



# AGENDA

and

## Notice of Ordinary Council Meeting

to be held

**Tuesday 25 February, 2020**

in the

**Shire of Irwin Council Chambers**

11-13 Waldeck Street, Dongara

5.00pm – Agenda Briefing Session

5.15pm – Councillor Information Session

6.00pm – Ordinary Council Meeting

# AGENDA & BUSINESS PAPERS

Welcome to the Ordinary Council Meeting of the Shire of Irwin.

Please be advised that Ordinary Council Meetings during 2020 will be held on the following dates in the Council Chambers at 11-13 Waldeck Street, Dongara, (unless otherwise advised) commencing at **6.00pm**.

DATES	
25 February 2020	28 July 2020
24 March 2020	25 August 2020
28 April 2020	22 September 2020
26 May 2020	27 October 2020
23 June 2020	24 November 2020
	8 December 2020

Members of the public are most welcome to attend the Agenda Briefing, the Councillor Information session and the Ordinary Council Meetings.

## 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**

## Council Meeting Information

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee, Working Party or Steering group to examine specific subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. **Public Question Time:** It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Presiding Member. If presenting questions to Council please note the following, as guided by the *Shire of Irwin Meeting Procedures Local Law 2016*:
  - Public Question Time occurs early in the meeting so please arrive at least 5 minutes before the advertised meeting start time (Ordinary Meetings are scheduled for a **6.00pm** start, unless otherwise advised).
  - Record your full name and suburb of residence on the Attendance Form available in the public seating area.
  - When invited by the Presiding Member to ask your question/s, please state your full name for the benefit of the minute taker and those present.
  - Only questions can be addressed to Council, not statements.
  - A minimum of 15 minutes is allocated to Public Question Time. A member has 2 minutes to submit a question.
  - You may ask up to 2 questions before other members of the public will be invited to ask their questions to ensure all have an equal and fair opportunity to ask questions.
  - The Presiding Member may elect for written questions to be responded to as normal business correspondence.
  - The Presiding member may decide that a question shall not be responded to where:
    - the same or similar question has been asked at a previous meeting and a response has already been provided;
    - a statement has been made and is not reformed into a question; or
    - a question is offensive or defamatory in nature and is not reformed into a question.
  - A question may be taken on notice by Council for a later response. Responses will be provided in writing to the member and a summary will be included in the agenda of the next meeting of Council.
  - Members of the public are encouraged to raise matters relating to operations and administration through the Shire's Customer Request system.
  - At a Special Meeting of Council, only questions relating to the purpose of that meeting may be raised.
  - Should you wish to provide written questions prior to the meeting so that an appropriate response can be prepared, please submit them at least 72 hours prior to the Council meeting at which you wish them to be presented.
5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant** or **in common with a significant number of electors** or **ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.
6. **Members of staff**, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The Officer must declare that interest and generally the Presiding Member will advise the Officer if he/she is to leave the meeting.
7. Agendas are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting.
8. Agendas for Ordinary Meetings are available to the public from the Shire of Irwin Administration Centre and on the website [www.irwin.wa.gov.au](http://www.irwin.wa.gov.au) seventy-two (72) hours prior to the meeting.
9. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council and ideally received written confirmation of the outcome. Please note the Disclaimer in the Agenda (page 3).
10. Public Inspection of Unconfirmed Minutes (Reg 13): A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection at the Shire of Irwin Administration Centre and on the website [www.irwin.wa.gov.au](http://www.irwin.wa.gov.au) within ten (10) working days after the Meeting.

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# ORDINARY COUNCIL MEETING

to be held

**25 February 2020**

at 6.00pm

## **AGENDA**

### **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

### **2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

#### **Members**

Councillor M T Smith  
Councillor B Wyse  
Councillor G S Eva  
Councillor M Leonard  
Councillor I Scott  
Councillor H M Wells

Shire President  
Deputy Shire President

#### **Staff**

Mr S D Ivers  
Mr B Jeans  
Mrs J Goodbourn  
Mrs S Pratt-King

Chief Executive Officer  
Manager Regulatory Services  
Supervisor Finance  
Coordinator Infrastructure & Asset  
Services  
Governance & Executive Coordinator

Mrs D K Chandler

#### **Guests**

#### **Apologies**

Cr A J Gillam  
Cr I F West

#### **Approved Leave of Absence**

### **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

*Question taken on notice at the Annual Elector's Meeting 10 December 2019:*

John Rossiter: Kellie Wilson asked if the old bus stop could be used elsewhere. John wrote to Kellie suggesting that it could be placed in front of the drive in for shelter and advertising as there is no seat in this area.

