



# Minutes

Ordinary Council Meeting

24 March 2021

Shire of Victoria Plains  
Council Chambers, Calingiri

AND  
via E-Meeting Protocol

Commencing – 2.07 pm

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## 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.

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**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

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UNCONFIRMED



# Minutes

## Ordinary Meeting of the Victoria Plains Shire Council

To be held in the Calingiri Shire Chambers and via E-meeting Protocol  
on 24 March 2021 commencing at 2.07pm

### 1. DECLARATION OF OPENING

#### 1.1 Opening

The Meeting was declared open by the Shire President at 2.07pm.

#### 1.2 Announcements by Shire President

The Presiding Member stated the declaration of the State Emergency and State Health Emergency and the means of conducting meetings under the E-meeting platform, advising 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.

### 2. RECORD OF ATTENDANCE

Members present	Cr P Bantock- Shire President Cr J King Cr N Clarke Cr J Kelly – via teleconference
Staff attending	CEO – Ms G Teede Governance Officer – Mr S Fletcher Minutes Officer – Mrs J Klobas
Apologies	Cr D Lovelock - Deputy Shire President Cr S Penn
Approved leave of absence	Nil
Visitors	Nil
Members of the public	N/A

**3. DISCLOSURES OF INTEREST**

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

Type	Item	Person / Details
3.1	Financial	Nil
3.2	Proximity	Nil
3.3	Impartiality	Nil

**4. PUBLIC QUESTION TIME**

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

**4.1 Public Questions With Notice****Q1. Mrs Anne-Marie Bryne-O’Neill, Calingiri**

*When are VP Shire allowing people into meetings, and if not please explain.*

- A1. The State Government changed the LG regulations to allow Councillors to attend Council Meetings via teleconference during the declared state of emergency. We currently have Councillors who have chosen only to attend meetings via teleconference since that option was put in place the April OCM last year. We must use the Council Chambers venue which has our teleconference system to accommodate this. As per the current State Government Covid Restrictions, we are bound by a maximum capacity of 1 person per 2 square metre in this venue. Therefore, we are restricted to numbers in the Council chamber and unfortunately don't have room for public to attend. The State Government has allowed for this predicament and within their update of the regulations, they allowed meetings to be closed to in person public attendance during the declared state of emergency as long as the minutes are made available to the public within the required time frame. The Shire has actually provided extra service to the community by recording the meetings which are uploaded online. The Regulations have also allowed public question time to be taken in writing during the state of emergency.

The Shire will accept pre-arranged deputations for certain agenda items, where we could juggle a couple of attendees/staff in & out of the room to ensure we don't exceed our capacity.

Although the situation is frustrating the Shire following the rules the State Government has set, while working within the budget limits our Shire has. We hope the COVID situation continues in a positive trend which may help change the restrictions or state of emergency declaration. The Shire will continue to monitor the situation closely.

**Q2. Mrs Anne-Marie Bryne-O’Neill, Calingiri**

*I asked earlier this financial year for the budget allocated for Anzac park, I would like the updated figures now please.*

- A2. Question Taken on Notice as Financial Consultant not in the Shire today. Further advice to be provided to Mrs Bryne-O’Neill

**4.2 Public Questions Without Notice**

Where written questions are not submitted, a summary of the questions and responses are given, as per the Local Government (Administration) Regulations 1996 r.11(e).

Public question time closed at 2.14 pm

**5. PRESENTATIONS AND DEPUTATIONS****5.1 Presentations**

Nil

**5.2 Deputations**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE****7. MINUTES OF MEETINGS****7.1 Confirmation of Council Meeting minutes****VOTING REQUIREMENTS**

Absolute majority required: No

**2003-01 Officer Recommendation / Council Resolution**

Moved: Cr N Clarke

Seconded: Cr J King

That the Minutes of the following meeting:

- Ordinary Council Meeting held 24 February 2021 as circulated, be **CONFIRMED** as a true and correct record with amendment to Item 8.10 to amend the order of resolutions as noted below:

*“Officer Recommendation*

*That Council*

1. *RECEIVES* the 2020-21 Annual Budget Review; and
2. *APPROVE* the 30 June 2021 Forecast as the amended Budget for 2020-21 as per attachment “Shire of Victoria Plains Budget Review for the Year Ended 30 June 2021

Councillor Recommendation
---------------------------

Moved: Cr P Bantock  
Lovelock

Seconded: Cr D

That Council

1. **RECEIVES** the 2020-21 Annual Budget Review; and
2. **APPROVE** the 30 June 2021 Forecast as the amended Budget for 2020-21 as per attachment "Shire of Victoria Plains Budget Review for the Year Ended 30 June 2021, with the addition of \$3000 expenditure for CCTV outside the Victoria Plains Road Board Building toilets (previously known as Five Roads Café Calingiri), resulting in a forecast deficit of \$643.

2102-07	Councillor Amendment
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Moved: Cr N Clarke

Seconded: Cr J King

That Council

1. RECEIVES the 2020-21 Annual Budget Review; and
2. APPROVE the 30 June 2021 Forecast as the amended Budget for 2020-21 as per attachment "Shire of Victoria Plains Budget Review for the Year Ended 30 June 2021, with the addition of \$3000 expenditure for CCTV outside the Victoria Plains Road Board Building toilets (previously known as Five Roads Café Calingiri), resulting in a forecast deficit of \$643.
3. \$5,000 be removed from Mogumber Hall Anticon installation and reallocated to Calingiri Hall flooring upgrade.

**THE MOTION WAS PUT AND LOST**

Cr Penn, Cr Kelly, Cr Lovelock and Cr Bantock voted against the motion.

Return to substantive motion at 3.08pm.

2102-08	Councillor Recommendation / Council Resolution
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Moved: Cr P Bantock

Seconded: Cr D Lovelock

That Council

1. **RECEIVES** the 2020-21 Annual Budget Review; and
2. **APPROVE** the 30 June 2021 Forecast as the amended Budget for 2020-21 as per attachment "Shire of Victoria Plains Budget Review for the Year Ended 30 June 2021, with the addition of \$3000 expenditure for CCTV outside the Victoria Plains Road Board Building toilets (previously known as Five Roads Café Calingiri), resulting in a forecast deficit of \$643.

**CARRIED BY ABSOLUTE MAJORITY For 4 / Against 2"**

**CARRIED For 3 / Against 1**

Cr Kelly voted against the Motion.



**8. REPORTS REQUIRING DECISION****8.1 Accounts for Endorsement – February 2021**

<b>File reference</b>	F1.8.4		
<b>Report date</b>	17 March 2021		
<b>Applicant/proponent</b>	Nil		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Agatha Prior – Office Manager		
<b>Authorised by</b>	Glenda Teede – CEO		
<b>Attachments</b>			
Attachment 1	Page	2 n/a	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

**PURPOSE**

This Item presents the attached List of Accounts Paid, paid under delegated authority, for February 2021.

**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.

**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

- compliance with legislation and procedures
- Minimum of 2 signatories with varying level of authorisation

### FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

### VOTING REQUIREMENTS

Absolute Majority Required: No

<b>2003-02 Officer Recommendation / Council Resolution</b>
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**Moved: Cr J King**

**Seconded: Cr N Clarke**

That the payments made for February 2021 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement be **ENDORSED**:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	9604 - 9706	373,486.74
Creditor Cheque Payments	12538-12539	484.20
Direct Debit Payments**	DD12252 – DD12323	67,976.16
Salaries & Wages EFT	PE 03.02.21, PE 17.02.21	90,782.45
Credit Card Statements Fuel Card – Wright Express	DD12279.1 - DD12279.2	1,650.19 353.29
Trust Payments		0.00
	<b>TOTAL</b>	<b>\$534,733.03</b>

Local Spending	\$	%
Local Supplier	165,511.74	30.77
Payroll	90,782.45	16.98
<b>Total</b>	<b>255,294.17</b>	<b>47.74</b>

\*\*includes salary and wages deductions, and SGC

**CARRIED For 3 / Against 1**

*Cr J Kelly voted against the motion.*

**8.2 Monthly Financial Statements – February 2021**

<b>File reference</b>			
<b>Report date</b>			
17 March 2021			
<b>Applicant/proponent</b>			
Shire of Victoria Plains			
<b>Officer disclosure of interest</b>			
Nil			
<b>Previous meeting references</b>			
Nil			
<b>Prepared by</b>			
RSM – Travis Bate			
<b>Authorised by</b>			
Glenda Teede			
<b>Attachments</b>			
Attachment 1	Page	16	Monthly Financial Statements – 28 February 2021

**PURPOSE**

To receive the monthly financial statements for the period ending 28 February 2021.

**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 28 February 2021 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2. Most variances for the month were classified as timing variances.

**CONSULTATION**

RSM  
CEO

**STATUTORY CONTEXT**

Local Government (Financial Management) Regulations 1996 –

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

**CORPORATE CONTEXT**

None

**FINANCIAL IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Absolute Majority Required: No

**2003-03 Officer Recommendation / Council Resolution**

**Moved: Cr N Clarke**

**Seconded: Cr J King**

That Council **RECEIVE** the 28 February 2021 Monthly Financial Reports as presented:

**CARRIED For 3 / Against 1**

*Cr J Kelly voted against the motion.*

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### 8.3 Compliance Audit Return 2020

<b>File reference</b>		
<b>Report date</b>		17 March 2020
<b>Applicant/proponent</b>		Department of Local Government, Sport and Cultural Industries
<b>Officer disclosure of interest</b>		Nil
<b>Previous meeting references</b>		
<b>Prepared by</b>		Sean Fletcher, Interim Governance Officer
<b>Authorised by</b>		CEO
<b>Attachments</b>		
Attachment 1	Page	SoVP CAR 2020

#### PURPOSE

As per the Local Government (Audit) Regulations, this item regarding the Compliance Audit Return 2020 is presented to Council following review by the Audit Committee.

