



MINUTES
Ordinary Council Meeting
22 March 2023

Shire of Victoria Plains
Council Chambers, Calingiri
AND
via E-Meeting Protocol

Commencing – 2.03pm

DISCLAIMER:

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

E – Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager
WSFN	Wheatbelt Secondary Freight Network
EPA	Environmental Protection Authority
DPIRD	Department of Primary Industries and Regional Development
HCWA	Heritage Council of Western Australia
WAPC	Western Australian Planning Commission
WDC	Wheatbelt Development Commission

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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 22 March 2023 commencing at 2.03pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.03pm.

1.2 Announcements by Shire President

The Shire President reminded Elected Members that the meeting was being recorded for the purposes of Minute Taking and uploading of the recording to the Shire Website for public viewing and the meeting will be run in accordance with the Shire's *Meeting Procedures Law 2018*.

2. REMOTE ATTENDANCE BY ELECTED MEMBERS

THAT:

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

Approval to Attend and Declaration of Confidentiality

THAT:

CR DAVID LOVELOCK has been approved to attend the **22nd March 2023** by electronic means as approved by the Shire President and that a declaration has been received regarding confidentiality and other requirements as noted in Section 2 herewith.

3. RECORD OF ATTENDANCE

Members present	Cr P Bantock – Shire President Cr N Clarke – Deputy Shire President Cr J Kelly Cr G O’Brien C S Woods Cr S Penn Cr D Lovelock – via teleconference
Staff attending	CEO – Mr S Fletcher Works & Services Manager – Mr S Brenzi Manager Finance & Administration – Mr C Ashe Principal Building Surveyor – Mr M Walsh Council Support Officer – Ms J Klobas
Approved leave of absence	N/A
Visitors	N/A
Members of the public	Nil

4. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

Type	Item	Person / Details
4.1	Financial	Nil
4.2	Proximity	Nil
4.3	Impartiality	Cr P Bantock declared an impartiality interest in item 9.1 “Accounts for Endorsement” due to “being an acquaintance of one of the payees on the Statements.”

5. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

5.1 Public Questions With Notice

The CEO noted that a Question on Notice was submitted on Monday 20 March 2023, however there was insufficient information contained in the question to proceed with submission to the March Council meeting. Further information is being sought.

5.2 Public Questions Without Notice

N/A

6. PRESENTATIONS AND DEPUTATIONS

6.1 Presentations

Nil

6.2 Deputations

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

N/A

8. MINUTES OF MEETINGS

8.1 Confirmation of Council Meeting Minutes

2203-01	Officer Recommendation / Council Resolution
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Moved: Cr G O'Brien

Seconded: Cr N Clarke

That the Minutes of the following meetings:

- Ordinary Council Meeting held 22 February 2023,
-

as circulated, be **CONFIRMED** as a true and correct record,

CARRIED BY UNANIMOUS DECISION OF COUNCIL

9. REPORTS REQUIRING DECISION

Cr P Bantock declared an impartiality interest in this item 9.1 "Accounts for Endorsement" at 2.10pm due to 'being an acquaintance of a payee in the Accounts'.

9.1 Accounts for Endorsement – February 2023

File reference	F1.8.4		
Report date	8 March 2023		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Coordinator Financial Services		
Senior Officer	Colin Ashe – Manager of Finance and Administration		
Authorised by	Sean Fletcher – Chief Executive Officer		
Attachments			
Attachment 1	Page	2	Public schedule – in the Attachments to Agenda

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for February 2023.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

Each month Council is to be advised of payments made during the preceding month, the amount, payee, date and reason for payment.

Please note a serial column has been added to the payment listing for ease of referencing specific line payment queries raised by council.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.8(2)(b) – expenditure is to be reported to the next ordinary meeting of Council

Local Government (Finance) Regulations 1996 –

- r.13 Payments for municipal fund or trust fund
 - (1) the Chief Executive Officer is to provide a list of accounts paid from the Municipal fund or Trust fund, a list of all accounts paid each month showing for each account paid –
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction

(2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions
 - o compliance with legislation and procedures
 - o Minimum of 2 signatories with varying level of authorisation

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –

- 3.1 Purchasing Framework

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2) The event could occur at some time	High (10)	Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff and two-step process for payment will ensure that the residual risk is moderate.

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2203-02 Officer Recommendation / Council Resolution

Moved: Cr S Woods

Seconded: Cr G O'Brien

That the payments made for February 2023 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be endorsed:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	11784 – 11870	604,670.06
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD13868-DD13894	33,935.02
Salaries & Wages EFT	PE 01/02/23, PE 15/02/23	102,661.94
Credit Card–Bendigo Bank-	DD13898	868.33
		3,101.33
		2,382.33
Fuel Card – Wright Express	DD13913	309.15
Trust Payments		0.00
	TOTAL	\$747,928.16

Local Spending	\$	%
Local Supplier	45,720.58	6.11
Payroll	102,661.94	13.73
Total	148,382.52	19.84

**includes salary and wages deductions, and SGC

CARRIED BY UNANIMOUS DECISION OF COUNCIL

9.2 Monthly Financial Statements – February 2023

File reference	12.8.1		
Report date	13 Mar 2023		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Colin Ashe, MFA		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	11	Monthly Financial Statements – 28 Feb 2023

PURPOSE

To receive the monthly financial statements for the period ending 28 Feb 2023.

BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare financial reports.

The Local Government (Financial Management) Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

COMMENT

The Feb 2023 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2 and it is expected further variances will be minimised once the Mar 23 budget review has been actioned.