Response: Unfortunately the old bus stop cannot be repurposed due to it containing hazardous substances.

### **4. PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**6. PETITIONS AND DEPUTATIONS**

**7. CONFIRMATION OF MINUTES**

**7.1. Minutes of the Ordinary Council Meeting held 10 December 2019**

A copy of the Minutes of the Ordinary Council Meeting held 10 December 2019 have been provided to all Councillors under separate cover.

**RECOMMENDED:**

**That the Minutes of the Ordinary Council Meeting, held 10 December 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.**

**7.2. Minutes of the Special Council Meeting held 19 December 2019**

A copy of the Minutes of the Special Council Meeting held 19 December 2019 have been provided to all Councillors under separate cover.

**RECOMMENDED:**

**That the Minutes of the Special Council Meeting, held 19 December 2019, as previously circulated, be adopted as a true and accurate recording of that meeting.**

**8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

## 9. REPORTS

### 9.1. Officer Reports

<b>CORPORATE AND COMMUNITY</b>		<b>CC01- 02/20</b>
<b>Subject:</b>	<b>CC01-02/20 Accounts for Payment</b>	
<b>Author:</b>	<b>S Clarkson, Finance Officer</b>	
<b>Responsible Officer:</b>	<b>J Goodbourn, Supervisor Finance</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

#### Council Role:

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

#### Report Purpose:

To receive the list of accounts paid under delegated authority during December 2019 & January 2020.

#### Background:

A list of accounts paid under delegated authority is attached showing all payments made during the months of December 2019 & January 2020.

#### 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 CEO3 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 – February 2020*

CC01-02/20 - Accounts for Payment – December 2019 & January 2020

**Officer Recommendation:**

**RECOMMENDED:**

That Council receives the Accounts paid during December 2019 & January 2020 as presented in Attachment Booklet – February 2020, represented by:

<b>Payment Type/Numbers</b>	<b>Total Amount</b>
<b>EFT 25275 – 25520</b>	<b>\$1,466,841.97</b>
<b>Muni Cheques - 31961 – 31970</b>	<b>\$73,697.73</b>
<b>Direct Debit – Solar Panel Repayments 09/19</b>	<b>\$3,895.32</b>
<b>Direct Debit – Insurance Premiums Repayment</b>	<b>\$75,819.51</b>
<b>Direct Debit – Credit Card</b>	<b>\$3,525.91</b>
<b>Direct Debit – Superannuation</b>	<b>\$55,870.93</b>
<b>Direct Debit - Transport – PL281119 – PL290120</b>	<b>\$111,864.55</b>
<b>Grand Total</b>	<b>\$1,791,515.92</b>



<b>CORPORATE AND COMMUNITY</b>		<b>CC02-02/20</b>
<b>Subject:</b>	<b>CC02-02/20 Monthly Financial Report for the Period Ended 31 December 2019</b>	
<b>Author:</b>	<b>M Shirt, Consultant</b>	
<b>Responsible Officer:</b>	<b>J Goodbourn, Supervisor Finance</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**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 consider and receive the Monthly Financial Statements for the period 1 July 2019 to 31 December 2019.

**Background:**

The Monthly Financial Reports to 31 December 2019 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 Reports also include various other financial information not required by legislation, but for Council information.