#### 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.

#### COMMENT

The Compliance Audit Return has been completed for the 2020 year and is submitted for review.

#### Audit Findings

The Author reviewed the practices and procedures of the administration, as required under the CAR (Attachment 1). The following is a summary of the audit findings and suggested course of action for non-compliant actions regarding the CAR for 2020:

Subject	Page	Question of Non-Compliance	Finding
<b>Commercial Enterprises by Local Government</b>			
5 questions	1	N/A	<b>Background</b> SoVP did not undertake any such activity for 2020.
<b>Delegation of Power or Duty</b>			
13 questions	2	13	In the CAR for 2019, there were 4 non-compliant questions. In the CAR for 2020, there is one such instance.  <b>Background</b> Section 5.46(3) and Admin Reg 19 requires all persons exercising a delegated power or

			<p>duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19.</p> <p>The Departmental Guideline regarding Delegations states that:</p> <p>“This provision does not necessarily require the keeping of a register and other efficient record keeping practices would be sufficient. However, it is recommended that such systems provide for accessible accountability of the performance of these tasks.”</p> <p>In the CAR for 2019 regarding the same question it was reported that: the CEO to implement appropriate practices for the recording of the use of delegations:</p> <ul style="list-style-type: none"> <li>• Within the Shire’s Record Keeping System including appropriate systems and files;</li> <li>• To report to Council in the CEO report each month when her delegations were used.</li> </ul> <p>Neither of these actions have been undertaken. However, the Shire has made substantial inroads in the review and implementation of its new record keeping process. Discussion has also been had that the CEO is to start providing a list of when her delegations are used in her CEO briefing report to Council.</p> <p><b>CAR Comment/Action</b> The Shire is in the process of improving its record keeping system and processes.</p>
<b>Disclosure of Interests</b>			
<b>21 questions</b>	2		<p><b>Background</b> For 2019, there were no matters of non-compliance. However, for 2020, there are 4.</p>

	3	5	<b>CAR Comment/Action</b> One elected member submitted their annual return on 10 September 2020. The matter has yet to be reported.
	3	9	<b>CAR Comment/Action</b> Primary and Annual returns for past elected members and staff returns were not removed from their respective registers. Returns have now been removed.
	3	10	<b>CAR Comment/Action</b> Although the returns had not been removed as required, they have still been kept for five years. They have now been placed in the appropriate file. See Q9.
	3	13	<b>Background</b> Former elected members and staff are required to be removed from the gift register. This has not been undertaken, if at all.  <b>CAR Comment/Action</b> This will be actioned when the new gift register is implemented. The new register will now only apply to elected members and the CEO. Travel is no longer a separate component.
	4	14	<b>Background</b> Records of removed persons from the gift register need to be kept for at least 5 years. This has not been done.  <b>Action</b> This will be down once the old gift register is removed from the Shire's website.
<b>Disposal of Property</b>			
2 questions	4	N/A	<b>Background</b> No matters of non-compliance.
<b>Elections</b>			
3 questions	5		<b>Background</b> For 2019 there were no matters of non-compliance. For 2020 there are 3 matters of non-compliance.
	5	1	<b>CAR Comment/Action</b> It would appear an electoral gift register was not established previously on the Shire's website.

			There were no elections held in 2020.
	5	2	<p><b>Background</b></p> <p>It is unknown if disclosure of gift forms for former elected members and unsuccessful candidates were removed from the electoral gift register and retained those for at least 2 years.</p> <p><b>CAR Comment/Action</b></p> <p>Unknown, as it would appear that there has not been an electoral gift register in place on the Shire’s website.</p>
	5	3	<p><b>Background</b></p> <p>An up-to-date version of the electoral gift register is required to be kept on the Shire’s website, even if it contains no information.</p> <p><b>CAR Comment/Action</b></p> <p>An electoral gift register has now been implemented on the Shire’s website.</p>
<b>Finance</b>			
<b>11 questions</b>	5	Q5-Q9 and Q11	<p><b>Background</b></p> <p>For 2019, there were 2 matters of non-compliance. For 2020, there are 6 such matters. However, each of these matters of non-compliance were due to delays regarding the introduction of the changes to the Financial Management Regulations concerning the valuation of certain assets for financial reports. COVID-19 has also had an impact regarding resourcing and travel.</p> <p><b>CAR Comment/Action</b></p> <p>The OAG has advised that the main reason for the delay in finalising the Shire’s 2019/2020 Audit was due to the State Government not finalising the changes to the Financial Management Regulations concerning the valuation of certain assets for financial reports. COVID-19 has also had an impact regarding resourcing and travel.</p>
<b>Integrated Planning and Reporting</b>			
<b>3 questions</b>	6	N/A	<p><b>Background</b></p> <p>Compliant.</p>

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<b>Local Government Employees</b>			
<b>6 questions</b>	7	N/A	<b>Background</b> Compliant.
<b>Official Conduct</b>			
<b>4 questions</b>	7		<b>Background</b> Compliant for 2019. For 2020, there are two matters of non compliance.
	7	2	<b>Background</b> The CEO is required to keep in place a register that states the <u>findings</u> of the Standards Panel where an action is required in response to minor misconduct. The register was not in place prior to March 2021.  <b>CAR Comment/Action</b> This was not in place prior to 2021. See Q4.
	7	4	<b>Background</b> An up to date complaints register regarding minor misconduct findings by the Standards Panel that requires an action was not on the Shire's website previously.  <b>Action</b> The complaints register is now in place on the Shire's website. The register is blank as there are no such matters regarding the Standards Panel.
<b>Optional Questions</b>			
<b>10 questions</b>	8		<b>Background</b> The questions raised in 2019 were compliant. For 2020, There are 3 matters of non-compliance
	8	1	<b>CAR Comment/Action</b> It is unclear when the last financial management systems review was last conducted. Arrangements have been put in place for this to be conducted in the first half of 2021.
		5	<b>CAR Comment/Action</b> The Shire has not developed an events policy for council members and the CEO. This will be developed by 30 June 2021
		6	<b>CAR Comment/Action</b> Because the events policy is not in place, it has not been possible to publish an up-to-

			date version on the Shire's website. See Q5.
<b>Tenders for Providing Goods and Services</b>			
<b>24 questions</b>	9		<b>Background</b> For 2019, there were 4 matters of non compliance. For 2020, there is one matter of non compliance.
	10	11	<b>CAR Comment/Action</b> For one tender, written notice was only issued to the successful tenderer. Tender procedures have been developed to assist manage the tender process going forward

For 2019, there were 12 matters of non-compliance. For 2020, there are 20 matters of non-compliance (20/104 = 81% compliance). However, six of these matters were due to the State Government introducing last minute changes to the Financial Management Regulations in late 2020. This meant the audit process was held up while the new requirements were assessed in terms of local government audits.

However, the issues outstanding of concern are:

- Better recording of when delegations are used. Although this is of concern as this was a suggested correction for 2019, the Shire has commenced major improvements to its record keeping system during 2020/2021 which will make obtaining such records easier. Also, the Office Manager has now sourced a suitable template for use regarding the reporting of when delegations are used.
- A new gift register for elected members and the CEO only is required to be developed and implemented;
- There is no events policy in place regarding the elected members and the CEO. This is a requirement and must be done as soon as practicable (30 June 2021).

**Note:** Advice has been provided in a separate report to the CEO regarding the serious breach for non-submission of an annual return by an elected member. This is a confidential matter.

## CONSULTATION

CEO

Office Manager

## STATUTORY CONTEXT

*Local Government (Audit) Regulations 1996 –*

- r.14 – Compliance Audit Return to be reviewed by Audit Committee and report to 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

<b>Civic Leadership</b>		<b>to better allocate scarce resources and effectively interact with the community</b>
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> <li>Implementation of initiatives to better connect Council with the community and associated matters.</li> </ul>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

**Corporate Business Plan**

5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation

**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
<p><b>Non - compliance</b></p> <p>Not conducting CAR by 31 Mar.</p> <p>Not addressing actions of non-compliance</p>	<p>Extreme (5)</p> <p>Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers</p>	<p>Likely (4)</p> <p>Probably occur in most circumstances</p> <p>At least once per year</p>	<p>Extreme (20)</p>	<p>CEO &amp; Council (Audit Committee)</p> <p>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 monitoring</p> <p>Adequate: There is scope for some improvement</p>	<p>The CAR 2020 has been completed by the due date.</p> <p>Most actions have been completed.</p> <p>The CEO to update the Audit Committee on progress of outstanding items.</p> <p>Councillors and Committee Members to ensure they comply with new Code of Conduct Regulations re keeping informed (understanding reports) and undertaking training and development</p> <p>The above will, over time, ensure that the risk is maintained as Moderate/Low</p>

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority: No

**2003-04 Committee Recommendation / Council Resolution****Moved: Cr J King****Seconded: Cr N Clarke**

That the Audit Committee in accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* has reviewed the Compliance Audit Return 2020 and reports to Council the following:

Subject	Page	Question of Non-Compliance	Finding
<b>Commercial Enterprises by Local Government</b>			
<b>5 questions</b>	1	N/A	<b>Background</b> SoVP did not undertake any such activity for 2020.
<b>Delegation of Power or Duty</b>			
<b>13 questions</b>	2	13	<p>In the CAR for 2019, there were 4 non-compliant questions. In the CAR for 2020, there is one such instance.</p> <p><b>Background</b> Section 5.46(3) and Admin Reg 19 requires all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19.</p> <p>The Departmental Guideline regarding Delegations states that:</p> <p>“This provision does not necessarily require the keeping of a register and other efficient record keeping practices would be sufficient. However, it is recommended that such systems provide for accessible accountability of the performance of these tasks.”</p> <p>In the CAR for 2019 regarding the same question it was reported that: the CEO to</p>