The month of Feb 23 variances were very similar to the previous reflecting a stabilisation of finances as the FY progresses and EOFY approaches. Proceeds from disposal at auction is still pending and should be completed in Mar 23.

Councils Municipal bank account received an injection of funds for the capital cost of the Plant Replacement which it was carrying via loan funding being received.

A summary of the variances are as follows;

INCOME:

- a) As per last month, the Fire Mitigation grant will be reduced from \$250,000 to \$38,500. This will have a neutral effect on the budget as expenditure will also reduce to the same amount. Councils' approval of the write off of debtors for flood damage has also affected the revenue base.
- b) Other debtor write offs are now impacting the budget revenue as a negative cashflow as forecast in the various agenda items for this council approved action.

EXPENSE:

- c) Employee costs variance has continued but steadied at a 14-15% variance. Some will be alleviated through the Mar 23 budget review but will need continuous monitoring due to what has been the fluid nature of transition of contractors to employees and vice versa.
- d) Interest expense will see some positive impact as the Plant Replacement loan budgeted will only incur loan interest in 2023-24. This has been included for amendment as part of the Mar 23 review.
- e) Other Expenses – timing issue in payment of activities such as member sitting fees and public relations. This will smooth out as payment will occur shortly for the 3rd quarter.

Other activities of interest include;

- f) Capital Infrastructure construction activity has yielded a total cumulative expenditure amount of \$567,817 has become stagnant given WSFN and AGLIME Road Construction will not be undertaken this financial year. However other programs such as LRCI Phase 3 and RTR are on track to be completed as budgeted. LRCI Phase 2 has now been completed and will be acquitted at the end of Mar 23.

To summarise major expenditure:

• Footpaths	\$15,665
• Ag Lime Calingiri - New Norcia Road	\$14,235
• WSFN Mogumber - Yarawindah Road	\$370,893
• LRCI Old Plains Road Vegetation Control	\$98,384
• LRCI Piaw Wadd Road Vegetation Control	\$52,126
• Bolgart C/V Park Toilet Block	\$78,180
• Yerecoin Sewerage Inspection Hatch	\$52,750

- g) \$803,891 was transferred to the Municipal Account as the gross Capital Plant Replacement Cost which was the initial funding source pending the loan funding.
- h) \$178,000 was transferred to the Reserve Fund and with a previously \$25,000 transferred to the Building Maintenance Reserve, now totals \$203,000 and meets the budget commitment. The breakdown of the \$178,000 is:
 - Plant Replacement Reserve \$88,000
 - Housing Reserve \$50,000
 - Infrastructure Reserve \$40,000
- i) In addition, \$518,109 of surplus loan funding has been placed in the Plant Replacement Reserve and will be a key funding source for the Plant Replacement Program in 2023/24.

- j) Rates outstanding, the majority on instalments is \$335,465 of rates levied, \$3,156,461. This equates to 10% outstanding or a collection rate of 90%. Final rate instalments have been issued and it is expected the majority of outstanding amounts will be extinguished shortly.
- k) Nine (9) longer term outstanding rates totalling \$16,337 have been sent to debt collectors.
- l) \$919,607 in the Municipal fund bank account.
- m) \$766,847 balance in Restricted Funding comprising \$421,343 for WSFN and \$345,502 for R2R. Given WSFN is not occurring this FY, this amount will be placed in a longer term deposit.

CONSULTATION

Finance Coordinator
RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

- r.34 – financial activity statement required each month and details of what is to be included.

CORPORATE CONTEXT

Delegations Register –
Section 3 – Financial Management

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councillors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –
- 3 Financial Management

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2) The event could occur at some time	High (10)	Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff ensure that the residual risk is moderate.

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2203-03 Officer Recommendation / Council Resolution**Moved: Cr G O'Brien****Seconded: Cr N Clarke**That Council **RECIEVE** the 28 Feb 2023 Monthly Financial Reports as presented.**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

9.3 Budget Review 22-23 as at 31 January 2023

File reference	12.2.1		
Report date	23 February 2023		
Applicant/proponent	Audit Committee		
Officer disclosure of interest	NIL		
Previous meeting references	N/A		
Prepared by	Colin Ashe, MFA		
Senior Officer	CEO		
Authorised by	CEO		
Attachments			
Attachment 1	Page	44	Budget Amendments No. 2 – Jan 23
Attachment 2	Page	47	Annual Statutory Budget – Budget Review 2022-23

PURPOSE

That Council, as recommended by the Audit Committee approves the budget review and endorses the budget amendments and set out in attachment 1 and 2.

BACKGROUND

Council approved the 2022-23 budget that included total expenditure (operating and capital less non-cash operating activities such as depreciation) of \$15,762,339. This included a significant capital works program, a plant replacement program and much needed additional operating expenditure. This resulted in a final budget deficit of (\$192,160) which the management team was confident significant savings could be made to have this reduced as the financial year progressed.

The second budget review has now been completed utilising Jan 23 data for the audit committee to review.

COMMENT

The first budget review utilising Oct 22 financial statements forecast a revised budget deficit of (\$93,563) despite several challenges in the budget numbers themselves. This included impacts nationally and internationally in terms of the economy such as inflation and material price escalation.

These factors, out of the control of the shire has continued into 2023 and has significantly impacted the capital works program in AGLIME and WSNF funded projects:

The Works and Services Manager approached the market on several occasions, the first time in late 2022 and as the two respondents were developing their costings, it became very apparent the tendered price was going to exceed the budgeted amount. The partial costing revealed \$4 million plus price tag and this was without the sealing works.

