



AGENDA

Ordinary Council Meeting

27 April 2022

Shire of Victoria Plains
Council Chambers, Calingiri

AND

via E-Meeting Protocol

Commencing – 2.00pm

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

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

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

Recording of Meeting

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

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

E – Disclaimer

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

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

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

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

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

Follow the Presiding Member's directions and rulings;

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

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

Commonly-used abbreviations

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

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AGENDA

Ordinary Meeting of the Victoria Plains Shire Council
To be Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 27 April 2022 commencing at 2.00pm

1. DECLARATION OF OPENING

1.1 Opening

1.2 Announcements by Shire President

2. RECORD OF ATTENDANCE

Members present

Staff attending

Approved leave of absence

Visitors

Members of the public

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 .

3.2 Proximity

3.3 Impartiality

4. PUBLIC QUESTION TIME

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

4.1 Public Questions With Notice

Public Question Time was opened to the floor at

Public Question Time – Ordinary Council Meeting – 23 March 2022**Cr S Woods - re Item 8.1 – Accounts for Endorsement (March 2022)**

Q5. *Regarding Item 8.1 - EFT10734 – What is the date of the invoice for this payment.
Question Taken on Notice.*

A5. *31 May 2021.*

Cr J Kelly - re Item 8.1 – Accounts for Endorsement (March 2022)

Q1 *Regarding Item 8.1 - EFT10734 – Why is this account being paid 8 months later?*

A1. *Question Taken on Notice.*

A1. *The account was received by the Shire in February 2022 due to a clerical oversight from the Legal Firm providing the services.*

Public Question Time – Special Council Meeting – 30 March 2022**Mr A Hall, Yerecoin.**

Q2. *What impact does the starting or not starting of the road works have on the funding due to the shire?*

A2. *Awaiting further information. Question Taken on Notice.*

A1. *The WSM can advise that “Of the current grant funded works, only Behanging, Mogumber-Yarawindah and the Calingiri New Norcia realignment are outstanding. It is anticipated that both the Behanging and Mogumber-Yarawindah Roads will be completed this financial year, with the only outstanding grant funded works being the Calingiri New Norcia realignment, currently the Shire has sought a re-valuation prior to engaging the landholder in negotiations re purchase and finalisation of permits to begin works.*

Grant funds are unlikely to be affected as the Shire will only be rolling over the one project. The increased renewal capital works, undertaken due to the flood event, will likely increase the availability of grant funding to the Shire.

Mr D Hall, Piawaning

Q1. *For the last two years, the Shire was in a deficit, will this occur again?*

A2. *Question Taken on Notice.*

A1. *The Finance Consultant (RSM) noted that “The Shire’s closing surplus as presented in the Rate Setting Statement in the Audited Financial Statements for the Year Ended 30 June 2021 was \$893,669. For 2020, the surplus was \$191,710.*

The budget review as presented at this Council Meeting forecasts a deficit of \$209,463 at 30 June 2022 for the reasons outlined in the Agenda item.

Management will continue to monitor the budget closely and look for further potential savings.

4.2 Public Questions Without Notice

Public question time closed at

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

5.2 Deputations

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting Minutes

Officer Recommendation

Moved:

Seconded:

That the Minutes of the following meeting:

- Ordinary Council Meeting held 23 March 2022 and the Special Council Meeting of 30 March 2022, as circulated, be **CONFIRMED** as a true and correct record

For / Against

8. REPORTS REQUIRING DECISION**8.1 Accounts for Endorsement – March 2022**

File reference	F1.8.4		
Report date	20 April 2022		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	2 2	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 March 2022.

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

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

Shire of Victoria Plains
VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That the payments made for March 2022 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliations/Statements be endorsed:

February 2022

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	10760 – 10860	399,599.48
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD13203-DD13302	80,576.65
Salaries & Wages EFT	PE 03/03/22, PE 16/03/22, PE 30/03/22	148,433.63
Fuel Card – Wright Express	DD13257.1	1,989.89
Credit Card–Bendigo Bank-	DD13257.2 CEO	8,387.88
	DD13281.1 CESM Feb 2022	964.09
	DD13281.2 CESM Jan 2022	1,673.41
Trust Payments		0.00
	TOTAL	\$641,625.03

Local Spending	\$	%
Local Supplier	77,694.56	12.11
Payroll	148,433.63	23.13
Total	226,128.19	35.24

**includes salary and wages deductions, and SGC

For _____ / Against _____

File reference			
Report date	20 April 2022		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	RSM – Travis Bate		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page	13	Monthly Financial Statements – 31 March 2022

PURPOSE

To receive the monthly financial statements for the period ending 31 March 2022.

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 March 2022 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

Officer Recommendation / Council Resolution

Moved Cr _____

Seconded Cr _____

That Council **RECEIVE** the 31 March 2022 Monthly Financial Reports as presented.

8.3 Compliance Audit Return 2021

File reference	
Report date	13 April 2022
Applicant/proponent	Department of Local Government, Sport and Cultural Industries
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Sean Fletcher, Governance Officer
Authorised by	Acting CEO
Attachments	
Attachment 1	Page 45 SoVP CAR 2021

PURPOSE

As per the Local Government (Audit) Regulations, the Audit Committee has reviewed the Compliance Audit Return 2021 which is now presented to Council for its consideration.

BACKGROUND

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

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

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

The Audit Committee resolved in part at its meeting on 11 April 2022 the following:

That the Audit Committee in accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* reports to Council it has made the following findings regarding the Compliance Audit Return 2021.

Note to the Audit Committee's part resolution: The findings are set out in the Audit Findings in the Comments Section of today's report to Council.

COMMENT

The Compliance Audit Return has been completed for the 2021 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 2021:

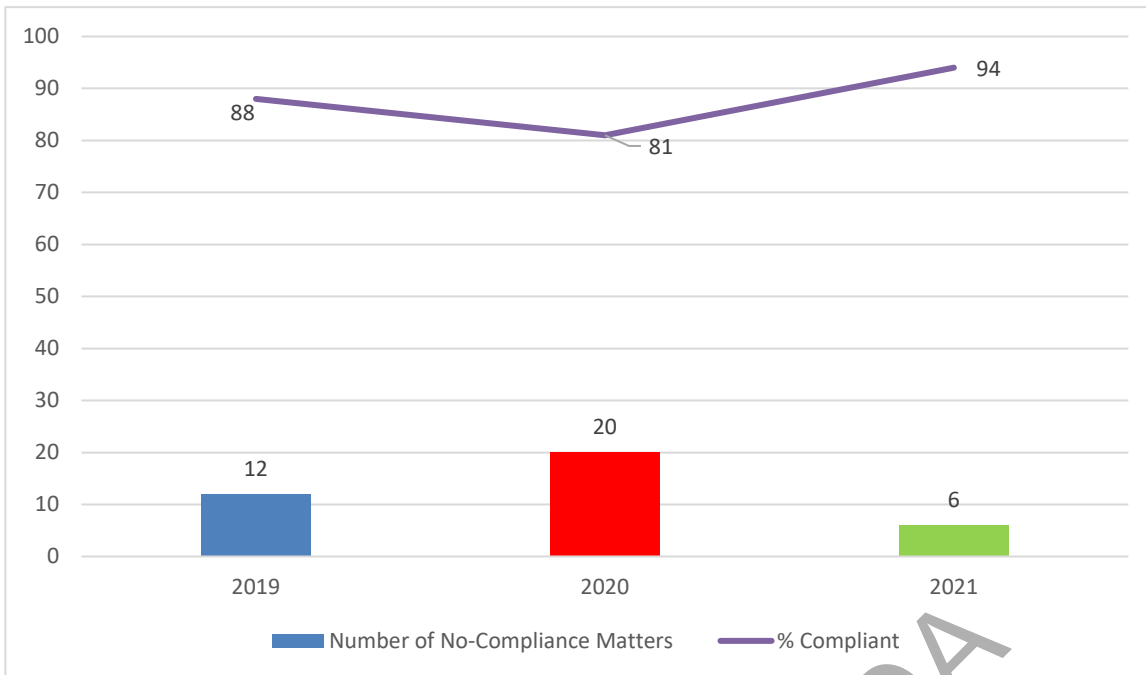
Subject Shire of Victoria Plains	Page	Question #	Finding
Commercial Enterprises by Local Government			
5 questions	1/13	N/A	SoVP did not undertake any such activity for 2021. This was the same for 2019 and 2020
Delegation of Power or Duty			
13 questions	2/13	13	<p>2019 – 4 2020 – 0 2021 – 0</p> <p>Section 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>For Information</p> <ul style="list-style-type: none"> • Ideally, the CEO should report when their delegation is used to Council at the Monthly Briefing Session. This has been suggested for the last two years; • Shire has improved its level of record registration
Disclosure of Interests			
21 questions	2/13		2019 – 0 2020 – 4 2021 – 2
Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	3/13	5	<p>There seems some doubt re the annual return for one councillor was submitted by the due date</p> <p>For Information The Department is aware of this matter</p>
On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	3/13	6	<p>There is no evidence in the respective registers that a letter of acknowledgement was issued by the CEO or President</p> <p>Action Letters to be drafted and issued ASAP</p>

Disposal of Property			
2 questions	5/13	N/A	No matters of non-compliance.
Elections			
3 questions	6/13		2019 – 0 2020 – 3 2021 – 0
Finance			
11 questions	7/13		2019 – 2 2020 – 6 2021 – 2
Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	7/13	3	The delay was due to the audit backlog experienced by the auditors and the OAG. The exit interview was held on 8 February 2022. The signed financial statements were required to be resubmitted to the OAG on 23 March 2022. The Audit Report (Opinion) and Management letter were then produced on 23 March 2022 and made available to the Shire on 30 March 2022 For Information President advised the OAG representative and the auditors at the exit meeting on 8 February 2022 that the delay for the second year running of the annual audit report was of concern
Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	7/13	7	See Question 3
Integrated Planning and Reporting			
3 questions	8/13	N/A	Compliant
Local Government Employees			
6 questions	8/13		2020 – 0 2021 – 1
Did the CEO inform council of each proposal to employ or dismiss senior employee?		5	The current Manager of Works and Services commenced on 29 November 2021 Action CEO to formally advise Council ASAP
Official Conduct			
3 questions	9/13		2019 – 0 2020 – 2 2021 – 0
Optional Questions			

Shire of Victoria Plains 27 April 2022			
9 questions	10/13		2019 – 0 2020 – 3 2021 – 0
Tenders for Providing Goods and Services			
24 questions	11/13		2019 – 4 2020 – 1 2021 – 1
Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	11/13	1	<p>There were two (2) instances where the Shire did not obtain a quote or an engagement letter re legal services - this was deemed a moderate risk by the OAG</p> <p>Information Despite the purchasing policy allowing quotes from a single source re legal matters, the OAG wanted to see some testing of the market. CEO has agreed to undertake testing of the market as appropriate.</p>

PUBLIC AGENDA

Summary of Non-Compliance by Year



CONSULTATION

CEO

Audit Committee – At its meeting on 23 March 2022

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

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"> • <i>Implementation of initiatives to better connect Council with the community and associated matters.</i>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

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>Non - compliance</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 & 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: Much improved on previous two years. There is some scope for further improvements</p>	<p>The CAR 2021 was completed by 31 March 2022. However, the Department requires the Audit Committee and Council to sign off on the CAR by the same date.</p> <p>The six matters of non compliance will be actioned ASAP</p> <p>The CEO to update the Audit Committee on progress of outstanding items.</p> <p>Councillors to observe statutory requirements regarding returns</p> <p>The above will, over time, ensure that the risk is maintained as Low</p>

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

No

Audit Committee and Officer's Recommendation

Moved Cr _____

Seconded Cr _____

That Council in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996* **ACCEPTS** the following findings by the Shire of Victoria Plains Audit Committee regarding the Compliance Audit Return 2021 (Attachment 1):

Subject	Page	Question of Non-Compliance	Finding Matters of Non-Compliance
Commercial Enterprises by Local Government			
5 questions	1/13	N/A	SoVP did not undertake any such activity for 2021. This was the same for 2019 and 2020
Delegation of Power or Duty			
13 questions	2/13	13	<p>2019 – 4 2020 – 0 2021 – 0</p> <p>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 style="padding-left: 40px;">“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>For Information</p> <ul style="list-style-type: none"> • Ideally, the CEO should report when their delegation is used to Council at the Monthly Briefing Session. This has been suggested for the last two years; • Shire has improved its level of record registration
Disclosure of Interests			
21 questions	2/13		2019 – 0 2020 – 4 2021 – 2
Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	3/13	5	<p>There seems some doubt re the annual return for one councillor was submitted by the due date</p> <p>For Information</p> <p>The Department is aware of this matter</p>

On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return.	3/13	6	Ordinary Council Meeting 27 April 2022	There is no evidence in the respective registers that a letter of acknowledgement was issued by the CEO or President. Action Letters to be drafted and issued ASAP
Disposal of Property				
2 questions	5/13	N/A		No matters of non-compliance.
Elections				
3 questions	6/13			2019 – 0 2020 – 3 2021 – 0
Finance				
11 questions	7/13			2019 – 2 2020 – 6 2021 – 2
Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	7/13	3		The delay was due to the audit backlog experienced by the auditors and the OAG. The exit interview was held on 8 February 2022. The signed financial statements were required to be resubmitted to the OAG on 23 March 2022. The Audit Report (Opinion) and Management letter were then produced on 23 March 2022 and made available to the Shire on 30 March 2022 For Information President advised the OAG representative and the auditors at the exit meeting on 8 February 2022 that the delay for the second year running of the annual audit report was of concern
Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	7/13	7		See Question 3
Integrated Planning and Reporting				
3 questions	8/13	N/A		Compliant
Local Government Employees				
6 questions	8/13			2020 – 0 2021 – 1
Did the CEO inform council of each proposal to employ or dismiss senior employee?		5		The current Manager of Works and Services commenced on 29 November 2021 Action CEO to formally advise Council ASAP

Official Conduct			
3 questions	9/13		2019 – 0 2020 – 2 2021 – 0
Optional Questions			
9 questions	10/13		2019 – 0 2020 – 3 2021 – 0
Tenders for Providing Goods and Services			
24 questions	11/13		2019 – 4 2020 – 1 2021 – 1
Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	11/13	1	<p>There were two (2) instances where the Shire did not obtain a quote or an engagement letter re legal services - this was deemed a moderate risk by the OAG</p> <p>Information Despite the purchasing policy allowing quotes from a single source re legal matters, the OAG wanted to see some testing of the market. CEO has agreed to undertake testing of the market as appropriate.</p>