			<p>implement appropriate practices for the recording of the use of delegations:</p> <ul style="list-style-type: none"> <li>• Within the Shire’s Record Keeping System including appropriate systems and files;</li> <li>• To report to Council in the CEO report each month when her delegations were used.</li> </ul> <p>Neither of these actions have been undertaken. However, the Shire has made substantial inroads in the review and implementation of its new record keeping process. Discussion has also been had that the CEO is to start providing a list of when her delegations are used in her CEO briefing report to Council.</p> <p><b>CAR Comment/Action</b> The Shire is in the process of improving its record keeping system and processes.</p>
<b>Disclosure of Interests</b>			
<b>21 questions</b>	2		<p><b>Background</b> For 2019, there were no matters of non-compliance. However, for 2020, there are 4.</p>
	3	5	<p><b>CAR Comment/Action</b> One elected member submitted their annual return on 10 September 2020. The matter has yet to be reported.</p>
	3	9	<p><b>CAR Comment/Action</b> Primary and Annual returns for past elected members and staff returns were not removed from their respective registers. Returns have now been removed.</p>
	3	10	<p><b>CAR Comment/Action</b> Although the returns had not been removed as required, they have still been kept for five years. They have now been placed in the appropriate file. See Q9.</p>
	3	13	<p><b>Background</b> Former elected members and staff are required to be removed from the gift register. This has not been undertaken, if at all.</p>

			<p><b>CAR Comment/Action</b></p> <p>This will be actioned when the new gift register is implemented. The new register will now only apply to elected members and the CEO. Travel is no longer a separate component.</p>
	4	14	<p><b>Background</b></p> <p>Records of removed persons from the gift register need to be kept for at least 5 years. This has not been done.</p> <p><b>Action</b></p> <p>This will be down once the old gift register is removed from the Shire's website.</p>
<b>Disposal of Property</b>			
<b>2 questions</b>	4	N/A	<p><b>Background</b></p> <p>No matters of non-compliance.</p>
<b>Elections</b>			
<b>3 questions</b>	5		<p><b>Background</b></p> <p>For 2019 there were no matters of non-compliance. For 2020 there are 3 matters of non-compliance.</p>
	5	1	<p><b>CAR Comment/Action</b></p> <p>It would appear an electoral gift register was not established previously on the Shire's website.</p> <p>There were no elections held in 2020.</p>
	5	2	<p><b>Background</b></p> <p>It is unknown if disclosure of gift forms for former elected members and unsuccessful candidates were removed from the electoral gift register and retained those for at least 2 years.</p> <p><b>CAR Comment/Action</b></p> <p>Unknown, as it would appear that there has not been an electoral gift register in place on the Shire's website.</p>

	5	3	<p><b>Background</b> An up-to-date version of the electoral gift register is required to be kept on the Shire's website, even if it contains no information.</p> <p><b>CAR Comment/Action</b> An electoral gift register has now been implemented on the Shire's website.</p>
<b>Finance</b>			
11 questions	5	Q5-Q9 and Q11	<p><b>Background</b> For 2019, there were 2 matters of non-compliance. For 2020, there are 6 such matters. However, each of these matters of non-compliance were due to delays regarding the introduction of the changes to the Financial Management Regulations concerning the valuation of certain assets for financial reports. COVID-19 has also had an impact regarding resourcing and travel.</p> <p><b>CAR Comment/Action</b> The OAG has advised that the main reason for the delay in finalising the Shire's 2019/2020 Audit was due to the State Government not finalising the changes to the Financial Management Regulations concerning the valuation of certain assets for financial reports. COVID-19 has also had an impact regarding resourcing and travel.</p>
<b>Integrated Planning and Reporting</b>			
3 questions	6	N/A	<p><b>Background</b> Compliant.</p>
<b>Local Government Employees</b>			
6 questions	7	N/A	<p><b>Background</b> Compliant.</p>
<b>Official Conduct</b>			
4 questions	7		<p><b>Background</b> Compliant for 2019. For 2020, there are two matters of non compliance.</p>
	7	2	<p><b>Background</b> The CEO is required to keep in place a register that states the <u>findings</u> of the</p>

			Standards Panel where an action is required in response to minor misconduct. The register was not in place prior to March 2021.  <b>CAR Comment/Action</b> This was not in place prior to 2021. See Q4.
	7	4	<b>Background</b> An up to date complaints register regarding minor misconduct findings by the Standards Panel that requires an action was not on the Shire's website previously.  <b>Action</b> The complaints register is now in place on the Shire's website. The register is blank as there are no such matters regarding the Standards Panel.
<b>Optional Questions</b>			
<b>10 questions</b>	8		<b>Background</b> The questions raised in 2019 were compliant. For 2020, There are 3 matters of non-compliance
	8	1	<b>CAR Comment/Action</b> It is unclear when the last financial management systems review was last conducted. Arrangements have been put in place for this to be conducted in the first half of 2021.
		5	<b>CAR Comment/Action</b> The Shire has not developed an events policy for council members and the CEO. This will be developed by 30 June 2021
		6	<b>CAR Comment/Action</b> Because the events policy is not in place, it has not been possible to publish an up-to-date version on the Shire's website. See Q5.
<b>Tenders for Providing Goods and Services</b>			
<b>24 questions</b>	9		<b>Background</b> For 2019, there were 4 matters of non compliance. For 2020, there is one matter of non compliance.
	10	11	<b>CAR Comment/Action</b>



			For one tender, written notice was only issued to the successful tenderer. Tender procedures have been developed to assist manage the tender process going forward
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**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

UNCONFIRMED

## 8.4 Consideration of the Auditor's Report and the Annual Financial Report (Statements) for 2019-2020

<b>File reference</b>			
<b>Report date</b>			
17 March 2020			
<b>Applicant/proponent</b>			
Audit Committee			
<b>Officer disclosure of interest</b>			
Nil			
<b>Previous meeting references</b>			
Audit Committee Meeting 13 January 2020			
<b>Prepared by</b>			
Sean Fletcher, Governance Officer			
<b>Authorised by</b>			
CEO			
<b>Attachments</b>			
Attachment 1	Page	59	Independent Auditor's Report (Opinion)
Attachment 2	Page		Management Letter – Confidential
Attachment 3	Page	62	Annual Financial Report (Statements) 2019-2020

### PURPOSE

That the Audit Committee considers and advises Council on the:

1. 2019/2020 Auditor's Report regarding its key findings; and
2. 2019-2020 Annual Financial Report (Annual Financial Statements).

### BACKGROUND

The Shire is required to receive the audited annual financial statements for the preceding financial year by 31 December each year. However, due to changes to the *Local Government (Financial) Regulations 1996 gazetted on 6 November 2020*, a delay was experienced by the Shire and other local governments as the annual financial statements had to be adjusted accordingly.

Subsequently, the annual financial statements were finalised early February 2021 and the response by the CEO to management letter was issued on 12 February 2021. The President and the CEO then attended an exit meeting with Mr Robert Hall of Butler Settineri, conductor of the audit, prior to 24 February 2021. The Auditor's Report (Attachment 1) was signed off by the Auditor General's delegate on 25 February 2021 and the OAG Transmittal Letters to the President and the CEO and the Management Letter were signed at the same time. These documents were then available on 5 March 2021.

The new regulations regarding the valuation of certain assets for financial reports includes:

- Regulations 17A (1) and (2) replaced to include right of use assets and vested improvements;
- Regulation 17A (3) deleted;
- Regulations 17A (4)(b) amended to reflect revaluation of non-financial assets are now no more than five years, when previously it was 3 – 5 years;
- Regulation 17A (5) was amended re "an asset" was removed and replaced with non-financial asset;
- Other: Regulation 16 deleted. This regulation previously excluded crown land that was a state thoroughfare vested in a local government and certain other land types e.g. vested in the local government;

The new regulations are as follows:

**17A. Valuation of certain assets for financial reports**

(1) In this regulation —

*carrying amount*, in relation to a non-financial asset, means the carrying amount of the non-financial asset determined in accordance with the AAS;

*fair value*, in relation to a non-financial asset, means the fair value of the non-financial asset measured in accordance with the AAS;

*right-of-use asset*, of a local government, includes the local government's right to use —

- (a) Crown land; or
- (b) other land that is not owned by the local government,

that is vested in the local government at nil or nominal cost for an indefinite period for the purpose of roads or for any other purpose;

*vested improvement*, in relation to a local government, means a pre-existing improvement on land of which the care, control or management is vested in the local government at nil or nominal cost for an indefinite period.

(2) A local government must show in each financial report for a financial year ending on or after 30 June 2020 —

- (a) the fair value of all of the non-financial assets of the local government that are —
  - (i) land and buildings that are classified as property, plant and equipment; or
  - (ii) investment properties; or
  - (iii) infrastructure; or
  - (iv) vested improvements that the local government controls;

and

- (b) the carrying amount of all of the non-financial assets of the local government that are plant and equipment type assets measured using the cost model in accordance with the AAS; and

- (c) the carrying amount of all of the right-of-use assets of the local government (other than vested improvements referred to in paragraph (a)(iv)) measured using the cost model in accordance with the AAS.

*[(3) deleted]*

(4) A local government must revalue a non-financial asset of the local government referred to in subregulation (2)(a) —

- (a) whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and
- (b) in any event, within a period of no more than 5 years after the day on which the asset was last valued or revalued.

(5) A non-financial asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5 000.

Under the *Local Government (Audit) Regulations 1996*, the Audit Committee is required to oversee the implementation of the action plan the CEO will take regarding the improvements required for **significant matters**. In line with Departmental *Circular 16-2017* it is suggested that the CEO prepare a report to the Minister. This report will need to go to the Audit Committee first and then to Council for its consideration.