At this point they were advised to stop any further costings and the shire management team would inform of the next step accordingly. This then led to directly approaching some vendors already working in the vicinity of AGLIME and WSNF locations and descoping / reducing some of the specifications whilst not compromising the quality of the new construction in an effort to deliver the program. This resulted in the following.

WSFN:

The tendered quotation to complete the road construction was \$3,625,328 against a remaining budget of \$3,296,488, some \$328,840 in excess of the budget available.

AGLIME:

The tendered quotation to complete the road construction was \$1,525,689 against a remaining budget of \$783,480, some \$1,525,689 in excess of the budget available.

A meeting was held with WSFN and Shire to ascertain if there was a solution to this road construction budget deficit with the outcome that additional funds could not be secured. Further, it was required that the original specifications needed to be adhered to, significantly increasing the already over budget tendered price than that quoted above.

The decision was made to defer both of these road construction activities into 2023/24 pending a revision of quotations using local content (contractors) in an attempt to reduce costs.

Whilst this has been a disappointing outcome, it has had no real effect on the budget for 2022/23 as:

- capital funding already received has been quarantined as restricted funding (i.e. not included in the municipal bank account balance) and;
- since no further capital expenditure will be incurred, no further capital funding will be triggered in 22/23 as the offset for these two projects.

Other capital infrastructure projects funded by roads to recovery (\$344,594) and LRCIP (\$712,824) are continuing and forecast to be completed this financial year on time and budget.

OTHER MATTERS:

Loan funding of \$1,500,000 for the Plant Replacement Program has been received with excess funding placed into the Plant Replacement Reserve of \$518,109.

Transfer to Reserves totalling \$203,000 has been completed in Feb 23 meeting council's budget commitment.

BUDGET REVIEW SUMMARY

On the surface, it may appear that the original budget deficit of (\$192,160) should be relatively simple to extinguish given the savings alone in the Plant Replacement program of \$168,109. However it should be acknowledged the significant variations in budget items that have been uncovered during the year, along with activities required to be implemented in accordance with strategic planning which has added complexities, and therefore requiring strong financial management.

Some of these items include:

- An increase in parts and repairs cost due to the aging fleet - \$55,000
- Duplicate budgeting in general rates and ex-gratia rates - \$100,000 (net)
- Engagement of consultants for IT Operating system - \$23,000
- Contract cleaning - \$20,000
- Housing fit out - \$17,000
- Bushfire Risk Mitigation Coordinator - \$61,232
- IT Support - \$30,257

- Salary and Temporary management costs - \$64,705
- Temporary Fuel Tank - \$12,000
- Councillor iPads - \$12,803
- ORB fit out - \$10,500

Despite the continued challenges, management has worked hard to meet its commitment of a balanced budget and is now forecasting a surplus of \$81,709 by 30 June 2023. There are still some areas of concern, particularly in the parts and repairs and this will need to be monitored closely to ensure at least a balanced budget is achieved.

CONSULTATION

Mr Sean Fletcher, Chief Executive Officer

STATUTORY CONTEXT

Local Government Act 1995 and associated regulations in particular;

Local Government (Financial Management) Regulations 1996; regulation 33A requires a budget review to be undertaken between 01 Jan and 31 Mar of its financial performance from 01 Jul to 31 Dec.

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Council is supported by a skilled team

Strategic Priority 4.3 - Management considers budget reviews in addition to statutory requirements as good governance allowing early intervention to identify any significant issues.

Delegation

NIL

Policy Implications

Section 3 – Financial Management

Other Corporate Document

NIL

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Moderate (3) Short term non-compliance but with significant regulatory requirements imposed	Unlikely (2) The event could occur at some time	Moderate (6)	Operational Manager Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Ensuring frequent budget reviews in excess of statutory requirements will ensure that the residual risk is low.

FINANCIAL IMPLICATIONS

Amendments to the budget will provide better forecasting and therefore management of councils finances.

VOTING REQUIREMENTS

Absolute majority required: No

2203-04 Audit Committee / Officer Recommendation / Council Resolution
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Moved: Cr S Woods

Seconded: Cr G O'Brien

As recommended by the Audit Committee, that Council:

- 1. APPROVES** The budget review and endorses the budget amendments and set out in attachment 1 and 2.
- 2. NOTES** the new projected budget surplus for 2022/23 forecast of \$81,709.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

9.4 Conducting of Local Government Ordinary Election October 2023

File reference			
Report date			
2 March 2023			
Applicant/proponent			
Minister for Local Government; WA Electoral Commissioner			
Officer disclosure of interest			
Nil			
Previous meeting references			
Nil			
Prepared by			
Sean Fletcher, CEO			
Authorised by			
CEO			
Attachments			
Attachment 1	Page	73	Memorandum to Chief Executive Officers - 3 February 2023
Attachment 2	Page	75	Letter of Agreement from WA Electoral Commissioner - 9 February 2023
Attachment 3	Page	78	Letter from LGAB re Shire of Victoria Plains – Wards and Representation Review - 17 February 2023

PURPOSE

Council is being asked by the Minister for Local Government and the WA Electoral Commissioner to resolve the method for conducting the 21 October 2023 Local Government Ordinary Election. The recommended method is to conduct the election by postal vote.

BACKGROUND

Local government elections are required to be conducted every two years, on the third Saturday in October. A local government election cannot be held at the same time as a State election or a Federal election.

Method of Conducting the Election

The election is conducted over an 80 day cycle that will commence towards the end of July 2023. However, there is preliminary planning required including appointing who will conduct the election including the Minister for Local Government in his memo to local government CEOs on 3 February 2023 (Attachment 1) strongly recommending that the decision for whether to declare the Electoral Commissioner as responsible for the Shire's Election is put to Council at its March meeting. This will allow sufficient time for the WAEC to work with the CEO to deliver the election, or provide the Shire with a software licence, if preferred.