**Officer's Comment:**

The financial position to the end of December 2019 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/12/2019	YTD Actual	Variance to YTD Budget
Operating Revenue	6,846,531	-1%
Operating Expenditure	(5,735,420)	4%
Net Operating	1,111,111	
Non-Operating Revenue	1,541,403	-12%
Non- Operating Expenditure	(1,673,644)	-22%
Net Non- Operating	(132,241)	
Cash at Bank	2,112,575	
Cash at Bank Restricted	1,535,585	
Reserve Bank	1,316,594	
Total Cash Funds	4,964,754	

The attached reports 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

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

*Section 34 Financial activity statement report*

- (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 – February 2020*

CC02-02/20 - Financial Statement for the Period Ended 31 December 2019

**Officer Recommendation:**

**OFFICER RECOMMENDATION:**

**That Council receives the Monthly Financial Statement for the period 1 July 2019 to 31 December 2019 as provided in Attachment Booklet – February 2020.**

<b>CORPORATE AND COMMUNITY</b>		<b>CC03-02/20</b>
<b>Subject:</b>	<b>CC03-02/20 Monthly Financial Report for the Period Ended 31 January 2020</b>	
<b>Author:</b>	<b>M Shirt, Consultant</b>	
<b>Responsible Officer:</b>	<b>J Goodbourn, Supervisor Finance</b>	
<b>File Reference:</b>	<b>Minute Book</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**Council Role:**

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

**Report Purpose:**

To consider and receive the Monthly Financial Statements for the period 1 July 2019 to 31 January 2020.

**Background:**

The Monthly Financial Reports to 31 January 2020 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 Reports also include various other financial information not required by legislation, but for Council information.

**Officer's Comment:**

The financial position to the end of January 2020 is detailed in the attached report and summarised as follows relative to year to date budget expectations:

31/01/2020		YTD Actual	Variance to YTD Budget
	Operating Revenue	7,077,029	-1%
	Operating Expenditure	(6,723,164)	6%
	Net Operating	353,865	
	Non-Operating Revenue	1,541,403	-12%
	Non- Operating Expenditure	(1,886,298)	-20%
	Net Non- Operating	(344,895)	
	Cash at Bank	1,698,887	
	Cash at Bank Restricted	1,531,575	
	Reserve Bank	1,320,082	
	Total Cash Funds	4,550,544	

The attached reports 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

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

*Section 34 Financial activity statement report*

- (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 – February 2020*

CC03-02/20 - Financial Statement for the Period Ended 31 January 2020

**Officer Recommendation:**

**OFFICER RECOMMENDATION:**

**That Council receives the Monthly Financial Statements for the period 1 July 2019 to 31 January 2020 as provided in Attachment Booklet – February 2020.**

<b>CORPORATE AND COMMUNITY</b>		<b>CC04-02/20</b>
<b>Subject:</b>	<b>CC04-02/20 Budget Review 2019/20</b>	
<b>Author:</b>	<b>J Goodbourn, Supervisor Finance</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>3.00047</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority</b>	

**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 consider and adopt the annual budget review for the 2019/20 financial year as presented in Attachment Booklet – February 2020.

**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% or greater than \$10,000 (whichever is greater) 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 2019 to 31 January 2020.
- 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 increase Net Operating Loss of \$70,248 compared to the original budget.

In the attachment is an explanation of identified major expenditure and revenue variations, including an amount for provision of the Dongara Medical Practice during the interim period whilst Council investigates the longer-term viability and options for the facility. There is also a review of the capital program – showing all budgeted items and any variances required.

**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 deficit of \$100,582. To achieve this the proposed transfer of \$135,000 to plant reserve will need to be cancelled – with the funds being retained in the Shire's municipal bank account to cover the purchase of a Doctor's vehicle and assist with operational costs of the medical facility, including locum doctors.

**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 – February 2020*

CC04-02/20 Attachment 1: Budget Review 2019/20

CC04-02/20 Attachment 2: Summary of Major Matters Reported from Budget Review

CC04-02/20 Attachment 3: 2019/20 Capital Program Budget Review



**Officer Recommendation:**

**RECOMMENDED:**

**That Council, by Absolute Majority:**

- a) Adopts the 2019/20 Budget Review, as presented in Attachment Booklet – February 2020;  
and**
- b) Amends the budget accordingly.**

<b>OFFICE OF CEO</b>	<b>CEO01-02/20</b>
<b>Subject:</b>	<b>CEO01-02/20 Compliance Audit Return (CAR) 2019</b>
<b>Author:</b>	<b>D Chandler, Governance &amp; Executive Coordinator</b>
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>
<b>File Reference:</b>	<b>2.00012</b>
<b>Voting Requirements:</b>	<b>Absolute Majority</b>

### 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 2019 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 or 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 the 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 & Risk Committee has reviewed the 2019 CAR and supports the responses provided as Attachment CEO01-02/20.