## COMMENT

### Auditor's Report (Attachment 1)

The Auditor General reports the following:

#### Significant Matters

- (i) In my opinion, the following material matters indicate significant adverse trends in the financial position of the Shire:
- a. The Operating Surplus Ratio as reported in Note 33 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries' standard for the last three financial years.
  - b. The Current Ratio as reported in Note 33 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries' standard for the last two financial years with the current year also being below the previous year.

#### Comment

##### *Operating Surplus Ratio*

The Operating Surplus Ratio matter was also reported for the 2018/2019 and the required report submitted to the Minister for Local Government accordingly.

As per *Local Government Operational Guidelines No18 – Financial Ratios* published by the Department in 2015, The Operating Surplus Ratio measure is described as follows:

*A key indicator of a local government's financial performance is measured by the 'Operating Surplus Ratio'. If a local government consistently achieves a positive operating surplus ratio and has soundly based long term financial plans showing that it can continue to do so in future, having regard to asset management and the community's service level needs, then it is considered financially sustainable.*

*A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt. A negative ratio indicates the percentage increase in total own source revenue (principally rates) that would have been required to achieve a break-even operating result.*

So, this ratio is a measure of a local government's ability to cover its operational costs and have revenues available for capital funding or other purposes. A key solution to this problem would be for the Shire to adhere to key parts of the Integrated Planning and Reporting Framework as outlined in the Strategic Resource Plan (Long Term Financial Plan and Asset Management Plan) as well as perhaps some other things such as improved financial work practices.

##### *Current Ratio*

As per *Local Government Operational Guidelines No18 – Financial Ratios* published by the Department in 2015, The Current Ratio measure is described as follows:

*Liquidity refers to how quickly and cheaply an asset can be converted into cash. A local*

government's liquidity is measured by the 'Current Ratio'. This ratio provides information on the ability of a local government to meet its short-term financial obligations out of unrestricted current assets.

Again, the Strategic Resource Plan outlines measures to improve the current ratio.

### Material Matters (Significant Risk)

(ii) The following material matters indicating non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law were identified during the course of my audit:

- a. For approximately 15% of purchase transactions we sampled, there was inadequate or no evidence that a sufficient number of quotations were obtained to test the market, and no documentation to explain why other quotes were not sought.
- b. For approximately 17% of purchase transactions we sampled, the purchase orders raised were dated after the dates of the corresponding supplier invoices.

These practices increase the risk of fraud or favouritism of suppliers, not obtaining value for money in procurement, and inappropriate or unnecessary purchases.

### Comment

The material matters rated as **significant risk** above were raised in the previous audit. Mr Hall has advised the CEO that if this matter occurs for a third time, there will be a formal investigation into this matter.

The Management Letter highlights the following:

1. Purchase orders dated after invoice dates:
  - 10 out of 60 (17%) purchase transactions sampled were found to have date applied after invoice received;
  - The CEO responded to this issue as part of the Management Letter as follows:
 

Agree with finding. The Shire will contact creditors and advise them that "the invoice will not be paid unless a PO is quoted". The Office Manager has emailed all Shire staff the most recent Shire Purchasing Policy & directed staff that purchase order requests are to be sent to the Office Manager for review and approval. The Office Manager will raise the purchase order & send to the requesting officer.
  
6. Quotations for purchases
  - During testing, 60 purchases were tested with 9 (15%) purchases between \$1,500 and \$56,000, showing no evidence that the minimum number of quotes required by the Shire's purchasing policy had been obtained. For 2019, it was 12 such purchases.
  - The CEO responded to this issue as part of the Management Letter (Appendix 2) as follows:
 

The Auditor's comments and recommendations are noted. The Shire purchasing policy has being redistributed to all staff to ensure ongoing compliance. Former staff (including interim or acting staff) whilst having been provided the Purchasing Policy have not adhered strictly to the Purchasing Policy and the requirements attached and have since left the Shire's employment. Staff have been expressly advised that consultants and/or contractors are not authorised to make purchases on behalf of the Shire. The Office Manager will be reviewing purchase orders to ensure they meet

compliance checks.

**Note:** The Shire through RSM is also conducting the Financial Management Systems Review and the Regulation 17 Review before 30 June 2021, which will also review the status of these risks.

**Management Letter (Attachment 2) – Confidential Document**

The remaining five matters in the Management Letter are rated as moderate risk and have had an appropriate course of action implemented as per the Management Comment.

The OAG has indicated previously that the Management Letter should not be published on a local government's website or in publicly available agenda/minutes. This is provided under separate cover.

**Annual Financial Report (Statements) 2018-2019 (Attachment 3)**

In summary, the Annual Financial Statements include information confirming the following:

**NET SURPLUS / DEFICIT CARRIED FORWARD**

The 2020 financial year has resulted in a net surplus carried forward of \$189,527 against a budget of \$936.

**OPERATING SURPLUS / DEFECIT**

The 2020 actual operating deficit was (\$2,177,981) against an operating budget deficit of (\$1,241,693). This was due to depreciation being \$686,409 higher than budgeted, associated with fair value adjustments in 2019 and non-operating grants, subsidies and contributions being \$776,332 lower than budget, primarily related to deferment of capital projects and timing of revenue recognition associated with the implementation of revised accounting standards AASB 15 and 1004.

**FAIR VALUE**

The fair value of land, buildings and infrastructure and investment properties is determined at least every five years in accordance with the regulatory framework. This includes buildings and infrastructure items which were pre-existing improvements (i.e. vested improvements) on vested land acquired by the Shire.

At the end of each reporting period the valuation is reviewed and where appropriate the fair value is updated to reflect current market conditions. This process is considered in accordance with *Local Government (Financial Management) Regulation 17A (2)* which requires land, buildings and infrastructure, investment properties and vested improvements to be shown at fair value.

In reviewing the fair values of land, buildings and infrastructure at 30 June 2020, it was determined that the recorded vales reflected current market conditions.

**BORROWINGS**

As at 30 June 2020, the total principal owing was \$362,438. There were no new borrowings during the 2020 financial year. Debt principal repaid during the year was \$53,972.

**INTEREST**

Interest revenue for the 2020 financial year amounted to 31,945 against a budget of \$46,403. This was due to lower interest on self supporting loans (4,296), reserve accounts (\$3,131), rates instalment and penalty interest (\$360), and lower other interest earnings of \$7,329. Interest expense on borrowings for the year amounted to \$14,207 (Budget \$18,826).

## RATES

Income from rates amounted to \$2,591,359 (Budget \$2,594,784, 2019 \$2,489,921), including ex-gratia rates of \$75,744 (Budget \$76,000, 2019 \$73,321).

No rates discounts, waivers or concessions were offered by the Shire during the 2020 financial year.

## ROADS

Total road grants income received for the financial year amounted to \$1,115,026 as follows:

- |   |           |
|---|-----------|
| • Grants Commission – Local Roads             | \$562,356 |
| • Grant – Direct Road                         | \$131,137 |
| • Grant – Regional Road Group – Road Projects | \$176,938 |
| • Grant – Roads to Recovery                   | \$244,595 |

Total road expenditure was \$1,655,978 (2019 \$8,346,176) as follows:

- Road Construction \$899,554 (Budget \$890,394)
- Road Maintenance \$809,560 (Budget \$765,584)

The major road construction works were:

- Toodyay-Bindi Bindi Road
- New Norcia – Gillingarra Road
- Bolgart East Road

## MAJOR PLANT

There were no items of major plant purchased during the 2020 financial year.

## CASH BACKED RESERVES

As at 30 June 2020, the Cash-Backed Reserves balance was \$564,979 (2019: \$470,117), against a budgeted closing balance of \$432,440.

Reserves	2020 Actual	2020 Budget	2019 Actual
Opening Balance	470,117	470,117	624,847
Net Transfers	94,682	(37,677)	(154,730)
Closing Balance	564,979	432,440	470,117

## FINANCIAL RATIOS

Financial Ratios are required to be reported in accordance with the Local Government (Financial Management) Regulations. The Shires ratios for 2020 are:

	2020 Actual	DLGSCI Benchmark*
Current Ratio	0.94	≥ 1.00
Asset Consumption Ratio	0.70	≥ 0.50
Asset Renewal Funding Ratio	0.96	≥ 0.75

<b>Asset Sustainability Ratio</b>	0.35	≥ 0.90
<b>Debt Service Cover Ratio</b>	8.23	≥ 2.00
<b>Operating Surplus Ratio</b>	(1.16)	≥ 0.01
<b>Own Source Revenue Coverage Ratio</b>	0.38	≥ 0.40

\*Department of Local Government, Sport and Cultural Industries

With the consideration of the Annual Financial Statements, these and the Auditor's report can now proceed as part of the Shire's 2019-2020 Annual Report. This means that once the Annual Report is accepted by Council, the Annual General Meeting of Electors can be set and the Annual Report, including the 2019-2020 Annual Financial Statements, presented to that meeting.

## CONSULTATION

CEO

Travis Bate, RSM

## STATUTORY CONTEXT

### Local Government Act

#### 5.53. Annual reports (in part)

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
  - (f) the financial report for the financial year; and
  - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year.

#### 6.4. Financial report

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

#### 5.54. Acceptance of annual reports

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

\* Absolute majority required.



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

**7.2. Audit**

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

**7.12A. Duties of local government with respect to audits**

- (4) 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.
- (5) 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.