Accordingly, there are two options available for Council to make a decision regarding conducting an election:

Option 1 – In Person

There are two ways if undertaking such a process:

- The CEO is the returning officer in this instance.
- However, Council may select another person to be the returning officer providing:
 - That person agrees; and
 - That the Electoral Commissioner agrees to the appointment of this person.

The Shire will also need to purchase a licence to use the WA Electoral Commission's software to conduct the counting of votes

Option 2 – Postal Election

The Electoral Commissioner of Western Australia is required to conduct the election in this situation. The Electoral Commissioner appoints the returning officer. However, the CEO provides other administrative support regarding the election. This includes officers appointed by the CEO to assist the returning officer with the conducting of the election.

The returning officer is on site during the election cycle to ensure nominations are managed correctly, to provide staff training and to undertake the count. This also includes providing a candidate information evening, dealing with disputes or claims of inappropriate conduct.

Under s.4.61(7) of the Local Government Act, unless Council resolves by an absolute majority to conduct a postal election, the election must be an in-person election.

The motion required to conduct a postal election, which must be carried by an absolute majority, is as follows:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election in Point 1 will be as a postal election.

The Local Government Advisory Board advised in writing on 17 February 2023 that the Minister for Local Government approved the abolition of the Shire's wards and reducing the number of councillors from seven to five (Attachment 3).

COMMENT

The October 2023 ordinary election is one that will see the implementation of the new electoral system: optional preferential voting and other amendments to the election process, including the abolition of wards for Band 3 and 4 local governments.

Key Considerations

As the election is a general spill as a result of the abolition of the Shire's wards, the Electoral Commission is best placed to conduct the October ordinary election. This includes:

- A determination by the Commission on the criteria to be met for a four year term and a two year term i.e. three councillors will be elected for a four year term and two will be elected for a two year term;
- Conducting the election using optional preferential voting; and
- Using the Commission's dedicated election software to conduct the counting of votes.

CONSULTATION

- Council through the CEO's weekly update and previous agenda items on the Ward and Representation Review.
- Update to Council at February Briefing Session
- Mr Phil Richards, Manager, Election Events - WA Electoral Commission

STATUTORY CONTEXT

Local Government Act 1995

Sections 4.20(4) and 4.61(2) of the Act apply in appointing the Electoral Commissioner to conduct the election on behalf of the Shire of Victoria Plains.

Under s.4.61(7) of the Local Government Act, unless Council resolves by an absolute majority to conduct a postal election, the election must be an in-person election.

Under s.4.48(1) a candidate for an election must complete the *Local Government Candidate Induction*.

Local Government (Administration) Regulations

The requirements for advertising an election are found under Part 1A – Public Notices. Information regarding the requirements is found in the comments section of this report.

The election must be advertised using statewide advertising.

CORPORATE CONTEXT

Strategic Community Plan and Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councillors attend training and feel supported in their role
	Council is supported by a skilled team

Conducting of the election requires the CEO and his key staff to have a good knowledge of the local government election process..

Risk Management

Applying the election process incorrectly and without appropriate advice creates a high risk.

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance Failure to meet the statutory requirements to conduct an election	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Possible (3) The event will occur at least once per year	High (15)	Senior Management Team/CEO Urgent Attention Required Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring CEO and senior staff have key activities that must be achieved during the election cycle	Under the postal election process, the election is managed correctly and in accordance with the WA Electoral Commission, the state expert in conducting elections. This would reduce the risk to low/insignificant.

FINANCIAL IMPLICATIONS

The WA Electoral Commission cost of the ordinary election is \$14,000 (GST inc) and will need to be put forward for inclusion in the 2023/2024 Budget. A further \$3,000 to \$5,000 may be needed for other election costs.

In Person Election

The CEO as returning officer and other staff as electoral officers will require payment outside of office hours to conduct information sessions and running the election on the Saturday. There is the advertising expense and other miscellaneous costs. This expected cost would be approximately \$5,000 for advertising in the West Australian is mandatory if using the CEO as the returning officer.

In addition to this is the additional cost, regarding the time that the CEO and other officers will need to set aside to conduct the process over the election cycle of 80 days, which will certainly impact on their workload and achieving key objectives. This will be even more so given there will be a new election process introduced.

Postal Election

The cost for the Electoral Commissioner to conduct the 2023 election for the general spill is \$14,000 (GST inc). This includes re payment for the returning officer, the required advertising and the postal election packages.

In discussions with Mr Richards, he confirmed that although the Commission's letter says the cost covers four vacancies, the cost for five vacancies is the same. This is because the expectation is that there would be no more than none nominations for the October election

VOTING REQUIREMENTS

Absolute majority required: Yes If setting the election by postal vote

2203-05 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr D Lovelock

That Council:

1. **DECLARES**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any OTHER elections or polls which may be required.
2. **Decides**, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election in Point 1 will be as a postal election.
3. **ALLOCATES** \$12,727 (GST exclusive) to the 2023/2024 Budget for the WA Electoral Commission to run the 2023 Local Government Ordinary elections.

CARRIED BY ABSOLUTE MAJORITY AND UNANIMOUS DECISION OF COUNCIL

CONFIRMED PUBLIC MINUTES

9.5 Compliance Audit Return 2022

File reference	
Report date	16 March 2023
Applicant/proponent	Department of Local Government, Sport and Cultural Industries
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Sean Fletcher, CEO
Authorised by	CEO
Attachments	
Attachment 1	Page 79 SoVP CAR 2022

PURPOSE

As per the Local Government (Audit) Regulations, the Audit Committee has reviewed the Compliance Audit Return 2022 and now presents the CAR to Council for adoption.