The following list provides an outline of each section addressed in the 2019 Compliance Audit Return;

#### Commercial Enterprises by Local Governments

As the Shire has not undertaken any commercial enterprises during 2019, a N/A response has been provided.

#### Delegation of Power / Duty

An investigation was undertaken to ensure that the Shire is meeting its statutory obligations in regards to Delegated Authority. A N/A response has been provided for questions relating to delegation of powers to Committees as there have been no delegations of this type. In regards to delegations from Council to CEO

and CEO to staff, processes around administering and recording these delegations are sound. Review of delegations across the organisation is ongoing.

#### Disclosure of Interest

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

One Councillor lodged their completed annual return on 2 September. Section 5.76 of the *Local Government Act 1995* states that each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year. Penalty applicable: \$10,000 or imprisonment for 2 years.

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 Councillor 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.

#### Disposal of Property

The Shire disposed of a number of vehicles during 2019 by public auction – the questions relate to property disposed of by other means, therefore N/A responses were provided.

#### Elections

The Shire is considered to be compliant in all areas relating to the 2019 local government election.

#### Finance

This section relates to the Audit Committee and its duties. For this reporting period 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 2018/19 audit within 3 months of receiving the audit report. Given timing over the Christmas break and Council not meeting in January, the report will not be endorsed by full Council until after this February meeting. The DLGSC have been notified of this approximate 1 month delay and have acknowledged and accepted the delay.

#### Integrated Planning and Reporting

This section seeks input about Integrated Planning and Reporting and Regulation 17 of the Government (Audit) Regulations 1996. Council have adopted a recent Strategic Community Plan and Long Term Financial Plan. It has been identified previous to completion of the CAR, that a revised Corporate Business Plan, Asset Management Plan and Workforce Plan all need to be developed and adopted. These will be done after an early review of the Strategic Community Plan in the first half of 2020.

#### Local Government Employees

This section relates to the recruitment of the Chief Executive Officer (CEO) or designated senior employees. The Shire is considered to be compliant with the CEO recruitment process that was undertaken 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 2019.

#### 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 2020.

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 local government is following good governance practices and complies with the relevant Acts and Regulations.

#### **Consultation:**

The 2019 CAR was presented to the Shire of Irwin Audit & Risk Committee on Tuesday 11 February 2020. 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 – February 2020*

CEO01-02/20 – Compliance Audit Return (CAR) 2019

**Officer Recommendation:**

<b>RECOMMENDED:</b>
<b>That Council, by Absolute Majority, adopts the Shire of Irwin’s Compliance Audit Return for the 2019 calendar year, presented as Attached CEO01-02/20 in Attachment Booklet – February 2020.</b>

<b>OFFICE OF CEO</b>		<b>CEO02-02/20</b>
<b>Subject:</b>	<b>CEO02-02/20 Report to Office of the Auditor General (OAG) – Performance Audit 2018/19</b>	
<b>Author:</b>	<b>D Chandler, Governance &amp; Executive Coordinator</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>3.00027</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**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:**

For Council to consider endorsing the report to be provided to the Minister for Local Government, Heritage, Culture and the Arts (the “Minister”) addressing significant matters raised in the 2018/19 Audit, in accordance with Section 7.12A (4) of the *Local Government Act 1995*.

**Background:**

The Shire of Irwin’s 2018/19 Annual Financial Statement was audited by Moore Stephens on behalf of the Office of the Auditor General (OAG). Auditing laws require local governments to examine an audit report it receives and implement appropriate action in respect to the significant matters raised. Local governments must prepare a report addressing the significant matters identified in the audit report.

Section 7.12A(4) of the *Local Government Act 1995* states that a local government must:

- a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
- b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- c) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government’s official website.*

The report has been prepared and is provided as Attachment CEO02-02/20 for Council’s consideration.