**Audit Regulations**

**16 Functions of Audit Committee (in part)**

- (e) to support the auditor of the local government to conduct an audit and carry out the auditor’s other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
- (i) is required to take by section 7.12A(3); and
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
  - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
  - (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c)

**CORPORATE CONTEXT**

**Strategic Community Plan**

<b>Civic Leadership</b>		<b><i>to better allocate scarce resources and effectively interact with the community</i></b>
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> <li>• <i>Implementation of initiatives to better connect Council with the community and associated matters.</i></li> </ul>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

**Corporate Business Plan**

- 5.4.2 Maintain accountability and financial responsibility in accordance with Long Term Financial Plan
- 5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation
- 5.4.4 Support and facilitate ongoing relevant training and capacity building for staff
- 5.4.5 Maximise operational efficiencies whilst maintaining appropriate controls.

**Risk Management (Risk Procedures)**

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
<p><b>Non-compliance</b></p> <p>Not adhering to OAG's recommendations regarding significant risks</p> <p>Not addressing Significant Action Plan</p> <p><b>Also has implications for Fraud as a possibility as a high risk (\$100,000 - \$500,000)</b></p>	<p>Extreme (5)</p> <p>Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers</p>	<p>Almost Certain (5)</p> <p>Expected to occur in most circumstances</p>	<p>Extreme (25)</p>	<p>CEO &amp; Council (and Audit Committee)</p> <p>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 monitoring</p> <p>Inadequate: Shire has not been able to address risks effectively to date</p>	<p>CEO to ensure that:</p> <ul style="list-style-type: none"> <li>• Staff do adhere to the purchasing policy as highlighted in the Management Letter;</li> <li>• Staff to follow purchasing procedures;</li> <li>• Audit Committee is advised regarding the Significant Matters Action Plan, Financial Systems Review and Reg 17 Review</li> </ul> <p>Councillors and Committee Members to ensure they comply with new Code of Conduct Regulations re keeping informed (understanding reports) and undertaking training and development</p> <p>The above will, over time, ensure that the risk is maintained as Moderate/Low</p>

**FINANCIAL IMPLICATIONS**

Ongoing strategies to address the Shire's Operating Surplus Ratio as set out in the body of this agenda item and as per the Auditor's Report.

**VOTING REQUIREMENTS**

Absolute majority required: No

**2003-05 Audit Committee Recommendation / Council Resolution**

**Moved: Cr J King**

**Seconded: Cr N Clarke**

That Council:

1. Consider the Auditor's Report on risk issues and take note and consider the significant adverse trends in relation to the Shire of Victoria Plains operating surplus ratio and current ratio.

2. In accordance with Section 7.2 of the *Local Government Act 1995* **ADOPTS** the 2019/2020 Annual Financial Report including the Auditor's Report (Opinion) from the Office of the Auditor General as per attachments 1 and 3.
3. **AUTHORISES** the CEO, in accordance with *Section 7.12A of the Local Government Act 1995*, to prepare an Action Plan to the Minister for Local Government regarding the significant audit matters. Once prepared, the CEO is to present the Action Plan to the Audit Committee and then to Council for its consideration.
4. Requires the matters in Point 3 (the preparation of the Action Plan and presentation of that plan to the Audit Committee and then Council) to be completed by 30 April 2021.

**CARRIED For 3 / Against 1**

*Cr J Kelly voted against the motion.*

UNCONFIRMED

## 8.5 Adoption of the 2019-2020 Annual Report and Setting of the Annual Meeting of Electors

<b>File reference</b>			
<b>Report date</b>	17 March 2020		
<b>Applicant/proponent</b>	CEO		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	N/A		
<b>Prepared by</b>	Sean Fletcher, Governance Officer		
<b>Authorised by</b>	CEO		
<b>Attachments</b>			
Attachment 1	Page	116	Draft 2019-2020 Annual Report

### PURPOSE

That Council as per the recommendation of the Audit Committee considers the Auditor's Report regarding its key findings and Adopts the 2019-2020 Annual Financial Report (Statements).

### BACKGROUND

An annual report for the previous financial year is required to be prepared and adopted by Council. Key components of the annual report include a report from the Shire President and the CEO, matters regarding the Strategic Community Plan and the Annual Financial Statements.

The Shire is required to receive the audited annual financial statements for the preceding financial year by 31 December each year. These statements are to form part of the Shire's annual report. However, due to changes to the *Local Government (Financial) Regulations 1996* gazetted on 6 November 2020, a delay was experienced by the Shire and other local governments as the annual financial statements had to be adjusted accordingly.

Subsequently, the annual financial statements were finalised early February 2021 and the response by the CEO to management letter was issued on 12 February 2021. The President and the CEO then attended an exit meeting with Mr Robert Hall of Butler Settineri, conductor of the audit, prior to 24 February 2021. The Auditor's Report (Attachment 1) was signed off by the Auditor General's delegate on 25 February 2021 and the OAG Transmittal Letters to the President and the CEO and the Management Letter were signed at the same time. These documents were then available on 5 March 2021.

The Annual Report has now been prepared and is presented to Council today for its acceptance.

Once accepted by Council, the date to hold the general meeting of electors (often referred to as the Annual Meeting of Electors) can then be set.

**COMMENT**

A summary regarding the contents of the annual report is provided in the following table:

<b>Section</b>	<b>Description</b>
President's Address	The report is provided by the Shire President re 2019/2020
Matters Regarding Council	This includes who was on Council during 2019/2020, matters regarding meetings, the previous elections, membership of committees and complaints. Meeting attendance figures have been included along with the training register for the elected members
CEO's Message	The CEO's message details information regarding the financial position of the Shire, major capital works undertaken, what has happened regarding community development and matters regarding governance
Financial Management Report	The Office Manager's report provides a summary of the key financial activity for 2019-2020. This is, in effect, an overview of the annual financial statements.
Works and Services	This section sets out the key road funding sources, the major capital works undertaken, and the day to day operations undertaken
Environmental Health and Building Services Report	This report includes: <ul style="list-style-type: none"> <li>• What has happened with building matters through the year. There were 38 applications approved worth over \$4m;</li> <li>• The status of the Shire's waste systems. The condition report highlighted the need to provide more funds in the 2020 financial year to undertake minor maintenance work and more CCTV camera work as well as pressure clean all sewerage pipes;</li> <li>• 18 Food inspections were conducted; and</li> <li>• A total of 15 swimming pool inspections carried out.</li> </ul>
Other Staff Matters	An organisational chart has been included and matters regarding remuneration (number of officers that receive more than \$100,000 per year)
Other Matters of Governance	The Shire is required to be compliant regarding the following: <ul style="list-style-type: none"> <li>• Public Interest Disclosures – 0;</li> <li>• National Competition Policy – the Shire did not privatise any activities in 2019/2020 and so consequently there were no obligations to report in this area impact of local laws;</li> <li>• Record Keeping Plan – the records review commenced in the second half of the financial year;</li> <li>• Freedom of Information – there were 4 applications received</li> <li>• Disabilities Access and Inclusion Plan – the Plan was due for its five yearly review, but this did not happen</li> </ul>
Shire Facilities	Lists the main shire provided facilities in each community and who best to contact in order to use them
Status of the Strategic Plan	No modifications were made to the Strategic Community Plan. The measures of success confirm the struggle the Shire has had to undertake key strategies due to a lack of relevant resources, the impacts of COVID-19 and lack of appropriate scheduling to undertake actions.
Status of the Corporate Plan	the CBP is not realistic in terms of the priority timeline provided for all actions i.e. 2019/2020. This is a key weakness of the current plan and so the CEO will develop more effective start and due dates for many of the key actions. The other issue is that many of these same actions require better resourcing. The Shire certainly has staff regarding its day to day operations (services and facilities), although these are stretched. What it does not have

	is a means at this point to drive many of the community, economic and environment priorities.
Matters for Next 12 Months	<p>The matters for the next 12 months include:</p> <p>During 2020/2021, it is expected that the Shire will deliver the following:</p> <p><b>Community</b></p> <p>The Shire will develop a communications strategy/policy.</p> <p><b>Economic</b></p> <p>The Shire will continue the Omnibus Review to its Local Planning Scheme.</p> <p><b>Environment</b></p> <p>Council will consider the Community Deposit Scheme as a key recycling strategy by 30 June 2020</p> <p><b>Infrastructure</b></p> <p>The Shire will complete the Wheatbelt Secondary Freight Network (WSFN) Pilot Project in readiness for full projects under the WSFN:</p> <ul style="list-style-type: none"> <li>• Mogumber-Yarawindah Road Reconstruction Project;</li> <li>• Calingiri-New Norcia Road and Toodyay-Bindi Bindi Road Intersection Project.</li> </ul> <p><b>Civic Leadership</b></p> <p>There are a number of key outcomes to be achieved including the Shire to:</p> <ul style="list-style-type: none"> <li>• Implement training and development of staff according to its workforce plan;</li> <li>• Commence quarterly reporting on priorities in the CBP;</li> </ul>
Auditor's Report and Annual Financial Statements	Contains a copy of the letter from the Auditor General's delegate (Opinion) and the Audited and Signed annual financial statements

### Conclusion

Should Council accept the 2019 - 2020 Annual Report, it will be in a position to set the date for the Annual General Meeting of Electors (general meeting of electors), and must be held with 56 days from acceptance. The Annual Report is presented to that meeting and it is also held open for general business raised by the community. The date of the meeting needs to allow enough time for the CEO to advertise the meeting and to also make copies of the annual report available.

The Shire is still required to observe when holding the Annual General Meeting, COVID-19 practices under Phase 4a i.e:

- From Monday, 15 March 2021, capacity limits for some venues, including community halls will increase to 75 per cent.
- If the 2 square metre rule is greater than 75 per cent capacity, the greater option will be permitted for these particular venues and events.

- It is still prudent for the Shire to provide its QR Code, Contact tracing register, social distancing of chairs and sanitiser. Of course this may change in the meantime.