BACKGROUND

It is a requirement of all local governments to complete the Compliance Audit Return by 31 March for the preceding calendar year and submit it to the Department of Local Government, Sports and Cultural industries as part of its regulatory obligations.

The CAR is considered a key internal auditing tool. The questions examined change from year to year.

Once the CAR is reviewed by the Audit Committee, it is then submitted to Council for its consideration. It is then signed by the President and the CEO and then submitted to the Department along with a copy of the Council minutes.

COMMENT

The Compliance Audit Return has been completed for the 2022 year and is submitted for review.

Audit Findings

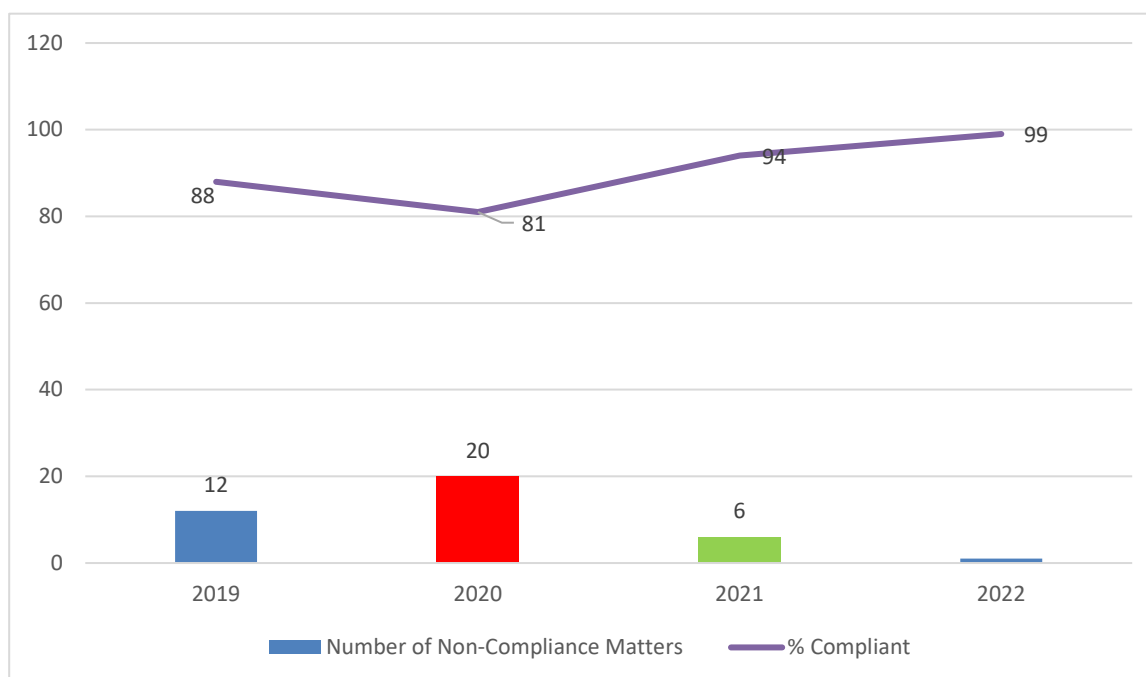
The author, along with the PA to the CEO and the Manager Finance and Administration reviewed the practices and procedures of the administration, as required under the CAR (Attachment 1). In essence, there was only one matter of non-compliance. The following is a summary of the audit findings and suggested course of action for non-compliant actions regarding the CAR for 2022:

Subject	Page	Question of Non-Compliance	Finding Matters of Non-Compliance
Commercial Enterprises by Local Government			
5 questions	1/11	N/A	SoVP did not undertake any such activity for 2022. This was the same for 2019, 2020 and 2021

Delegation of Power or Duty			
13 questions	1/11		2019 – 4 2020 – 0 2021 – 0 2022 - 1
Were delegations to committees in writing?	1/11	2	The respective committees received their terms of reference when they met for the first time i.e. the CEO Performance Review Committee and the CEO Recruitment Committee. However, the Behaviour Complaints Committee did not meet until February 2023, at which point it received the applicable delegation
Disclosure of Interests			
21 questions	2/11		2019 – 0 2020 – 4 2021 – 2 2022 - 0
Disposal of Property			
2 questions	4/11	N/A	No matters of non-compliance.
Elections			
3 questions	5/11		2019 – 0 2020 – 3 2021 – 0 2022 – 0
Finance			
7 questions	5/11		2019 – 2 2020 – 6 2021 – 2 (11 Questions) 2022 – 0
Local Government Employees			
5 questions	6/11		2020 – 0 2021 – 1 (6 Questions) 2022 – 0
Official Conduct			
4 questions	9/13		2019 – 0 2020 – 2 2021 – 0 (3 Questions) 2022 – 0

Tenders for Providing Goods and Services			
22 questions	7/11		2019 – 4 2020 – 1 2021 – 1 (24 Questions) 2022 – 0
When regulations 11(1), 12(2) or of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	7/13	3	Information Although No was the response, in this situation, Reg 11(2)(b) applies i.e. an exemption applies when using the WALGA Preferred Supplier Program
Integrated Planning and Reporting			
3 questions	10/11	N/A	Compliant
Optional Questions			
9 questions	10/11		2019 – 0 2020 – 3 2021 – 0 2022 – 0

Summary of Non-Compliance by Year



CONSULTATION

Ms Candy Watson, PA to the CEO

Mr Colin Ashe, Manager Finance and Administration

Weekly Update to Councillors in February 2023 that the CAR was underway.