For ____ / Against ____

8.4 Annual Audit - Consideration of the Auditor's Report (Opinion), The Management Letter and the Annual Financial Report (Statements) for 2020-2021

Shire of Victoria Plains

Ordinary Council Meeting
27 April 2022

File reference			
Report date		13 April 2022	
Applicant/proponent		Audit Committee	
Officer disclosure of interest		Nil	
Previous meeting references		Audit Committee Meeting 23 March 2022	
Prepared by		Sean Fletcher, Governance Officer	
Authorised by		Acting CEO	
Attachments			
Attachment 1	Page	121	Independent Auditor's Report (Opinion)
Attachment 2	Page	12	Management Letter with Responses from CEO - Confidential
Attachment 3	Page	124	Annual Financial Report (Statements) 2020-2021
Attachment 4	Page	45	Report on Significant Matters

PURPOSE

That Council accepts the Audit Committee's advice regarding the:

1. 2020/2021 Auditor's Report (Opinion) regarding its key findings;
2. The Management Letter with Responses from the CEO; and
3. 2020-2021 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 the change in auditors for 2020/2021, matters regarding the impact of COVID-19 and delays experienced with the Office of the Auditor General, the 2020-2021 Annual Audit exit meeting was not held until 8 February 2022. Subsequently, the Management Letter (the OAG's position is that this letter is a confidential item), the Independent Auditor's Report (Opinion) and the Annual Financial Statements were not ready and signed off until 23 March 2022. The Shire was then able to access these documents on 30 March 2022. The Auditor's Report and the Annual Financial Statements form part of the Shire's Annual Report.

With respect to the outcomes of the Annual Audit, the Audit Committee is required to assist the CEO regarding the following:

1. Significant Matters i.e. those matters of a significant adverse trend.
2. Material Matters re Risk – Significant (Identified in the Auditor's Report and the Management Letter), Moderate and Minor Risks (identified in the Management Letter).

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** and any **material matters of risk** (In line with Departmental Circular 16-2017).

COMMENT

Auditor's Report (Attachment 1)

The Auditor General's delegate, states that in his opinion, that the 2020/2021 annual financial report is based on proper accounts and records and fairly represents the results of the operations of the Shire.

Shire of Victoria Plains
The Auditor General reports the following:

Significant Matters (Significant Adverse Trend)

- (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 34 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries' standard for the last three financial years.

Comment

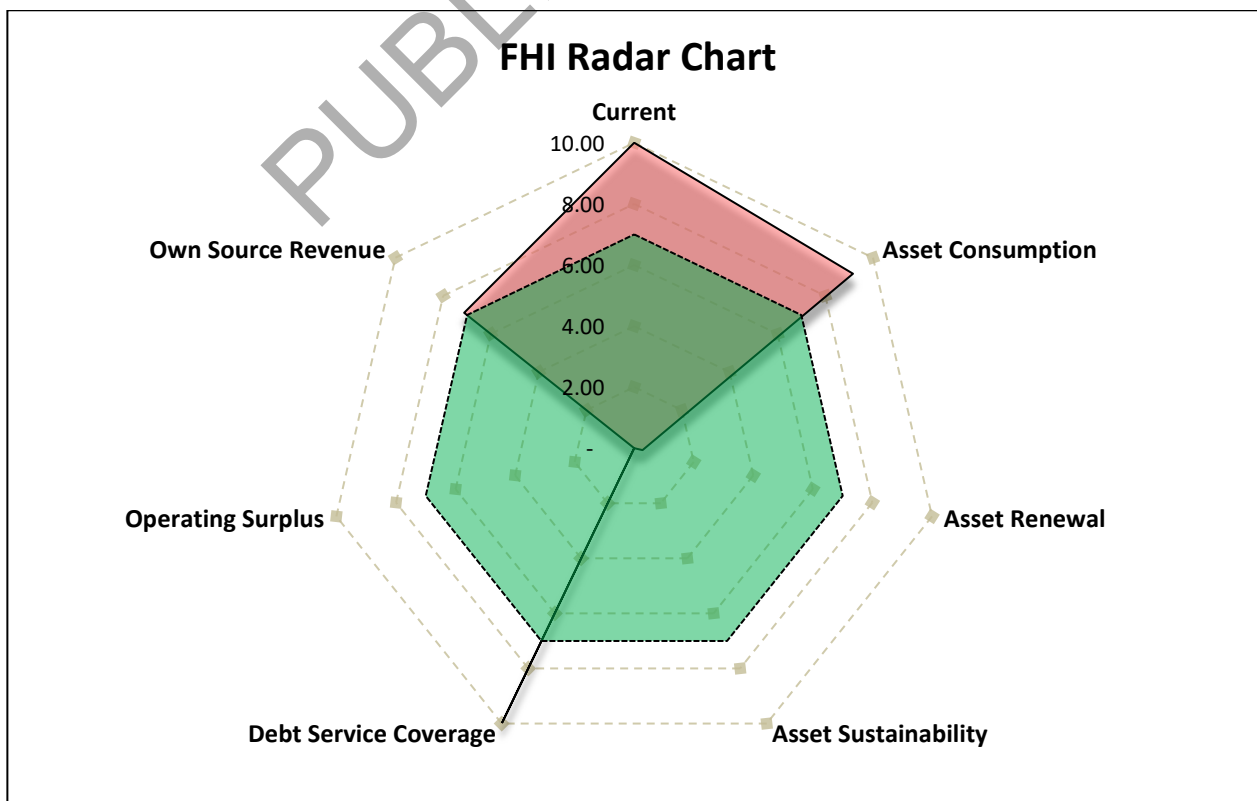
As the matter regarding the Operating Surplus Ratio has been a concern for at least three years or more, it is classified as a significant adverse trend.

As per *Local Government Operational Guidelines No18 – Financial Ratios* published by the Department in 2013, 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. In terms of the Shire's seven ratios, the Operating Health Surplus Ratio is the one that is impacting most on the Shire's financial health. This is shown using the Department of Local Government's Financial Health Index (FHI):



The Shire's financial health based on all seven ratios is 59 (For the current list of the ratios and their score, see the Financial Ratios section in today's agenda item). A FHI of 70 and above indicates sound financial health.

A key solution to this problem, as provided in previous years, 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.

To this extent, Council recognised in setting the 2021/2022 Budget that by not following the upper end of the rate increases specified in the Shire's Long Term Financial Plan previously (7%), this has impacted on the Shire's ability to have cash that it can use to fund capital projects and put into its reserves. The Shire has been fortunate to receive key funding through the LRCI Program to help fund capital projects.

In terms of improved financial work practices, a range of factors can, and have been implemented. This includes reducing overheads through more realistic service delivery and provision of facilities, following up debtors more effectively, leasing key plant/borrowing funds at low interest rates, effective creditors practices including better purchasing management, selling off underperforming assets or those surplus to requirements.

Material Matters (Significant Risk)

As such, there were no matters of significant risk identified and reported.

Management Letter (Attachment 2)

As this document is confidential in nature as per the requirements of the Office of the Auditor General, further discussion is provided under confidential cover as part of Attachment 2. For the public record, there were no significant risks. However, there are two moderate risks and one minor risk.