## CONSULTATION

- CEO
- OCM Officer
- Travis Bate, RSM
- Advice to Council on the status of the compilation of the annual report – Briefing Session 15 March 2021.

## STATUTORY CONTEXT

### Local Government Act

#### 5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
  - (a) a report from the mayor or president; and
  - (b) a report from the CEO; and
  - [(c), (d) deleted]
  - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
  - (f) the financial report for the financial year; and
  - (g) such information as may be prescribed in relation to the payments made to employees; and
  - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
  - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
  - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
    - (i) the number of complaints recorded in the register of complaints; and
    - (ii) how the recorded complaints were dealt with; and
    - (iii) any other details that the regulations may require;
 and
    - (i) such other information as may be prescribed.

#### 6.4. Financial report

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

- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
- (b) the annual financial report of the local government for the preceding financial year.

**5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.  
*\* Absolute majority required.*
- (2) If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.

**5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

**5.55A. Publication of annual reports**

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

**5.27. Electors’ general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors’ meetings are to be those prescribed.

**CORPORATE CONTEXT**

**Strategic Community Plan**

<b>Civic Leadership</b>		<b><i>to better allocate scarce resources and effectively interact with the community</i></b>
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> <li>• <i>Implementation of initiatives to better connect Council with the community and associated matters.</i></li> </ul>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	



**Corporate Business Plan**

- 5.4.2 Maintain accountability and financial responsibility in accordance with Long Term Financial Plan
- 5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation
- 5.4.4 Support and facilitate ongoing relevant training and capacity building for staff
- 5.4.5 Maximise operational efficiencies whilst maintaining appropriate controls.

**Risk Management (Risk Procedures)**

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
<p>Non-compliance</p> <p>There are two main issues:</p> <ul style="list-style-type: none"> <li>• Failing to meet the required due dates;</li> <li>• Failing to include all relevant information</li> </ul>	<p>Major (4)</p> <p>Non-compliance results in termination of services or imposed penalties to Shire/Officers</p>	<p>Almost Certain (5)</p> <p>Expected to occur in most circumstances</p>	<p>Extreme (20)</p>	<p>CEO &amp; Council (</p> <p>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 monitoring</p> <p>Effective: The Shire has prepared the written annual report with the required content in required time frames. However, changes to the Financial Management regulations in November 2020. Meant that the Shire's audited financial statements by the OAG were not ready</p>	<p>CEO to ensure that Council is kept apprised of roadblocks that occur with regard to preparing the annual report. This has been done at Council Briefing Sessions.</p> <p>The above ensures that the risk is maintained as Low</p>

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority required: Yes

<b>2003-06 Officer's Recommendation / Council Resolution</b>
--

**Moved: Cr N Clarke**

**Seconded Cr J King**

That Council:

**By Absolute Majority:**

1. In accordance with Sections 5.53 and 5.54 of the *Local Government Act 1995* **ACCEPTS** the Shire of Victoria Plains 2019-2020 Annual Report as set out in Attachment 1.

**CARRIED BY ABSOLUTE MAJORITY For 4 / Against 0**

**By Simple Majority:**

**Moved: Cr P Bantock**

**Seconded Cr J King**

2. In accordance with Section 5.27(2) of the *Local Government Act 1995* selects 28 April 2021 for the holding of the general meeting of electors (Annual Electors Meeting), commencing at 6.00PM at the Calingiri Sports Pavilion.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

UNCONFIRMED

**8.6 Interim Community Engagement Policy**

<b>File reference</b>	2 Community Relations		
<b>Report date</b>	11 March 2021		
<b>Applicant/proponent</b>	CEO		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	OCM: 24 February 2021 Res: 2102-12		
<b>Prepared by</b>	Sean Fletcher, Governance Officer		
<b>Authorised by</b>	CEO		
<b>Attachments</b>			
Attachment 1	Page	160	Draft Engagement Policy

**PURPOSE**

Presented for Council's consideration is the adoption of the Interim Community Engagement Policy.

**BACKGROUND**

At the OCM on 24 February 2021, Council resolved under Item 8.9, in part:

**2102-12 Officer's Recommendation / Council Resolution****Moved: Cr N Clarke****Seconded: Cr P Bantock**

That Council:

- CEO to draft an **Interim** Community Engagement Policy based on the parameters outlined in today's report for Council's consideration at the March 2021 Ordinary Council Meeting

**CARRIED For 5 / Against 1**

*Cr J Kelly voted against the motion.*

It was advised in Item 8.9, that in terms of engagement, the Shire has yet to develop an engagement policy. However, as per the report to Council at its meeting on September 2020 (Item 8.4), it was observed that most local governments develop a community engagement policy or strategy based on the key principles found in the International Spectrum of Public Participation or IAP2. This engagement mechanism is also recommended by the Department: <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/intergrated-planning-and-reporting/strategic-community-plan> .

Item 8.9 explained that the Shire in terms of its current engagement practices is at the compliance level, although in recent times it has moved its way into the risk management level:

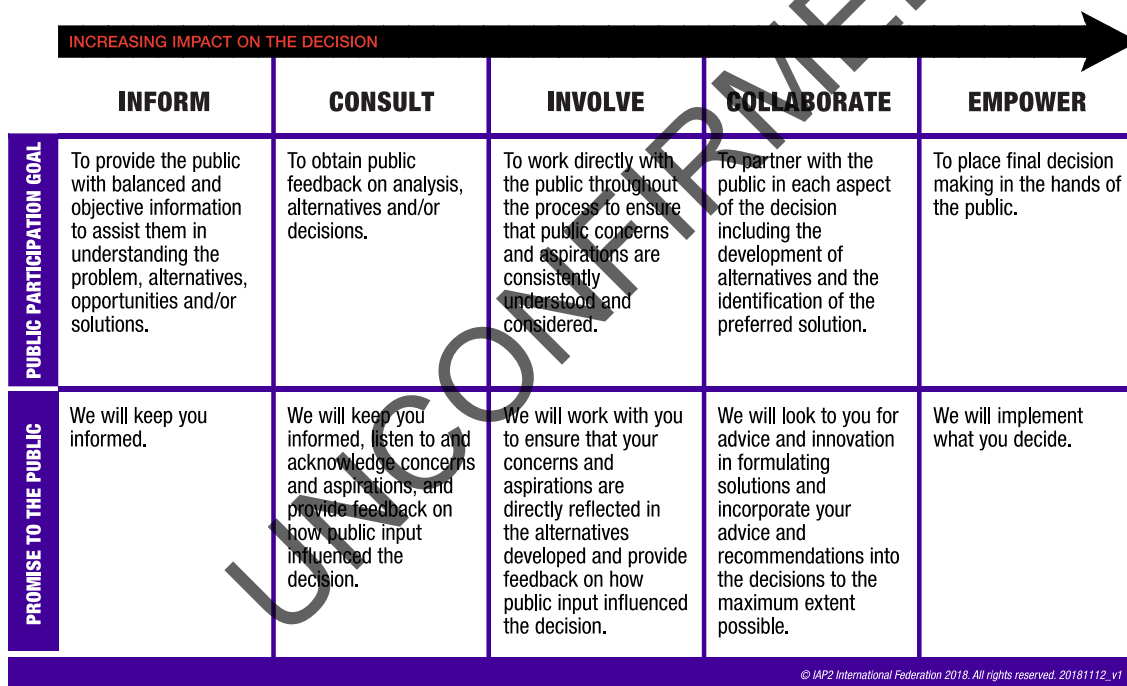


Source: City of Bayswater Community Engagement Strategy

The IAP2 Spectrum is shown in the following diagram:

### IAP2 Spectrum of Public Participation

The IAP2 Spectrum is used internationally, and it is found in public participation plans around the world.



Source: [https://iap2.org.au/wp-content/uploads/2020/01/2018\\_IAP2\\_Spectrum.pdf](https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf)

The IAP2 spectrum is a very powerful framework. For local government, the role of the community in each level is:

Inform	Consult	Involve	Collaborate	Empower
Listen	Contribute	Participate	Partner	Lead

Source: City of Geraldton Policy 1.6 Community Engagement

Examples of its use include:

- Statutory Feedback:** The Inform and Consult levels are applicable.
- Development of SCP:** The Involve level, and ideally the Collaborative level is applicable.
- Managing Facilities:** The empowerment level is applicable. This is the end game for local government, ideally. However, in Western Australia, local governments in general are a long way from this. Good examples where this happens is in New Zealand where there are community groups that manage parks, beaches and the like.
- When Not to Engage:**
  - A decision must be made quickly in the interests of the Shire;
  - The Shire is bound by legal, commercial or legislative constraints;
  - The Shire is unable to influence a decision being made by another agency or party;
  - The decisions concern 'day to day' operational matters.

Example Tools				
INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Newsletters	Public comment	Workshops	Advisory Committees	Referenda
Displays	Focus Groups	Polls	Reference Groups	Decisions delegated to committees with community membership
Letters	Surveys	Mailing lists		
Pamphlets	Public meetings			
Web sites				
Local newspaper				

Item 8.9 clarified, that in the absence of a policy, based on the international standards, it can be seen that under the involve level, workshops are used at the involve level of engagement and are often used at the collaborative level (consensus building).

With the current SCP, workshops were held regarding the community's input so that Council could make the best informed decision it could. Ideally, over time, the Shire would reach the collaboration level regarding the review and development of future SCPs.

As part of the process, the community should be involved in the policy's development. As an interim measure, perhaps Council could consider an interim engagement policy based on the content of the IAP2 Spectrum outlined in today's agenda item. Such a policy once in place would also be reflected in reports (agenda items) to Council advising on the level of community engagement undertaken relevant to the issue.