**Officer’s Comment:**

The Shire of Irwin received the audit opinion from the Office of the Auditor General on 15 October 2019. The result of the audit was satisfactory and the following material matters indicate significant adverse trends in the financial position of the Shire:

- The Current Ratio has been below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the past 2 years.
- The Operating Surplus Ratio has been below the DLGSCI standard for the past 3 years.

- In the Auditor’s opinion, the asset consumption ratio and the asset renewal funding ratio included in the annual financial report were supported by verifiable information and reasonable assumptions.

At the Audit Committee Meeting held 17 October 2019, the committee recommended to Council to endorse the preparation of a report addressing the significant matters identified in the audit report to be provided to the Minister by 31 December 2019.

This report had been prepared but as it requires endorsement by both the Audit Committee and full Council and due to Council meeting early in December 2019 and no meeting scheduled in January 2020, an extension was requested from the DLGSCI.

A response was received from the DLGSCI on 31 January 2020, acknowledging and accepting the delay in providing the report to the Minister.

The report was endorsed by the Shire of Irwin Audit & Risk Committee on Tuesday 11 February 2020. The report is now presented as Attachment CEO02-02/20 for Council’s endorsement before being provided to the Minister.

**Consultation:**

The Shire of Irwin Audit & Risk Committee reviewed and endorsed the report at their meeting held 11 February 2020.

Mr Stuart Fraser, DLGSCI has acknowledged and accepted the delay in providing the report to the Minister.

**Statutory Environment:**

*Local Government Act 1995*

- Section 7.12A(4)

**Policy Implications:**

Nil.

**Financial/Resource Implications:**

The report identifies actions taken and intended to be taken to address the significant matters raised in the 2018/19 Audit. These actions will affect future budget considerations.

**Strategic Implications:**

Strategic Community Plan 2017 - 2027

4.2.1 Ensure compliance whilst embracing innovation and better practice principles

4.2.3 Adopt a risk and asset management approach

**Attachments:**

*Attachment Booklet – February 2020*

CEO02-02/20 Report – Office of the Auditor General 2018/19 Performance Audit

**Officer Recommendation:**

**RECOMMENDED:**

**That Council, in accordance with Section 7.12A(4) of the Local Government Act 1995, endorses the *Office of the Auditor General (OAG) Performance Audit 2018/19 Report* as provided in Attachment Booklet – February 2020.**

<b>OFFICE OF CEO</b>	<b>CEO03 – 02/20</b>
<b>Subject:</b>	<b>CEO03-02/20 Council Policy – CP24 Recordkeeping</b>
<b>Author:</b>	<b>Y Robb, Process Improvement Coordinator</b>
<b>Responsible Officer:</b>	<b>D Chandler, Governance &amp; Executive Coordinator</b>
<b>File Reference:</b>	<b>3.0073</b>
<b>Voting Requirements:</b>	<b>Simple Majority</b>

**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:**

For Council to consider the adoption of the new Council Policy *CP24 Recordkeeping*. This policy has been developed to provide recordkeeping principles ensuring better practice and compliance with all relevant legislation.

**Background:**

Under the *State Records Act 2000 WA* the Shire of Irwin is required to update its Recordkeeping Plan every five years. The Shire engaged the services of a consultant to conduct essential staff training and ensure our recordkeeping processes are current. The process review provides better practice, efficiency and compliance for the Shire.

The subsequent review included identifying risk and areas of ambiguity. The review identified that having the current policy and procedure manual combined into one document makes it difficult to identify the difference between policy and procedure. The policy is not included in the Council Policy Manual or the Operational Policy Manual, therefore, when looking for the Shire’s record keeping policy it would appear that the Shire doesn’t have one.

A new structure for the development of Council Policies has been created and was presented to Council in June 2019. The new structure assists with compliance and provides a clear structure for the requirements regarding creating and developing policies in accordance with the Strategic Community Plan 2017-2027.

**Officer’s Comment:**

The review has allowed for a greater understanding of the process and legislation in regards to recordkeeping. This translates into the creation of a more effective, compliant council policy referencing required legislation and the responsibilities of the Shire in regards to recordkeeping.

The following council policy was created for Council’s consideration and if adopted, will be allocated a new number under the new policy numbering system.

