



AGENDA

Ordinary Council Meeting

27 March 2024

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

Commencing – 2.00pm

DISCLAIMER:

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

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

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

Recording of Meeting

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

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

E – Disclaimer

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

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

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

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

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

Follow the Presiding Member's directions and rulings;

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

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

Commonly-used abbreviations

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

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AGENDA NOTICE

Dear President and Councillors

NOTICE is given that the next Ordinary Meeting of the Shire of Victoria Plains Council Will be held in the Calingiri Shire Chambers and/or via E-meeting Protocol on **27 March 2024** commencing at 2.00pm

Sean Fletcher
Chief Executive Officer

1. DECLARATION OF OPENING

1.1 Opening

1.2 Announcements by Shire President

2. REMOTE ATTENDANCE BY ELECTED MEMBERS

THAT:

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

Approval to Attend and Declaration of Confidentiality

THAT:

Cr has been approved to attend the Ordinary Council Meeting by electronic means as approved by the Shire President and that a declaration has been received regarding confidentiality and other requirements as noted in Section 2 herewith.

3. RECORD OF ATTENDANCE

Members present

Staff attending

Apologies

Approved leave of absence

Visitors

Members of the public

4. DISCLOSURES OF INTEREST

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

<i>Type</i>	<i>Item</i>	<i>Person / Details</i>
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4.1 Financial

4.2 Proximity

4.3 Impartiality

5. PUBLIC QUESTION TIME

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

5.1 Public Questions With Notice

Public Question Time was opened to the floor at

5.2 Public Questions Without Notice

Public question time closed at

6. PRESENTATIONS AND DEPUTATIONS

6.1 Presentations

6.2 Deputations

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. MINUTES OF MEETINGS

8.1 Confirmation of Council Meeting Minutes

Officer Recommendation

Moved:

Seconded:

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 28 February 2024*

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

For / Against

9. REPORTS REQUIRING DECISION**9.1 Accounts for Endorsement – February 2024**

File reference	SOVPR-1845402348-1827		
Report date	11 March 2024		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Coordinator Financial Services		
Senior Officer	Colin Ashe – Deputy Chief Executive Officer		
Authorised by	Sean Fletcher – Chief Executive Officer		
Attachments			
Attachment 1	Page	2	Public schedule

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for February 2024.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

Shire of Victoria Plains
CORPORATE CONTEXT

Delegations Register –

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

Strategic Business Plan/Corporate Business Plan

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

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

Policy Implications

Policy Manual –

- 3.1 Purchasing Framework

Other Corporate Document

- N/A

Risk Analysis

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

FINANCIAL IMPLICATIONS

All payments are in accordance Council’s adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That the payments made for February 2024 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be **ENDORSED**:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	12880 – 13013	792,422.50
Creditor Cheque Payments	12588 - 12588	4,547.24
Direct Debit Payments**	DD14594-DD14654	170,152.20
Salaries & Wages EFT	PE 14/02/24, PE 28/02/2024	132,475.32
Credit Card–Bendigo Bank- Fuel Card – Wright Express	DD14638 DD14640	6,003.39 492.87
Trust Payments		0.00
	TOTAL	\$1,106,093.52

Local Spending	\$	%
Local Supplier	41,371.17	3.74
Payroll	132,475.32	11.98
Total	173,846.49	15.72

**includes salary and wages deductions, and SGC

For _____ / Against _____

9.2 Monthly Financial Statements – February 2024

File reference	SOVPR-1845402348-3113		
Report date	19 February 2024		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Colin Ashe, DCEO		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	15	Monthly Financial Statements – 29 Feb 2024

PURPOSE

To receive the monthly financial statements for the period ending 29 Feb 2024.

BACKGROUND

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

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

COMMENT

The Feb 24 Monthly Financial Statements have been prepared by shire staff as part of the transition from previously contractor provisioning.