Suggested Types of Engagement

For the Achieving Standard, the Shire needs to document two types of engagement. It is suggested that the following is considered by the CEO in preparation for the February engagement period:

1. Revamped annual survey. The revised annual survey to reflect not just feedback on the Shire's service levels, but matters that could be considered as part of the Major Review. Such a survey could be done by an expert in this area;
2. Community based workshops along similar lines to that conducted in 2017;
3. Issue of key information via the website, newsletter and social media. This could consist of

- a feedback component;
- 4. Establishment of a community reference group consisting of the president or head of each community progress association.

**Considerations**

In essence, Item 8.9 concluded that in the absence of a policy, based on the international standards, it can be seen that under the involve level, workshops are used at the involve level of engagement and are often used at the collaborative level (consensus building).

As part of the process, the community should be involved in the policy’s development. As an interim measure, due to time constraints, and as presented at today’s meeting, perhaps Council could consider an interim engagement policy based on the content of the IAP2 Spectrum outlined in today’s agenda item. Such a policy once in place would also be reflected in reports (agenda items) to Council advising on the level of community engagement undertaken or required relevant to the issue. The Shire will then be in a position to develop a new engagement policy in the near future and in accordance with the CEO’s KPIs.

**COMMENT**

The draft policy is set out as follows:

Section	Description	Comment										
<b>Objective</b>	The desired outcome	Confirms that the policy sets out guiding principles to ensure consistent and meaningfully and best practice engagement with SoVP.										
<b>Scope</b>	Who the policy applies to, further benefits of this application and other binding criteria.	Sets out that the Shire will engage to better understand the need, wants and aspirations of the community.  The rationale is that community engagement builds trust, enables informed decisions to be made and is the cornerstone of good governance.										
<b>Policy</b>	The policy statement or position of the Shire regarding a matter	The policy statement sets out that the Shire is committed to ensuring engagement provides stakeholders with the opportunity to participate at the appropriate level in the development and review of policies, plans and services and that feedback is provided on the results of the engagement.  This includes: <ul style="list-style-type: none"> <li>• When engagement may occur eg the change in the Shire’s strategic direction;</li> <li>• When engagement is not applicable eg when a matter is an emergency or urgent;</li> <li>• That the policy does not apply to advocacy campaigns;</li> <li>• The type and level of engagement is dictated by the IAP2 Spectrum, when and how it is used including examples:</li> </ul> <table border="1" style="width: 100%; text-align: center;"> <tr> <td><b>Inform</b></td> <td><b>Consult</b></td> <td><b>Involve</b></td> <td><b>Collaborate</b></td> <td><b>Empower</b></td> </tr> <tr> <td>Listen</td> <td>Contribute</td> <td>Participate</td> <td>Partner</td> <td>Lead</td> </tr> </table>	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>	Listen	Contribute	Participate	Partner	Lead
<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>								
Listen	Contribute	Participate	Partner	Lead								

		<p>Statutory Feedback: The Inform and Consult levels are applicable. This is when the Shire is required to follow legislation in terms of the feedback required e.g. seeking public comment re land use planning matters.</p> <p>Development of SCP: The Involve level is applicable. Ideally, the Collaborative level is the end game in due course. However, the Shire may use some of the inform and consult tools.</p> <p>Audit Committee: This committee is compulsory and advises both Council and the CEO on its terms of reference.</p>
<b>Definitions</b>	Key terms or requirements that require further explanation	Sets out key words that assist in the application of the policy
<b>Council Policies</b>	Lists other policies that the policy links, complements or is bound by	<p>Recognises the other policies that link to this draft policy or have an impact on this policy:</p> <p><b>Strategic Policy Framework</b> ie how policies are developed and that community engagement can be a part of this process</p> <p><b>Community Engagement Procedures</b> The CEO will develop community engagement guidelines for staff regarding the different types of engagement that may be suitable for a given situation</p>
<b>Stakeholder Documents</b>	Recognition of documents issued by key stakeholders that have a bearing on a policy. Typically this is a guideline or other instruction	Nil
<b>Legislation/Local Law Requirements</b>	The legal requirements a policy must have due regard for	<p><b>Integrated Planning and Reporting – Framework and Guidelines 2016</b></p> <p>The Departmental guidelines provide information, models and examples of what is required under the IPR Framework and with regard to the development and review of the SCP and the need for the implementation of a community engagement policy.</p>

**CONSULTATION**

CEO and Agenda Settlement  
February 2021 Council Briefing Session  
February 2021 OCM

**STATUTORY CONTEXT**

**LG Act re policies**

Under s.2.7(2)(b), Council is to determine the Shire’s policies.

**Local Government (Administration) Regulations 1996**

19C. Strategic community plans, requirements for (Act s. 5.56)

Sets out the parameters regarding the Strategic Community Planning process to be observed by local government.

**Integrated Planning and Reporting – Framework and Guidelines 2016**

The Departmental guidelines provide information, models and examples of what is required under the IPR Framework and with regard to the development and review of the SCP and community engagement.

**CORPORATE CONTEXT**

**Strategic Community plan**

Civic Leadership *to better allocate scarce resources and effectively interact with the community*

5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> <li>Implementation of initiatives to better connect Council with the community and associated matters.</li> </ul>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

**Corporate Business Plan**

Strategy 5.1: Implement measures to improve relationship and communication between Council and community

- 5.1.1: Develop a communications strategy/policy
- 5.1.2 Continue to actively engage with the community



**Risk Management (Risk Governance Framework)**

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
<p><b>Reputation</b></p> <p>Not adhering to the Community Engagement Policy</p>	<p>Major (4)</p> <p>Substantiated, public embarrassment, moderate impact on community trust or moderate media profile</p>	<p>Almost Certain (5)</p> <p>Expected to occur in most circumstances</p>	<p>High (20)</p>	<p>CEO &amp; Council</p> <p>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 monitoring</p> <p>Inadequate: Shire has yet to use such a policy</p>	<p>CEO to ensure that:</p> <ul style="list-style-type: none"> <li>• Council is fully aware of community engagement used</li> <li>• Staff follow the community engagement policy and procedures</li> </ul> <p>Councillors to ensure that they are up to date with their essential modules training</p> <p>The above will, over time, ensure that the risk is corrected and reduced to low that can be corrected by the appropriate manager</p>

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority required: No

**2003-07 Officer Recommendation / Council Resolution**

**Moved: Cr J King**

**Seconded: Cr N Clarke**

That Council in accordance with section.2.7(2)(b of the *Local Government Act 1995* **ADOPTS** the draft policy Interim Community Engagement Policy as set out in Attachment 1.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

## 8.7 SoVP Bush Fire Risk Management Plan

<b>File reference</b>			
<b>Report date</b>	15/03/2021		
<b>Applicant/proponent</b>	CEO / Council		
<b>Officer disclosure of interest</b>	Refer Local Govt Act, Regs, Code of Conduct		
<b>Previous meeting references</b>	NA		
<b>Prepared by</b>	David Wilson, Bushfire Risk Planning Coordinator		
<b>Authorised by</b>	CEO		
<b>Attachments</b>			
Attachment 1	Page	166	Bush Fire Risk Management Planning Program

### PURPOSE

Seek endorsement of the Shire of Victoria Plains Bushfire Risk Management Plan.

### BACKGROUND

This BRM Plan is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The Treatment Schedule sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan. Government agencies and other land managers responsible for implementing treatments participate in developing the BRM Plan to ensure treatment strategies are collaborative and efficient, regardless of land tenure.

### COMMENT

The Shire of Victoria Plains Bushfire Risk Management Plan (Draft) was submitted to DFES on 13<sup>th</sup> October 2020.

Upon approval by DFES the plan was submitted to the Office of Bushfire Risk Management (OBRM) on 4<sup>th</sup> December 2020 with approval received from OBRM on 10<sup>th</sup> February 2021.

The next stage of the process is to seek 'endorsement' of the plan by Council.

Upon endorsement by Council, the Shire of Victoria Plains is eligible to apply for mitigation activity funding through the Bushfire Mitigation Activity Fund (MAF) to identify and implement treatment strategies for assets identified as Extreme, Very High and High risk within the plan.

The next request for MAF funding submissions is anticipated to be released in April/May 2021 with approvals anticipated by July 2021.

### CONSULTATION

Consultation has occurred with CEO, Shire CESM and Shire Ranger. Further consultation will occur with identified stakeholders as treatments are entered into the system and prioritised by Shire stakeholders.

### STATUTORY CONTEXT

Under the *State Hazard Plan - Fire* (OEM 2019) an integrated Bushfire Risk Management Plan (BRM Plan) is to be developed for local government areas with significant bushfire risk. This BRM Plan has been prepared for the Shire of Victoria Plains (SoVP) in accordance with the requirements of the *Guidelines for Preparing a Bushfire Risk Management Plan* (Guidelines)

(OBRM 2015). The risk management processes used to develop this BRM Plan are aligned to the key principles of *AS/NZS ISO 31000:2009 Risk management – Principles and guidelines* (AS/NZS ISO 31000:2009), as described in the Second Edition of the *National Emergency Risk Assessment Guidelines* (NERAG 2015).

This approach is consistent with *State Emergency Management Policy (State EM Policy) 3.2 - Emergency Risk Management Planning*.

The Bush Fires Act 1954 applies to the whole of the State and is used for the prevention, preparedness and response elements of bushfires. Day to day responsibilities for fire management are shared between DFES, PWS, and LG within their respective jurisdictions

**CORPORATE CONTEXT**

Strategy 5.4(1) – Review, update and maintain operational plans.

**FINANCIAL IMPLICATIONS**

There are no known meaningful financial implications relative to this matter in excess of Officer time and minor administrative cost.