The CEO will report to the Audit Committee each quarter on the progress of addressing the moderate and minor risks as part of the regular report on managing the Shire's risks.

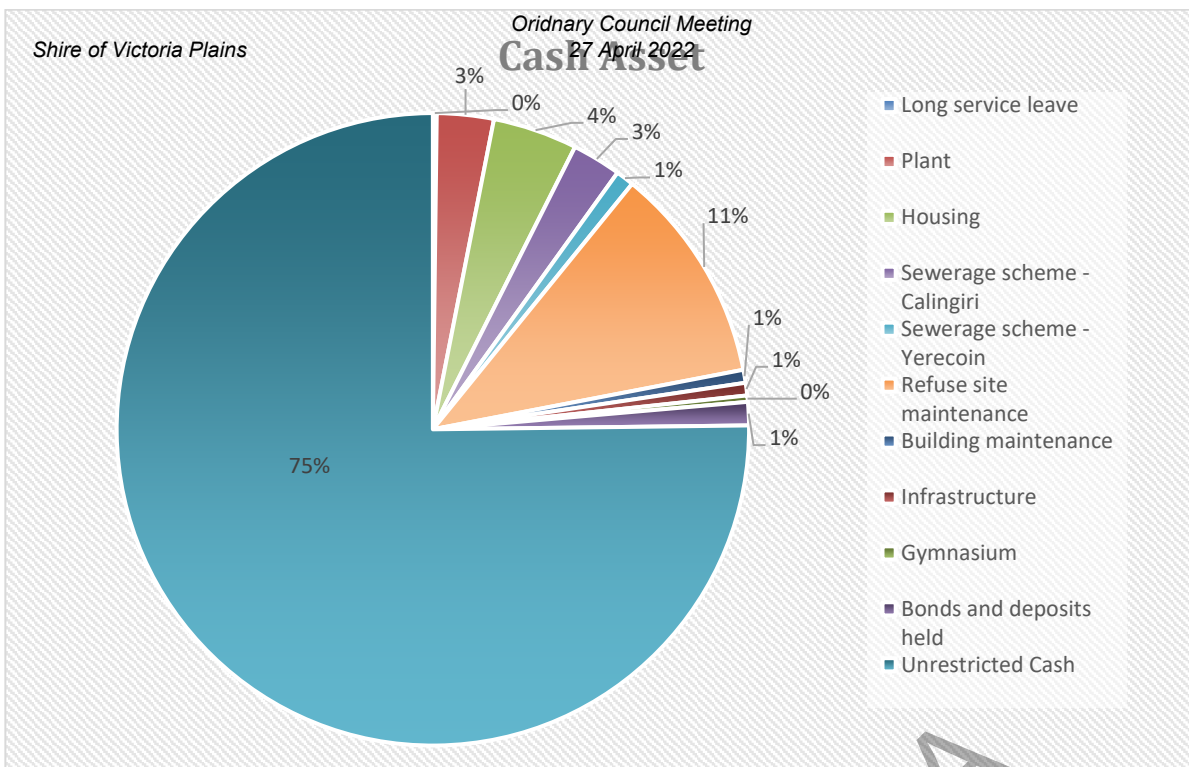
Annual Financial Report (Statements) 2020-2021 (Attachment 3)

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

CASH

The Shire of Victoria Plains completed the financial year 2020/2021 with \$2.28 million in cash and cash equivalents, an increase of 55% from last financial year.

The graph below shows \$1.715 million in unrestricted funds, and \$0.565 million in restricted funds held in various reserves. 29% of the unrestricted funds were placed in fixed term deposit account.



RESERVES

The Reserve accounts are created for specific purpose to fund the future projects. As at 30 June 2021, the Cash-Backed Reserves balance was \$538,866 against a budgeted closing balance of \$435,659. A transfer of funds Refuse Site maintenance reserve decreased the total funds by 5% compared from last financial year.

Reserves	2021 Actual	2021 Budget	2020 Actual
Opening Balance	564,979	472,889	470,117
Net Transfers	(26,113)	(37,230)	94,863
Closing Balance	538,866	435,659	564,979

BORROWINGS

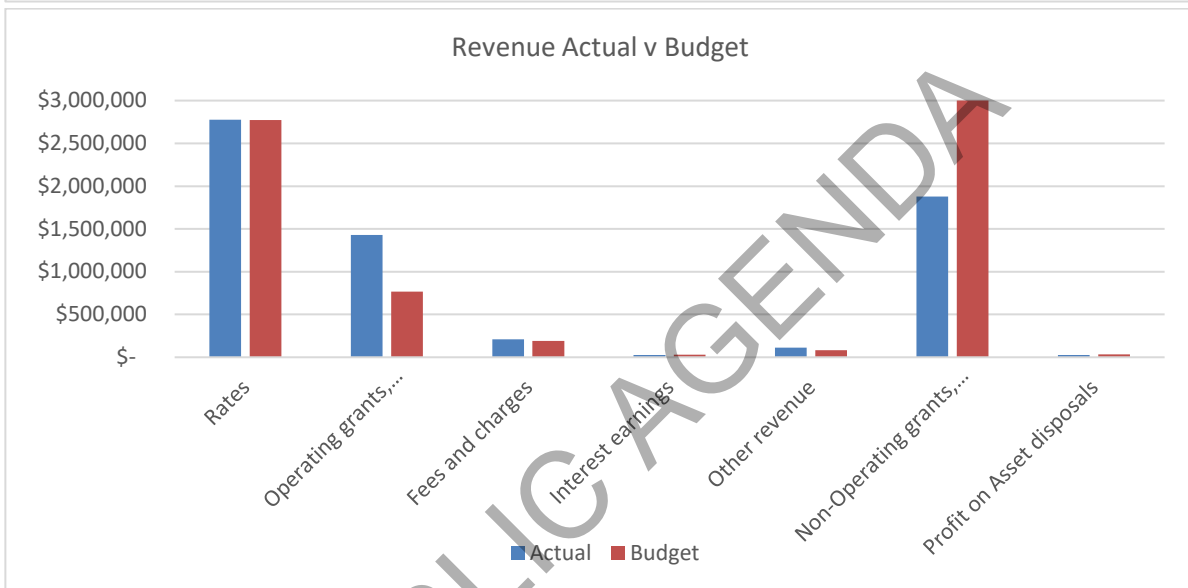
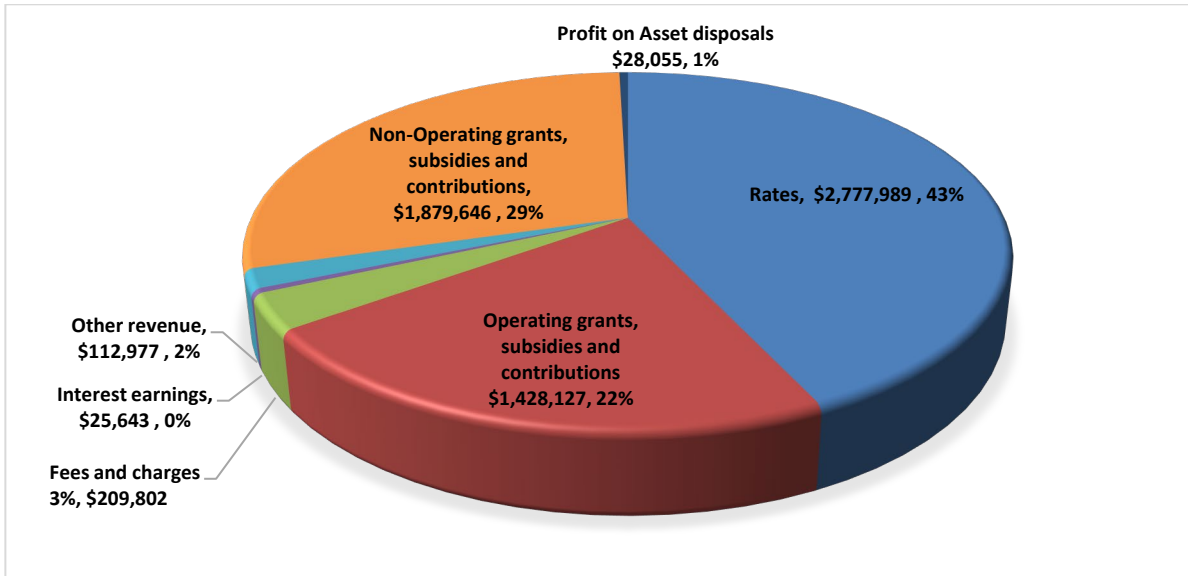
Council can raise funds for a specific project by way of borrowing. As at 30 June 2021, the total principal owing was \$306,547. These loans funded the Calingiri Sports Pavilion, Piawaning Water Supply, and Calingiri Football Club (self- supporting loan). There were no new borrowings during the 2020/2021 financial year.