STATUTORY CONTEXT*Local Government (Audit) Regulations 1996 –*

- r.14 – Compliance Audit Return to be reviewed by Audit Committee and report to Council (which includes the requirement that the outcome must be adopted by Council);
- r.15 – once considered by Council, the Return is to be signed by the President and CEO and lodged with the Department by 31 March.

CORPORATE CONTEXT**Strategic Community Plan and Corporate Business Plan**

STRATEGIC PRIORITIES		WE KNOW WE ARE SUCCEEDING WHEN	
4. CIVIC LEADERSHIP			
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance		

The CAR is a key audit tool required under the Act and the regulations regarding good governance.

Risk Management (Risk Governance Framework)

The CAR is a key mechanism regarding the compliance of the Shire. Failing to complete the CAR by the due date and failing to action the matters of non-compliance opens the Shire up to further risk regarding its operations and investigation by the Department of Local Government.

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Non - compliance Not conducting CAR by 31 Mar. Not addressing actions of non-compliance	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Likely (4) Probably occur in most circumstances At least once per year	Extreme (20)	CEO & Council (Audit Committee) Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous	The CAR 2021 was completed by 31 March 2022. However, the Department requires the Audit Committee and Council to sign off on the CAR by the same date. The six matters of non compliance will be actioned ASAP The CEO to update the Audit Committee on progress of outstanding items. Councillors to observe

				monitoring Adequate: Substantial improvement on the previous three years	statutory requirements regarding returns The above will, over time, ensure that the risk is maintained as Low
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FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

No

2203-06 Audit Committee / Officer's Recommendation / Council Resolution**Moved: Cr S Woods****Seconded: Cr G O'Brien**

That Council in accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* **ADOPTS** the Compliance Audit Return 2022, including the following findings:

Subject	Page	Question of Non-Compliance	Finding Matters of Non-Compliance
Commercial Enterprises by Local Government			
5 questions	1/11	N/A	SoVP did not undertake any such activity for 2022. This was the same for 2019, 2020 and 2021
Delegation of Power or Duty			
13 questions	1/11		2019 – 4 2020 – 0 2021 – 0 2022 - 1
Were delegations to committees in writing?	1/11	2	The respective committees received their terms of reference when they met for the first time i.e. the CEO Performance Review Committee and the CEO Recruitment Committee. However, the Behaviour Complaints Committee did not meet until February 2023, at which point it received the applicable delegation
Disclosure of Interests			
21 questions	2/11		2019 – 0 2020 – 4 2021 – 2 2022 - 0

Disposal of Property			
2 questions	4/11	N/A	No matters of non-compliance.
Elections			
3 questions	5/11		2019 – 0 2020 – 3 2021 – 0 2022 – 0
Finance			
7 questions	5/11		2019 – 2 2020 – 6 2021 – 2 (11 Questions) 2022 – 0
Local Government Employees			
5 questions	6/11		2020 – 0 2021 – 1 (6 Questions) 2022 – 0
Official Conduct			
4 questions	9/13		2019 – 0 2020 – 2 2021 – 0 (3 Questions) 2022 – 0
Tenders for Providing Goods and Services			
22 questions	7/11		2019 – 4 2020 – 1 2021 – 1 (24 Questions) 2022 – 0
When regulations 11(1), 12(2) or of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	7/13	3	Information Although No was the response, in this situation, Reg 11(2)(b) applies i.e. an exemption applies when using the WALGA Preferred Supplier Program

Integrated Planning and Reporting			
3 questions	10/11	N/A	Compliant
Optional Questions			
9 questions	10/11		2019 – 0 2020 – 3 2021 – 0 2022 – 0

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED PUBLIC MINUTES

9.6 Review of Risk Assessment and Acceptance Criteria

File reference	
Report date	16 March 2023
Applicant/proponent	CEO
Officer disclosure of interest	Nil
Previous meeting references	
Prepared by	Sean Fletcher, CEO
Authorised by	CEO
Attachments	
Attachment 1	Page 91 Risk Management Framework (Risk Management Procedures)

PURPOSE

That the Audit Committee recommends to Council that it amends the Risk Assessment and Acceptance Criteria for the Shire of Victoria Plains as set out in Attachment 1.

BACKGROUND

The CEO is to report to the Audit Committee on a quarterly basis regarding the Shire's Risk Management Procedures. This includes the Risk Dashboard and progress against

March 2021

At the March 2021 ACM, the Audit Committee resolved, in part, the following:

That the Audit Committee advises the CEO the following:

2. Acknowledges that the Shire has commenced to address a key risk area regarding workplace safety and security.
3. The risk management dashboard and profiles software will need to be obtained from LGIS and it is suggested that:
 - a. A suitable staff resource (Risk Framework Owner) is allocated to this task; and
 - b. That establishment of a current risk dashboard and risk profiles are resolved with the Risk Coordinator by 30 April 2021.

August 2021

Council adopted the Occupational Safety and Health policy on 26 May 2021.

The risk management dashboard and profiles have been located. They now need further updating by an appropriate staff resource.

8 December 2021

LGIS advised on 8 December 2021 that since it is three years since the risk management procedures were implemented, they are now due for review. The Risk Dashboard will then be updated and reported against from there. The expected cost was \$3,500. This was planned for the Budget Review, but did not happen.