**VOTING REQUIREMENTS**

Absolute majority required:                      No

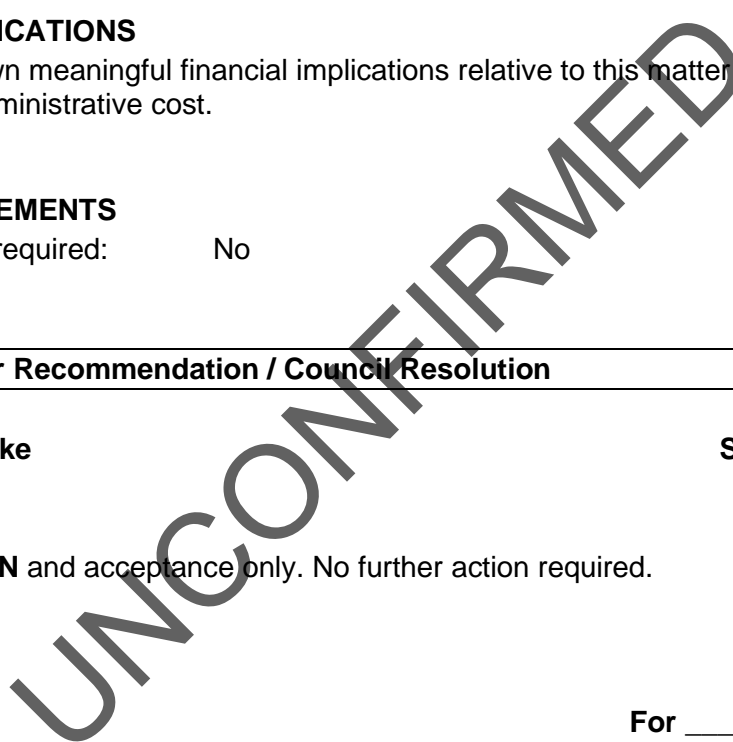
**2003-08    Officer Recommendation / Council Resolution**

Moved: Cr N Clarke

Seconded: Cr King

For **INFORMATION** and acceptance only. No further action required.

For \_\_\_\_\_ / Against \_\_\_\_\_



## 8.8 Oversized Plaque Request

<b>File reference</b>			
<b>Report date</b>			23 <sup>rd</sup> March 2021
<b>Applicant/proponent</b>			Wendy, Janet and Sally-Anne Doley
<b>Officer disclosure of interest</b>			Nil
<b>Prepared by</b>			Jacqueline Cook, Rates Officer
<b>Authorised by</b>			Entered once authorised by CEO
<b>Attachments</b>			
Attachment 1	Page		Letter of Request to CEO
Attachment 2	Page		Image of Plaque Request.

### PURPOSE

That Council in accordance with clauses 3.1(2), 5.4(2), 6.1, 7.4 and 7.5 of the Shire of Victoria Plains *Cemeteries Local Law 2018*, **APPROVE** the request (Attachment 1) dated 15 March 2021 from Wendy, Janet and Sally-Anne regarding Helen Mary Doley as follows:

1. Commemorative Plot 61 expanded to include her ashes.
2. The suggested plaque similar to that in attachment 2 to this item may be placed on Plot 61.

### BACKGROUND

For some time, Mr and Mrs Doley's family have been trying to lay to rest their parent's interments together with appropriate space on the plaque for details of their lives to be added.

### COMMENT

The late Mr and Mrs Doley's daughters are requesting Council's permission intern their mother's ashes in their father's commemorative plot and to install a Plaque outside the normal plaque size. Mr and Mrs Cooper on the adjoining plot have the same plaque size as the requested plaque.

Under the Shire's *Cemeteries Local Law*, an exemption cannot be granted by the CEO. The exemption is required to be granted by Council, who is the "Board," in this instance.

In summary, the key requirements regarding memorial plaques for a cemetery under the this local law are:

1. Memorial plaques are now required to have a base on which the plaques are attached unless the plaque is stone (see Statutory Context).
2. The base now must slope upwards away from the viewer so that the plaque can easily be read (technically, a rectangular prism).
3. The base must be 85mm wide and 105mm long viewed from above (lengths i and ii in the marked-up photo), 30mm high at the front (length iii) and 85mm high at the back (length iiiii)
4. The base should be light coloured concrete
5. The plaque itself must be admiralty bronze and up to 20mm thick, or brushed stainless steel up to 8mm thick, or stone not greater than 50mm thickness. It cannot overhang the base at all.
6. Alternatively, a plaque can be made of stone (without a base) but must not be less than 100mm thick (it needs to follow the other dimensions).

**CONSULTATION**

CEO

OCM Officer

Governance Officer

**STATUTORY CONTEXT*****Shire of Victoria Plains Local Law 2018***

The relevant clauses from this local law are:

**3.1 Application for interment permit**

- (2) A funeral director, the personal representative of a deceased person whose body has been cremated, or other person approved by an authorised person may apply for approval for interment of ashes in a cemetery.
- (3)
  - (b) ashes shall include details of the proposed interment arrangements for the ashes in accordance with clause 5.4(2).
- (4) An application under subclauses (1) or (2) shall be accompanied by the set fee.

**5.4 Requirements for disposal of ashes**

- (1) Except in accordance with an approved application under clause 3.1(2), a person shall not bring or dispose of the ashes of a deceased person into a cemetery.
- (2) The person approved under clause 3.1(2) may dispose of the ashes of that deceased person in a cemetery by one of the following methods, if that method is available—
  - (a) placed within the perimeter of an authorised gravesite's at a depth of at least 600mm;
  - (b) placed in a vault or mausoleum;
  - (c) placed in a niche wall;
  - (d) scattered in an area approved by the Board; or
  - (e) placed in a memorial garden.
- (3) The Board may require a person making an application under clause 3.1(2) to provide additional information reasonably related to the application before determining the application.
- (4) The Board may—
  - (a) approve an application under clause 3.1(2) unconditionally or subject to any conditions; or
  - (b) refuse to approve an application under subclause(2).
- (5) Where an application under clause 3.1(2) has been approved subject to conditions, the applicant must comply with each of those conditions, as amended.
- (6) If the Board refuses to approve an application under clause 3.1(2), written notice of the refusal is to be given to the applicant.

**6.1 Application to place memorial**

- (1) Upon payment of the set fee, the Board may approve an application to place a memorial with or without conditions, including restricting use of materials such as wood, dimensions of a memorial etc, so as not to detract from the amenity of a cemetery.
  - (2) The Board may require the written consent of the holder of the grant of right of burial of the grave, the personal representative of a deceased person, or other person to the satisfaction of the CEO to accompany an application for a memorial made under section 30 of the Act.
  - (3) Where written consent is not able to be produced, the Board may approve with or without conditions or decline an application in its absolute discretion.
  - (4) If the Board refuses to approve an application under subclause (2), written notice of that refusal is to be provided to the applicant.
- 7.4 Specification for memorial plaque base (1) A memorial plaque base shall— (a) have the following dimensions— (i) at ground level of 85mm wide and 105mm long; (ii) front elevation of 30mm; (iii) back elevation of 85mm; and (iv) all measurements to be within 5mm; (b) be constructed of materials approved by the Board; (c) be in a position approved by the Board; and (d) have foundations as approved by the Board. (2) The provisions of clause 7.5 apply to plaques that are attached to a memorial plaque base. (3) Upon application, the Board may permit an exemption from any of the requirements of subclause (1)(a), but shall not delegate the decision to permit an exemption to the CEO.
- 7.5 Specification for memorial plaque
- (1) A memorial plaque shall be made of—
    - (a) admiralty bronze not exceeding 20mm in thickness;
    - (b) polished or brushed stainless steel not exceeding 8mm in thickness;
    - (c) stone, and—
      - (i) if placed upon a headstone, monument or memorial plaque base, shall not exceed 50mm in thickness; or
      - (ii) if it is not to be placed upon a headstone, monument or memorial plaque base, shall not be less than 100mm in thickness; or
    - (d) other material approved by the Board.
  - (2) A memorial plaque placed on a monument, headstone or other item shall not extend beyond the physical dimensions of the monument, headstone or other item on which it is affixed.
  - (3) A memorial plaque to be placed on a commemorative wall shall—
    - (a) have the following dimensions—
      - (i) individual plaques—to be of a size and appearance consistent with other memorial plaques used in that location or for that purpose, as determined by the Board;
      - (ii) if a backing plate with multiple plaques attached—multiple plaques to be not more than 2 plaques wide subject to allowing a 10mm border and a maximum of 10mm between plaques; and
      - (iii) all measurements to be within 5mm; and (b) be placed in such a manner and in a position approved by the Board.
  - (4) Upon application, the Board may permit an exemption from any of the requirements of subclause (3)(a) but shall not delegate the decision to permit an exemption to the CEO.

## CORPORATE CONTEXT

### Strategic Community Plan

Nil

### Policy

Nil

### Risk Management

Insignificant. This request has negligible impact on the management of the cemetery.

## FINANCIAL IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Absolute majority required: No

<b>2003-09 Officer Recommendation / Council Resolution</b>
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**Moved: Cr N Clarke**

**Seconded: Cr J King**

That Council in accordance with clauses 3.1(2), 5.4(2), 6.1, 7.4 and 7.5 of the Shire of Victoria Plains *Cemeteries Local Law 2018*, **APPROVE** the request (Attachment 1) dated 15 March 2021 from Wendy, Janet and Sally-Anne regarding Helen Mary Doley as follows:

1. Commemorative Plot 61 expanded to include her ashes; and
2. The suggested plaque similar to that in attachment 2 to this item may be placed on Plot 61.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

**9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION**

*Admitted by resolution of Council*

Nil

**11. MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS**

**11.1 Matters for Which the Meeting May Be Closed**

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*Nil*

UNCONFIRMED



## 12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 2.44pm.

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### CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on \_\_\_\_\_ 2021.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Presiding member at the meeting which confirmed the minutes)

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

UNCONFIRMED