REVENUE AND EXPENSES

The Shire's total revenue for 2021 Financial Year was \$6.46 million and expenditure, \$7.36 million, resulted to a negative net result of \$894,406 against a deficit budget of \$62,359.

The net loss is mainly contributed by non-operating grants, subsidies and contributions being lower than the budget estimates, primarily related to deferment of capital projects and projects brought forward to the following financial year, and timing of revenue recognition associated with the implementation of revised accounting standards AASB 15 and 1004

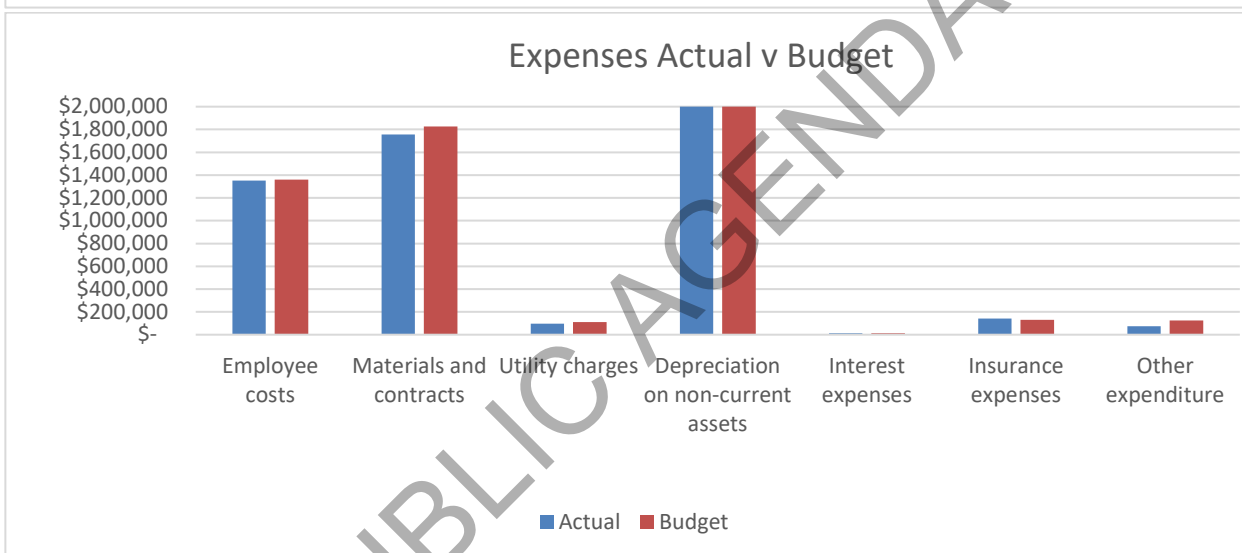
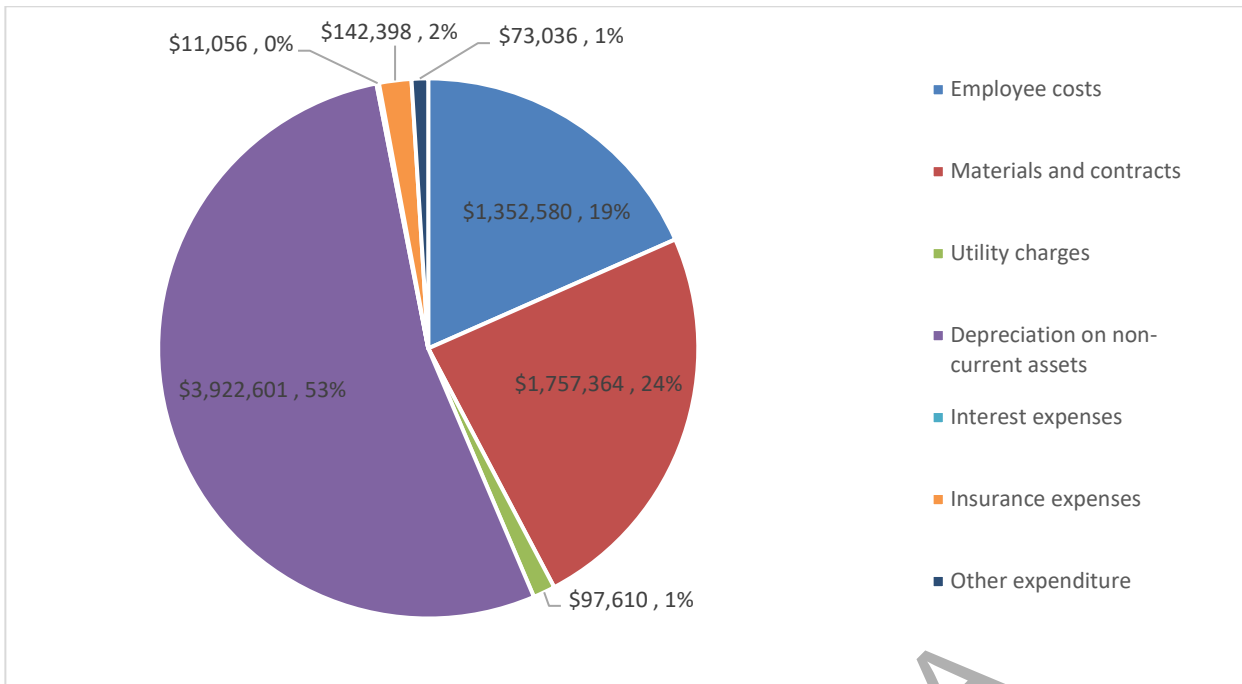
The component of these revenue and expenses are illustrated in the following charts:



The graphs show the sources of Council's revenue for the year 2020/2021. The main components are as follows: Operating grants, subsidies and contributions 22%, and Non-operating grants 29%, and major own source revenue Rate 43% and Fees and Charges 3%. The remaining 3% comes from other sources of revenue such interest, profit from disposal of assets and other revenue.