July 2022

The Audit Committee was advised that the allocation to allow the review of the Shire’s risk procedures was put in the 2022/2023 Budget. As a result, the review was conducted by LGIS with key staff on

November 2022

The Public Sector Commission has advised that it has released a new guide called Development of Detection Systems for Misconduct and Corruption in the Workplace. Misconduct and corruption is a key risk for any local government. The author attended the webinar regarding this requirement on 9 December 2022 and as a result has asked the Records Officer to commence developing an appropriate policy and process regarding this requirement.

December 2022

On the 20 September 2022 key staff undertook a workshop to update the Shire’s risk dashboard and underpinning risk profiles and procedures. As a result, the Shire’s risk status is encapsulated within the following web diagram.



In essence for each risk profile, the greater the distance between the green line (residual risk) and the inherent risk (red line), the greater the concern. The author confirmed with Ben Glavin from LGIS on 15 November 2022 that the Shire is now in a position to finalise changes to the risk policy and finalise the new risk framework.

A copy of the risk dashboard was provided at the Committee’s December 2022 meeting.

COMMENT

As part of the review process, the Risk Management Framework was updated by the senior management team. A copy is provided in Attachment 1 for the Committee’s information. The Risk Assessment and Acceptance Criteria, which also forms part of the Risk Management Framework was also updated at the same time.

The Risk Assessment and Acceptance Criteria is set by Council. The Risk Assessment and Acceptance (Page 17 in Attachment 1) consists of the following:

The Measures of Consequence

The suggested measures (type) are in keeping with the existing measures adopted previously with additional explanation provided for each band regarding Compliance, Reputation, Property and Environmental.

Measures of Consequence							
Type	Health	Financial Impact	Service Interruptions	Compliance	Reputation	Property	Environmental
Insignificant (1)	Near miss / minor first aid injuries	Less than \$10,000	No material service interruption	No noticeable regulatory or statutory impact. Threat of litigation. No effect on contract performance.	Unsubstantiated, low impact, no media involvement Example Gossip, Facebook item seen by limited persons	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries / Lost time injury <30 Days	\$10,000 - \$50,000	Short term temporary interruption – backlog cleared (< 1 day)	Some temporary non-compliances. Single minor litigation. Requires formal meeting with contracted party where concern is raised.	Substantiated, low impact, low news profile Example Local paper / Industry news article, Facebook item seen by multiple groups	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries / Lost time injury >30 Days	\$50,001 to \$250,000	Medium term temporary interruption – backlog cleared by additional resources (< 1 week)	Short term non-compliance but with no significant regulatory requirements imposed. Single moderate litigation or numerous minor litigations.	Substantiated, public embarrassment, moderate impact, moderate news profile. Example State-wide paper, TV News story.	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Long-term disability / multiple injuries	\$250,001 to \$1,000,000	Prolonged interruption of services – additional resources; performance affected (< 1 month)	Non-compliance results in termination of service or imposed penalties. Single major litigation.	Substantiated, public embarrassment, high impact, high news profile, Third Party actions Example Australia wide news stories. Regulatory / Political commentary involvement	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	>\$1,000,000	Indeterminate prolonged interruption of services – non-performance (> 1 month)	Non-compliance results in litigation, criminal charges or significant damages or penalties. Numerous major litigations / class action.	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, Third Party actions Example World wide news, Focused articles (e.g. 60 minutes). Regulatory / Political oversight and involvement.	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

The Measures of Likelihood

Further detail has been provided regarding the percentages for each likelihood of risk a incident occurring.

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year
4	Likely	The event will probably occur in most circumstances(>50% chance)	At least once per year
3	Possible	The event should occur at some time(20% chance)	At least once in 3 years
2	Unlikely	The event could occur at some time(<10% chance)	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances(<5% chance)	Less than once in 15 years

Risk Matrix

No change. This is in keeping with the Standard.

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Risk Acceptance Criteria

The level of responsibility has been updated to reflect the situation at the Shire.

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Supervisor / Team Leader
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Service Manager (e.g. MFA, MWS, PBuS, CESM)
HIGH	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Executive Team (SMT)
EXTREME	Unacceptable	Risk generally not acceptable	CEO & Council

Existing Control Ratings

Improvements have been made to the description.

Existing Controls Ratings		
Rating	Foreseeable	Description
Effective	There is <u>little</u> scope for improvement.	Processes (Controls) operating as intended and aligned to Policies / Procedures. Subject to ongoing monitoring. Reviewed and tested regularly.
Adequate	There is <u>some</u> scope for improvement.	Processes (Controls) generally operating as intended, however inadequacies exist. Limited monitoring. Reviewed and tested, but not regularly.
Inadequate	There is a <u>need</u> for improvement or action.	Processes (Controls) not operating as intended. Processes (Controls) do not exist, or are not being complied with. Have not been reviewed or tested for some time.

CONSULTATION

Senior Management Team
Council Briefing Session 17 October 2022

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Strategic Community Plan and Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Risk management is a key principle regarding the inherent (possibility of) risks that organisations face. For the Shire the updating of the risk dashboard, profiles and procedures are key to a proactive and well governed Shire.

Policy

Policy 1.10 Enterprise Risk Management

9. Risk Appetite

9.1 The Shire quantified its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

9.2 All organisational risks to be reported at a corporate level are to be assessed according to the Shire’s Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation’s appetite and are to be noted within the individual risk assessment.

