or extension of the term of a contract (the original contract) where —

(i) the original contract is to expire within 3 months;
and

(ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and

(iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

or

(k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

(3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —

(a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

and

(b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.

Policy Implications:

CP20 – Purchasing

CP01 – Localised Purchasing (Regional Price Preference)

Financial/Resource Implications:

Award of contract VP232405 Moreton Terrace Upgrade – Asphaltting Works is within the 2020/21 annual budget allocation for the resurfacing component of the Moreton Terrace Upgrade project.

Strategic Implications:

Strategic Community Plan 2017 – 2027

Strategy 2.1.3 Identify, provide and manage Shire assets (including community infrastructure, Shire controlled reserves and freehold land) in accordance with agreed service levels.

Attachments:

Attachment Booklet – March 2021

ID02-03/21 Attachment 1: RFQ VP232405 Moreton Terrace Upgrade – Asphaltting Works

ID02-03/21 Attachment 2: RFQ VP232405 Evaluation Matrix

CONFIDENTIAL Attachment Booklet – March 2021

ID02-03/21 Attachment 3: Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(ii)(iii)

Officer Recommendation:

OFFICER RECOMMENDATION AND COUNCIL DECISION 130321:

MOVED: Cr Eva

SECONDED: Cr Gillam

That Council, by Absolute Majority, accepts the submission for quotation VP232405 Moreton Terrace – Asphaltting Works, received from Roads 2000, named as ‘Respondent C’ in the Evaluation Report recommendation detailed in Confidential Attachment 3 and identified as the most advantageous, to the value of \$426,856 (excluding GST), with the option to proceed with the some or all optional packages to the value of \$302,727 (excluding GST), subject to the availability of Council approved funds.

VOTING DETAILS:

Carried by Absolute Majority 7/0

9.2. Committee Reports

9.2.1 Local Emergency Management Committee (LEMC)

The minutes of the Local Emergency Management Committee (LEMC) Meeting held Wednesday 2 December 2020 have been provided as Attachment 9.2.1 in Attachment Booklet – March 2021.

OFFICER RECOMMENDATION AND COUNCIL DECISION 140321:

MOVED: Cr Wells

SECONDED: Cr Gillam

That Council receives the Minutes of the Local Emergency Management Committee (LEMC) Meeting held Wednesday 2 December, 2020.

VOTING DETAILS:

Carried 7/0

9.2.2 Audit Committee

The minutes of the Audit Committee Meeting held Tuesday 16 March 2021 have been provided as Attachment 9.2.2 in Attachment Booklet – March 2021.

OFFICER RECOMMENDATION AND COUNCIL DECISION 150321:

MOVED: Cr West

SECONDED: Cr Gillam

That Council receives the Minutes of the Audit Committee Meeting held Tuesday 16 March, 2021.

VOTING DETAILS:

Carried 7/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil.

13. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil.

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.14pm.

An electronic copy of the Minutes are available for download from the Shire's website.

<https://www.irwin.wa.gov.au/council/council-meetings/2021-council-meetings>