The total Rates noted in the graph includes Ex-Gratia rates of \$80,571. No rates discounts and waivers were offered by the Shire during the 2021 financial year.

EXPENSES



The graphs show Council's expenses for financial year 2020/2021. The three main components were made up of \$1.76 million (24%) materials and contracts costs, \$1.35 million (19%) employee costs, \$3.922 million (53%) depreciation of non-current assets with the remaining \$0.324 million (4%) are from interest, insurance and other expenditure.

CAPITAL EXPENDITURE

The Council budgeted \$4,242,500 for capital expenditure, \$293,902 was spent on Property, Plant and Equipment, and \$2,079,559 on Construction of Infrastructures.

A number of the capital projects are being carried forward to the next financial year (2021/2022), such as LRCIP funded projects.

Road infrastructure

Total road grants income received for the financial year amounted to \$2,558,562 as follows:

- Grants Commission – Local Roads \$ 552,263
- Grant – Direct Road \$ 132,995
- Grant – Regional Road Group – Road Projects \$ 278,481
- Grant – Roads to Recovery \$ 229,267
- Grant – Main Roads (Mogumber Yarawindah) \$1,036,940
- Grant – Local Rural Community Infrastructure Program \$ 328,616

Total road expenditure was \$2,826,702 excluding depreciation as follows:

- Roads Construction \$1,956,978
- Road Maintenance \$ 869,724

The major roads construction works were:

- Toodyay-Bindi Bindi Road
- Gillingarra- Glentromie Road
- Bolgart West Road
- Mogumber – Yarrowindah
- Yerecoin Southeast Road

Major Plant

There were no items of major plant purchased during the 2021 financial year.

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 2021, it was determined that the recorded values reflected current market conditions. The next revaluation of Land and Buildings will be reflected in financial year 2021/2022.

NET SURPLUS / DEFICIT CARRIED FORWARD

The 2021 financial year has resulted in a net surplus carried forward of \$0.894 million against a balanced budget.

FINANCIAL RATIOS

The Department of Local Government emphasize the purpose of Financial Ratios which is “to provide users of annual financial reports with a clearer interpretation of performance and financial results of a local government”. Financial Ratios are required to be reported in accordance with the Local Government (Financial Management) Regulations. The Shires ratios for 2021 are:

	2021 Actual	DLGSCI Benchmark*
Current Ratio	1.96	≥ 1.00
Asset Consumption Ratio	0.68	≥ 0.50
Asset Renewal Funding Ratio	0.51	≥ 0.75
Asset Sustainability Ratio	0.50	≥ 0.90
Debt Service Cover Ratio	17.34	≥ 2.00
Operating Surplus Ratio	(0.90)	≥ 0.01
Own Source Revenue Coverage Ratio	0.42	≥ 0.40

*Department of Local Government, Sport and Cultural Industries

OTHER COMMENTS – ANNUAL REPORT

With consideration of the Annual Financial Statements and the Auditor's Report, these can now proceed as part of the Shire's 2020-2021 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 2020-2021 Annual Financial Statements, presented to that meeting.

CONSULTATION

Glenda Teede, CEO

Glenn Deocampo – Coordinator Financial Services

Travis Bate, RSM

Audit Committee Meeting – 11 April 2022

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**

Civic Leadership	<i>to better allocate scarce resources and effectively interact with the community</i>	
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> • <i>Implementation of initiatives to better connect Council with the community and associated matters.</i>
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.

Shire of Victoria Plains
Risk Management (Risk Procedures)

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
<p>Non-compliance</p> <p>Not adhering to:</p> <ol style="list-style-type: none"> Recommendations in the Management Letter regarding moderate/minor risks Not addressing OAG's Significant Adverse Trends through an appropriate Action Plan 	<p>High (4)</p> <p>Non-compliance results in termination of services or imposed penalties to Shire/Officers</p>	<p>Likely (4)</p> <p>The event will probably occur in most circumstances i.e. At least once per year</p> <p>The irony with improved controls is that additional non-compliant matters have come out of the woodwork. This is the subject of a further report to the Audit Committee in due course</p>	<p>High (16)</p> <p>This was previously an Extreme Rating</p>	<p>CEO & Council (and Audit Committee)</p> <p>Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring</p> <p>Adequate: Whilst some inadequacies have been identified; Processes (Controls) are in place, are being addressed / complied with and are subject to periodic review and testing. This includes:</p> <ul style="list-style-type: none"> Updating the purchasing policy annually; Implementation after the last audit of the purchasing approval form 	<p>CEO (and by extension – senior staff) to ensure that:</p> <ul style="list-style-type: none"> Staff adhere to the purchasing policy; Staff follow purchasing procedures; Audit Committee is advised regarding the Significant Adverse Trends Action Plan and other plans; Financial Systems Review and Reg 17 Review are completed by 30 June 2022 <p>Councillors and Committee Members to ensure they comply with the Code of Conduct re keeping informed (understanding reports) and undertaking training and development. Also, must follow Integrated Planning.</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

Audit Committee / Officer's Recommendation

Moved Cr _____

Seconded Cr _____

That Council **NOTES** the following actions of the Audit Committee regarding Item 6.2 of the meeting held on 11 April 2022:

- REVIEWS** the Shire of Victoria Plains Annual Financial Report (Statements) as set out in Attachment 3 and the Auditor's Report (Opinion) in Attachment 1 regarding other legal and regulatory requirements for 2020/2021 and consider the significant adverse trends in relation to the Shire of Victoria Plains Operating Surplus Ratio.
- ACCEPTS** the draft Report (Attachment 4) by the CEO to the Minister for Local Government regarding the significant adverse trend of the Shire's Operating Surplus Ratio and the suggested improvements required by Section 7.12A of the *Local Government Act 1995*.
- ASSISTS** the CEO regarding the Action Plan to address the Moderate and Minor Risks identified in the Shire's Management Letter as set out in Attachment 2.

Note: As per the Management Letter, these actions are to be completed by 30 June 2022.

4. That Council:

- a. In accordance with Section 7.2 of the *Local Government Act 1995*, **ADOPTS** the 2020/2021 Annual Financial Report including the Auditor's Report (Opinion) from the Office of the Auditor General as per Attachments 3 and 4.
- b. In accordance with Section 7.12A of the *Local Government Act 1995*, **ACCEPTS** the CEO's draft Report in Point 2 and that this report is:
 - i. Submitted to the Minister within 3 months;
 - ii. Put on the Shire's website within 14 days after the Report is given to the Minister.
- c. **NOTES** the Action Plan in Point 3.

For _____ / Against _____

PUBLIC AGENDA

8.5 Adoption of the 2020/2021 Annual Report and Setting of the Annual Meeting of Electors

File reference			
Report date	21 April 2022		
Applicant/proponent	CEO		
Officer disclosure of interest	Nil		
Previous meeting references	N/A		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	Acting CEO		
Attachments			
Attachment 1	Page	70	Draft 2020/2021 Annual Report

PURPOSE

To accept the 2020/21 Annual Report and to convene the General Meeting of Electors.