### *CP24 Recordkeeping*

This policy has been created to reference the required legislation and processes required by the Shire of Irwin ensuring compliance and better practice in regards to the recordkeeping.

#### **Consultation:**

The policy CP24 Recordkeeping was reviewed in consultation with Information Enterprises Australia Pty Ltd and the Chief Executive Officer, and was developed in accordance with relevant legislation and better practice for the Shire of Irwin.

#### **Statutory Environment:**

##### **Local Government Act 1995**

*5.41. Functions of CEO The CEO's functions are to —  
(h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law*

##### **State Records Act 2000 WA**

*Part 3 — Record keeping plans for government organizations*

*Division 2*

*19. Government organizations to have plans*

*Every government organization must have a record keeping plan that has been approved by the Commission under section 23.*

#### **Policy Implications:**

Adoption of CP24 will provide the guiding policy under which legislative and supporting documentation will be established. Reference to the supporting documentation will be made within the policy control box.

#### **Financial/Resource Implications:**

No financial impact, the policy will ensure better practice and process.

#### **Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and best practice principles

Strategy 4.3.3 Adopt and follow better practice processes

#### **Attachments:**

*Attachment Booklet – February 2020*

CEO03-02/20 – Policy CP24 Recordkeeping

#### **Officer Recommendation:**

<b>RECOMMENDED:</b>
<b>That Council adopts the Council Policy CP24 – Recordkeeping, as provided in Attachment Booklet – February 2020.</b>



<b>OFFICE OF CEO</b>		<b>CEO04 – 02/20</b>
<b>Subject:</b>	<b>CEO04-02/20 Annual Meeting of Electors 2019</b>	
<b>Author:</b>	<b>D Chandler, Governance &amp; Executive Coordinator</b>	
<b>Responsible Officer:</b>	<b>S Ivers, Chief Executive Officer</b>	
<b>File Reference:</b>	<b>3.00040</b>	
<b>Voting Requirements:</b>	<b>Simple Majority</b>	

**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:**

For Council to consider the minutes of the 2019 Annual Meeting of Electors held 10 December 2019 and endorse any recommendations resolved from this meeting.

**Background:**

Council have historically been issued the minutes and advised of any recommendations from the Annual Meeting of Electors by presenting the minutes through an agenda report at the next Ordinary Council meeting following the Electors Meeting.

**Officer's Comment:**

The practice of including the Minutes and relevant recommendations from the Annual General Meeting of Electors within an agenda report ensures Council are meeting their statutory obligation to consider decisions made at the Electors meeting and preserves those Minutes within the Minute Book.

There were no recommendations to come out of the 2019 Annual Meeting of Electors. Any comments or enquiries raised during General Business at the meeting were recorded and included into the Shire's Customer Request system for follow up.

**Consultation:**

A public notice was issued to advise the community of the Electors Meeting and availability of the 2018/19 Annual Report. This was published in the Dongara Denison Local Rag, electronically on the Shire of Irwin website and Facebook page and displayed in the public noticeboard at the Dongara Library.

**Statutory Environment:**

*Local Government Act 1995*

- Section 5.32 Minutes of electors' meetings
- Section 5.33 Decisions made at electors' meetings

**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 – February 2020*

CEO04-02/20 – Minutes of the 2019 Annual Electors' Meeting

**Officer Recommendation:**

**RECOMMENDED:**

**That Council notes the minutes of the 2019 Annual Electors' Meeting provided in Attachment Booklet – February 2020.**

INFRASTRUCTURE AND OPERATIONS		IO01-02/20
Subject:	IO01-02/20 Council Policy CP28 – Two Henry Road Housing Allocation	
Author:	S Pratt-King, Coordinator Infrastructure & Asset Services	
Responsible Officer:	S Ivers, Chief Executive Officer	
File Reference:	3.0073	
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.
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**Report Purpose:**

For Council to consider CP28 – Housing Allocation Policy and rental fees and charges for the Two Henry Road independent living units.

**Background:**

The Shire was successful in securing grant funding from WA Country Health Services (WACHS) and the Department of Primary Industry and Regional Development (DPIRD) for the construction of 12 independent living units to support residents ageing in place and living independently within the region.