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance	Insignificant (1)	Likely (4)	Low (4)	Operational Manager	Audit Committee continues to receive updates
Information and Recommendation to Council	No noticeable regulatory or statutory impact	At least once per year			

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2203-07 Audit Committee / Officer Recommendation / Council Resolution

Moved Cr N Clarke

Seconded Cr G O’Brien

That Council **APPROVES** the Audit Committee’s recommendation that it **AMENDS** the Risk Assessment and Acceptance Criteria for the Shire of Victoria Plains to the following (As set out in Attachment 1):

Measures of Consequence							
Type	Health	Financial Impact	Service Interruptions	Compliance	Reputation	Property	Environmental
Insignificant (1)	Near miss / minor first aid injuries	Less than \$10,000	No material service interruption	No noticeable regulatory or statutory impact. Threat of litigation. No effect on contract performance.	Unsubstantiated, low impact, no media involvement Example Gossip, Facebook item seen by limited persons	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries / Lost time injury <30 Days	\$10,000 - \$50,000	Short term temporary interruption – backlog cleared (< 1 day)	Some temporary non-compliances. Single minor litigation. Requires formal meeting with contracted party where concern is raised.	Substantiated, low impact, low news profile Example Local paper / Industry news article, Facebook item seen by multiple groups	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
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Major (4)	Long-term disability / multiple injuries	\$250,001 to \$1,000,000	Prolonged interruption of services – additional resources; performance affected (< 1 month)	Non-compliance results in termination of service or imposed penalties. Single major litigation.	Substantiated, public embarrassment, high impact, high news profile, Third Party actions Example Australia wide news stories. Regulatory / Political commentary involvement	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	>\$1,000,000	Indeterminate prolonged interruption of services – non-performance (> 1 month)	Non-compliance results in litigation, criminal charges or significant damages or penalties. Numerous major litigations / class action.	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, Third Party actions Example World wide news, Focused articles (e.g. 60 minutes). Regulatory / Political oversight and involvement.	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

The Measures of Likelihood

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year
4	Likely	The event will probably occur in most circumstances(>50% chance)	At least once per year
3	Possible	The event should occur at some time(20% chance)	At least once in 3 years
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Risk Matrix

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Risk Acceptance Criteria

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Supervisor / Team Leader
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Service Manager (e.g. MFA, MWS, PBuS, CESM)
HIGH	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Executive Team (SMT)
EXTREME	Unacceptable	Risk generally not acceptable	CEO & Council

Existing Control Ratings

Existing Controls Ratings		
Rating	Foreseeable	Description
Effective	There is <u>little</u> scope for improvement.	Processes (Controls) operating as intended and aligned to Policies / Procedures. Subject to ongoing monitoring. Reviewed and tested regularly.
Adequate	There is <u>some</u> scope for improvement.	Processes (Controls) generally operating as intended, however inadequacies exist. Limited monitoring. Reviewed and tested, but not regularly.
Inadequate	There is a <u>need</u> for improvement or action.	Processes (Controls) not operating as intended. Processes (Controls) do not exist, or are not being complied with. Have not been reviewed or tested for some time.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

10. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION*Admitted by resolution of Council*

Nil

12. MEETING CLOSED TO PUBLIC**12.1 Matters for Which the Meeting May Be Closed**

File reference			
Report date	6 December 2022		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references			
Prepared by	Julie Klobas, Council Meeting Officer		
Authorised by	Shire President		
Attachments			
Attachment 1	Page		Nil

PURPOSE

For Council to move “in camera” (behind closed doors) and consider a matter regarding the Shire of Victoria Plains CEO Recruitment Committee Recommendation under item 11.2.

BACKGROUND

Under section 5.23 (2)(b) of the Local Government Act, Council may close a meeting, or part of a meeting if it deals with a matter affecting the personal affairs of any person.

COMMENT

As there is Policy 2.6 “Standards for CEO Recruitment, Performance and Termination” in place for the Shire of Victoria Plains, Council is required to deal with matters regarding certain approvals under the CEO’s contract for Mr Sean Fletcher.

CONSULTATION

Shire President Elected Members

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

2203-08	Officer's Recommendation / Council Resolution
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Moved: Cr G O'Brien

Seconded: Cr S Penn

That Council **CLOSE** the meeting under section 5.23 (2)(b) of the Local Government Act to consider a matter under item 12.1.2 regarding "Further Matters re the CEO's Contract - Confidential" at 2.28pm

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The WSM, MFA and Building Surveyor withdrew from the meeting at 2.28pm.

CONFIRMED PUBLIC MINUTES

12.1.2 Further Matters re the CEO's Contract - Confidential

The CEO declared a financial interest at 2.29 pm.

File reference			
Report date	3 March 2023		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Impartial		
Previous meeting references	SCM 13 Feb 2023 – Item 12.1 2302-05		
Prepared by	Sean Fletcher, CEO		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	2	Matters Regarding the CEO's Contract That Requires the President's Approval - Confidential

VOTING REQUIREMENTS

Absolute majority required: No

2203-09 Council Resolution

Moved: Cr S Penn

Seconded: Cr G O'Brien

That Council:

1. In accordance with Attachment 1 (under confidential cover), **APPROVES** the Shire President to authorise the matters of an administrative nature that requires a specific approval in Mr Fletcher's contract.
2. **AUTHORISES** the Shire President to:
 - a. Enter into initial discussions with Mr Fletcher regarding the review of the CEO's Performance Criteria.
 - b. Arrange for Mr Fletcher and Council to meet to discuss whether an adjustment is required to the Performance Criteria.

Note: The review of the Performance Criteria must be completed by 18 May 2023

3. Re-opens the meeting to the Public at 2.33pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

13. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 2.35pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 26 April 2023.

Signed JABandock
(Presiding member at the meeting which confirmed the minutes)

Date 26th April 2023

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.

CONFIRMED CONFIDENTIAL MINUTES