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. However, due to the change in auditors for 2020/2021, matters regarding the impact of COVID-19 and delays experienced with the Office of the Auditor General, the 2020-2021 Annual Audit exit meeting was not held until 8 February 2022. Subsequently, the Management Letter (the OAG's position is that this letter is a confidential item), the Independent Auditor's Report (Opinion) and the Annual Financial Statements were not ready and signed off until 23 March 2022. The Shire was then able to access these documents on 30 March 2022. The Auditor's Report and the Annual Financial Statements form part of the Shire's Annual Report. The Audit Committee reviewed the Annual Financial Statements and presented these to Council at today's Council meeting for final consideration (**Item 8.4**).

Accordingly, the Annual Report 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:

Section	Description
The District at a Glance	A general overview of the Shire of Victoria Plains
President's Address	The report is required to be provided by the Shire President re 2020/2021
Matters Regarding Council	This includes who was on Council during 2020/2021, 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 Shire of Victoria Plains	The CEO's Council Meeting provide a report 27 April 2022
Financial Management Report	The Finance Manager's report provides a summary of the key financial activity for 2020-2021. 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, Building and Planning Services Report (Local Planning Scheme)	This report includes an overview of the main regulatory functions of the Shire: health, building and land use planning
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"> • Public Interest Disclosures – 0; • National Competition Policy – the Shire did not privatise any activities in 2020/2021 and so consequently there were no obligations to report in this area impact of local laws; • Record Keeping Plan – confirmation that the Record Keeping Plan was reviewed; • Freedom of Information – there were 0 applications received • Disabilities Access and Inclusion Plan – the Plan was due for its five yearly review, but this did not happen
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 (SCP). The Measures of Success show that the Shire is making inroads regarding applying the SCP with more success
Status of the Corporate Plan	The Shire is now tracking its strategic actions within the Corporate Business Plan with greater effect: 59% of projects were achieved or progressed to an acceptable level. 41% were impacted by issues beyond the Shire's control: COVID, lack of resources, changes to key staff
Matters for Next 12 Months	The Shire is required to report on the key actions expected to be undertaken for the next 12 months which include: <ul style="list-style-type: none"> • The Shire will finalise the communications strategy/policy. • The Shire will continue to review its building assets. • The Shire will revisit the Drum Muster Scheme. • The Shire will continue the Wheatbelt Secondary Freight Network (WSFN) full projects under the WSFN: <ul style="list-style-type: none"> ○ Mogumber-Yarawindah Road Reconstruction Project; ○ Calingiri-New Norcia Road and Toodyay-Bindi Bindi Road Intersection Project. • Continuation regarding the roll out of the new Local Government Act; • Continue active participation at the Zone, AROC, Regional Road Group; • Continue improvements to its compliance regime and records.
Capital Program	Confirmation of the Shire's capital works program as per the Manager of Works and Services report
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 2020 - 2021 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, which 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 COVID-19 when holding the Annual General Meeting re wearing of masks and one person per 2sqm.

CONSULTATION

- CEO, Glenda Teede
- OCM Officer, Julie Klobas
- EHO - Gordon Houston, Town Planner – Joe Douglas, Yvette Hargreaves – Records Management
- Travis Bate, RSM

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

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"> • <i>Implementation of initiatives to better connect Council with the community and associated matters.</i>
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"> • Failing to meet the required due dates; • Failing to include all relevant information 	<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 & 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, delays by the auditors and the OAG has seen the production of the Annual Report delayed</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 (In part)

Officer's Recommendation

Moved Cr _____

Seconded Cr _____

That Council:

1. In accordance with Section 5.54(1) of the *Local Government Act 1995* **ACCEPTS BY AN ABSOLUTE MAJORITY** the Shire of Victoria Plains 2020-2021 Annual Report as set out in Attachment 1.
2. In accordance with Section 5.27 of the *Local Government Act 1995* **CONVENES** a General Meeting of Electors (an Annual Meeting) of the Shire of Victoria Plains to be held on _____ May 2022 commencing at _____ PM at the _____.
3. **NOTES** that:
 1. The Shire of Victoria Plains Annual Report may be subject to further formatting and styling to be determined by the CEO prior to publication.
 2. In accordance with Sections 5.29 and 5.55 of the *Local Government Act 1995*, the CEO will give local public notice of the General Meeting of Electors to be held on _____ May 2022, and of the availability of the Shire's Report for the 2020/21 Financial Year, and will make the report available on the Shire's website within fourteen days.
 3. Further to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, the Director General of the Department of Local Government, Sports and Cultural Industries will be **PROVIDED** with a copy of the Shire's Annual Report for the 2020/21 Financial Year, inclusive of the Annual Financial Report for the same period, and the associated Auditor's Report.

For _____ / Against _____

8.6 Behanging Road – Planned works

File reference	
Report date	19/04/22
Applicant/proponent	
Officer disclosure of interest	Nil
Previous meeting references	
Prepared by	Keith Boase, Manager works and Services
Authorised by	
Attachments	

PURPOSE

The purpose of this item is to seek a council resolution to reconstruct Behanging Rd as a gravel surface from SLK 0.04 to SLK 4.37.

BACKGROUND

Behanging Rd from SLK 0.04 to SLK 4.37 is currently a highly degraded 4m bitumen seal with multiple surface and sub base failures. As part of the LRCIP funding the Shire received \$80,472 to reseal the 4.37km section.

COMMENT

Based on recent quotations to do final seals, a single pass 4m seal without reconstruction of the subbase would cost in excess of \$80,000. While a full 4m reseal would cost around \$110,000 plus reconstruction cost.

To reconstruct and seal Behanging Rd for the full 4.37km at 8m wide as per works done on West Bolgart would cost in the order of \$650,000. Reducing the seal width will decrease the overall cost however will require a significant contribution from Council funds to achieve this.

Using material available and some imported gravel the road can be reconstructed within the budgeted amount allowing an improved road with an unsealed surface.

The recommendation of this item is to reconstruct Behanging Rd from SLK 0.04 to 4.37 as a unsealed road in order to improve the current road surface.

CONSULTATION

Glenda Teede, Chief Executive Officer
Allister Butcher – Rural Infrastructure

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

Funds for these works have been budgeted in Job # LRC003

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **RESOLVE** to reconstruct Behanging Rd from SLK 0.04 to 4.37 as an unsealed road in order to improve the quality of the current road surface.

For _____ / Against _____

PUBLIC AGENDA

8.7 AgLime – Calingiri New Norcia Road Realignment

File reference	
Report date	12 April 2022
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Keith Boase Manager Works and Services
Authorised by	Acting CEO
Attachments	

PURPOSE

The purpose of this item is to seek a resolution of Council in regard to the clearing permit for the AgLime – Calingiri New Norcia Road Realignment.

BACKGROUND

The realignment of the Calingiri New Norcia intersection has been on the Shires grants list for a number of years. For this project to continue, it is necessary to obtain a clearing permit. For a number of years, the Shire has been working through a clearing application so that the realignment works can be undertaken. As part of the application process, it was identified that an environmental offset would be required. A site has been identified at the intersection of Old Plains Road and Bolgart West Road. This site would require revegetation and fencing to make it suitable as an offset. There would also be a requirement that the Shire would have to manage this site in perpetuity to ensure its environmental biodiversity is retained.