The construction package for the first six units was awarded to local building contractor Nordic Builders in July 2019, with works anticipated to be completed by mid-June 2020.

The Two Henry Road Housing Allocation Policy will inform how future tenancy applications are assessed and is therefore required prior to advertising vacancies. Pending endorsement of the proposed Policy the Shire anticipates advertising for new tenants in March 2020.

In line with Section 6.19 of the *Local Government Act 1995* the Shire is required to give public notice of fees and charges adopted by Council outside of the annual budget process.

**Officer’s Comment:**

Allocation Policy

The Shire will not maintain a waiting list for the Henry Road units; vacancies will be advertised as and when they arise. Therefore, it is essential that a transparent and equitable process for assessing applications is developed and documented in line with the objectives of the funding agreement. The proposed policy has been developed in close consultation with both funding providers and was formally endorsed by DPIRD in August 2019.

The Housing Allocation Policy consists of an eligibility criteria and allocation model comprising seven criteria as per Attachment 1 – Policy CP28 Two Henry Road Housing Allocation.

### Rental Fees & Charges

Based on an independent market analysis by Ray White Dongara and review of current rental charges at the Shire's other residential units (The Village) it is proposed that the properties initially be advertised for \$250 per week, which equates to an annual income of \$78,000 assuming full tenancy. Due to current market forces the rental price may require review from time to time depending on demand.

#### **Consultation:**

Housing Allocation Policy

- The policy was developed in consultation with the Department of Primary Industry and Regional Development and WA Country Health Services.

Rental Fees and Charges

- Ray White Dongara were engaged to provide an independent market analysis to inform the rental fees and charges for the Two Henry Road properties.
- In line with section 6.19 of the *Local Government Act 1995* the Shire will give local public notice of the new fees and charges.

#### **Statutory Environment:**

*Local Government Act 1995*

- Section 1.7 Local public notice
- Section 6.16 Imposition of fees and charges
- Section 6.19 Local government to give notice of fees and charges

#### **Policy Implications:**

Nil

#### **Financial/Resource Implications:**

Annual income estimate for the Two Henry Road properties is set out in the Officer's Comments.

#### **Strategic Implications:**

Strategic Community Plan 2017 - 2027

Strategy 3.1.1 Identify and support services, events and programs for building capacity, social inclusion and wellbeing (including those catering for families, youth and seniors).

Strategy 3.1.2 Advocate for retention of existing and enhanced facilities and health and social support services.

#### **Attachments:**

*Attachment Booklet – February 2020*

IO01-02/20 Attachment 1 – CP28 Two Henry Road Housing Allocation

IO01-02/20 Attachment 2 – Two Henry Road Housing Procedure Manual

*CONFIDENTIAL Attachment Booklet – February 2020*

IO01-02/20 Attachment 3 – Ray White Rent Report

**Officer Recommendation:**

**RECOMMENDED:**

**That Council, by Absolute Majority:**

- 1. Adopts Council Policy CP28 - Two Henry Road Housing Allocation as provided in Attachment Booklet – February 2020;**
- 2. Pursuant to section 6.16 of the *Local Government Act 1995*, adopts the following rental charge for the Two Henry Road independent living units:
  - Rental Charge per Unit: \$250 per week; and****
- 3. Pursuant to section 6.19 of the *Local Government Act 1995*, gives local public notice of the intention to impose the new fees and charges for the Two Henry Road independent living units.**

## **9.2. Committee Reports**

### **9.2.1. Shire of Irwin Audit & Risk Committee**

The Minutes of the Shire of Irwin Audit & Risk Committee meeting held 11 February 2020 are provided as Attachment 9.2.1 in Attachment Booklet – February 2020.

<b>RECOMMENDED:</b>
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<b>That Council receives the Minutes of the Shire of Irwin Audit &amp; Risk Committee meeting held 11 February 2020.</b>
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<b>AUDIT &amp; RISK COMMITTEE RECOMMENDATION TO COUNCIL:</b>
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<b>That Council adopts the updated Audit &amp; Risk Committee Terms of Reference provided as Attachment 4.</b>
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## **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**