During the process of assessing the suitability of the Shire's offset site with the Department of Water Environmental Regulations (DWER) and the Department of Biodiversity, Conservation and Attractions (DBCA) the Shire has been approached by DBCA that they may have an offset area that the Shire may be able to provide a contribution towards in lieu of providing Shire land as an offset.

There are two options available to the Shire regarding offsets to expedite the process of getting a clearing permit approved and allowing the project to continue.

COMMENT

Currently the Shire has two options by which to meet the offset arrangements required under the condition of the application for a clearing permit. These options are:

1. the Shire continue with the existing Old Plains offset site. The Old Plains site will require 3 years of short-term intensive rehabilitation work as outlined in the Shire of Victoria Plains Revegetation Plan, as well as long term management by the Shire. The approval is dependent on the Appeals Convenor and the Minister for the Environment dismissing most of the appeal grounds of the Wildflower Society's appeal.
2. the Shire should consider the DBCA offset site as it is cheaper and easier to manage in the long term. With some pressing the DBCA have indicated the acquisition cost could be in the order of \$2,000/ha. But this doesn't include the administration cost, survey fees (approx. \$20,000) and the valuation (approx. \$2,000). The Shire will need to confirm if a

3. management cost component is required annually. There are several unknowns with this option at this point in time, but all in all it will likely be a lower cost option, than option 1, additionally it will be less of a financial risk and require less management by the Shire in the longer term.

Both options have their own advantages with option 1 expediting the process, however at a longer-term costs and with some degree of unknown risk, associated with revegetation works.

Option 2 will be a lower long term and ongoing cost with lesser risk, however, will likely take a longer period of time to gain the permit.

CONSULTATION

Glenda Teede – Chief Executive Officer
Allister Butcher - Rural Infrastructure

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

None

FINANCIAL IMPLICATIONS

The costs for this project are funded under Job # AG0001

VOTING REQUIREMENTS

No

OFFICER RECOMMENDATION:

Moved Cr _____

Seconded Cr _____

That the Council **ENTER INTO** negotiations with the Department of Biodiversity, Conservation and Attractions (DBCA) to identify an offset site and all costings to be incurred throughout the process.

For ____ / Against ____

8.8 Wet Hire of Plant

File reference	
Report date	12 April 2022
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Keith Boase Manager Works and Services
Authorised by	Acting CEO
Attachments	

PURPOSE

The purpose of this item to for Council to award a panel tender for Wet Hire of Plant.

BACKGROUND

The Shire utilises contractors for road maintenance and construction to assist internal staff as and when required for works thought the Shire.

COMMENT

A tender for Wet Hire of Plant was advertised on 12 March 2022 and closed on the 31 March 2022. The tender is for a two (2) year period from signing of the documentation by the Chief Executive Officer.

The list of equipment was extensive and included:

- Material Cartage
- Water Cartage
- Motor Grader
- Front End (Wheel) Loaders
- Rollers (Various)
- Excavator
- Bulldozer
- Skid Steer Loader
- Tractor Broom and post hole borer
- Prime Mover and Low Loader
- Tractor and attachments

Clarification was sought from all tenders to ensure no additional mobilisation and demobilisation would be required for staff, given the distance from some of the operators address. All Tenderers have advised they will house people within the region at no additional cost to that tendered.

The awarding of works will be to lowest priced Contractor for that item of plant as per availability, if not available the next lowest priced contractor on the list will be approached. In emergency situations eg; natural disaster, the awarding of work may be based on proximity and timing to starting of works

It is the recommendation of this report that the Tender is awarded as a panel tender with all tenderers included on the panel.

CONSULTATION

Glenda Teede CEO
Allister Butcher

STATUTORY CONTEXT

Local Government (Functions and General) Regulations 1995

- Division 3 — Panels of pre-qualified suppliers

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

None

FINANCIAL IMPLICATIONS

To be allocated to relevant road maintenance/construction budgets.

VOTING REQUIREMENTS

Absolute Majority Required: No

OFFICER RECOMMENDATION

Mover: Cr

Seconder: Cr

That the Council **AWARD** the Wet Hire of Plant 2022RI01 panel contract for a two-year period to:

- Platinum Hire
- Ringa Civil
- Riverhill Contracting
- AK Evans Group
- Vernice PTY LTD
- Marty Grant Bulldozing

For / Against

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION***Admitted by resolution of Council***11. MEETING CLOSED TO PUBLIC****11.1 Matters for Which the Meeting May Be Closed — Matters Regarding the CEO and a Special Gravel Payment.**

File reference			
Report date	21 April 2022		
Applicant/proponent	Shire President		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	Acting CEO		
Attachments			
Attachment 1	Page		Nil

PURPOSE

For Council to move “in camera” (behind closed doors) and consider matters regarding the CEO and a Special Gravel Payment.

BACKGROUND

Under section 5.23 (2)(a) of the Local Government Act, Council may close a meeting, or part of a meeting if it is dealing with a matter affecting an employee or employees.

COMMENT

Council to consider matters regarding the CEO as set out in confidential items 11.2 and 11.3 and a Special Gravel Payment as set out in Item 11.4.

CONSULTATION

CEO

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

Officer's Recommendation

Moved Cr _____

Seconded Cr _____

That Council close the meeting under section 5.23 (2)(a) of the *Local Government Act 1995* to consider matters regarding the CEO and a Special Gravel Payment.

For _____ **/ Against** _____

PUBLIC AGENDA

11.2 Notice of Motion –Withdrawal of CEO Request for Further Contract - Confidential

File reference		
Report date		21 April 2022
Applicant/proponent		Shire President
Officer disclosure of interest		Impartial – Mr Fletcher is engaged by the CEO to provide support services that includes advice to Council
Previous meeting references		19 Mar 2019: 1904-17; 29 May 2019: 1905-33 ; 23 March 2022
Prepared by		Sean Fletcher, Governance Officer
Authorised by		CEO
Attachments		
Attachment 1	Page	13
CEO Letter Withdrawal Request For Contract Extension		
Attachment 2	Page	16
Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination		

VOTING REQUIREMENTS

Absolute majority required: No

PUBLIC AGENDA

11.3 Notice of Motion – Legal Advice re CEO’s Contract and Performance Appraisal - Confidential

File reference			
Report date	21 April 2022		
Applicant/proponent	Shire President		
Officer disclosure of interest	Impartial – Mr Fletcher is engaged by the CEO to provide support services that includes advice to Council		
Previous meeting references	19 Mar 2019: 1904-17; 29 May 2019: 1905-33 ; 23 March 2022: 2203-13; 30 March 2022 (SCM): 2203-07		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	Acting CEO		
Attachments			
Attachment 1	Page		Confidential Legal Advice – CEO’s Contract. To be provided by the President at the meeting

VOTING REQUIREMENTS

Absolute majority required: No

PUBLIC AGENDA

11.4 Works – Outstanding Accounts

File reference	
Report date	31/03/22
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	15 December 20221
Prepared by	Keith Boase
Authorised by	Glenda Teede
Attachments	

VOTING REQUIREMENTS Absolute Majority Required.

PUBLIC AGENDA

Councillor Motion

Mover: Cr

Seconder: Cr

That Council **MOVE OUT** of confidential session at

The Shire President read aloud the Resolutions as resolved behind closed doors at pm.

12. CLOSURE OF MEETING

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

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on _____ 2022.

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.