Overall, the shire is tracking positively to budget with a encouraging surplus, some \$130,637 in excess of the forecast. The year to date (YTD) budget forecast of \$72,606 is systemic of potential cashflow issues which may be experienced as the shire awaits contributions and grants from CBH and MRWA. Management is monitoring some large expenditure still to come in the Plant Replacement program which will also have an impact on the Municipal Fund.

STATEMENT OF FINANCIAL ACTIVITY:

The month of Feb 24 references an actual surplus of \$203,243 as shown on the Statement of Financial Activity. This is calculated by removing all the non-cash items such as depreciation to arrive at a liquidity position and reconciled in Note 1 through a Current Assets and Liabilities position on the Balance Sheet. The comparison of YTD budget of \$72,606 takes into account major capital road construction on the Calingiri - New Norcia Road with no funding offset as at the end of the reporting period. This position is to be expected as the end of financial year approaches with spikes in expenditure as management delivers the budget.

NOTES TO ACCOUNT

The following provides a summary and explanation of the major notes in the Feb 24 Financial Statement.

Note 2 Cash and Financial Assets:

The current total cash position balance is \$2,379,251 (including self-supporting loan receivable) with an Unrestricted Municipal Bank Balance of \$76,255 and \$2,301,429 in Restricted Cash, the latter comprising:

- \$1,273,555 in Reserves.
- \$1,029,441 major grant funding received and quarantined.

The Unrestricted Municipal Bank balance demonstrates the potential cashflow risk that management needs to monitor closely in the coming months however \$203,217 has been transferred from restricted assets in Mar 24 as expenditure occurs on various grant related projects.

Note 4 – Debtors:

An overall balance of \$701,543 of which 40% relates to rates receivable and 60% sundry debtors including GST receivable.

Rates outstanding of \$266,149 comprises of:

- \$214,125 or 80% on instalments.
- \$51,118 or 19% are with debt collectors.
- \$7,554 or 1% is on hold pending further information.
- A collection rate of 94% of rates levied for 23-24.

Sundry Debtors:

- 88% is current (i.e. due within 30 days) and is primarily RRG grant funding from MRWA. This has subsequently been paid in Mar 24 and unspent funding apportioned into Restricted Assets as applicable.
- 90+ Days have been referred to councils debt collection for recovery.

Note 5 Reserves:

Current balance is \$1,273,555 with major transfers yet to occur for Plant Replacement which will offset some of the capital cost. \$827,429 has been rolled over in a term deposit at 4% interest, maturing 05 Jun 2024.

Note 7 – Capital Program

Projects have commenced and costs are being reflected in the capital program which includes:

- Retaining Wall at U1 and U2 Calingiri APU's – completed.
- Staff Housing Fencing – completed.
- Oval Pump Shed – completed.
- Oval Pump System – completed.
- Water Tanker – completed.
- Tractor Slasher – completed.
- Boardroom Table – completed.

- Mogumber Toilets – completed.
- Bolgart Kerbing – completed.
- Footpaths – completed.
- LRCI Phase 4B – completed.
- As at 29 Feb 24 \$4,184,941 has been expended on road construction and \$4,799,149 against the total capital program.

Note 10 – Grants and Subsidies

During Feb 24 capital grant funding amounting to \$733,724 was triggered composing of RRG (\$223,440) and WSFN (\$510,284), the latter excluding \$110,000 provision for line marking on Mogumber-Yarrowindah Rd.

Note 11 – Restricted Funding

A true up of funding inflows and expenditure outflows has been conducting resulting in \$203,217 being transferred back into the Municipal Account in Mar 24. Reflective of this is the need to claim the final funding component of LRCI Ph 4B of \$88,002 which again affects the shires cashflow pending reimbursement. Management self imposes good governance to ensure this fund is managed to a high standard and council will note it is excessively cash backed in the Feb 24 financial statements.

Note 12 – LRCI Program

Phase 1 – completed.

Phase 2 – completed.

Phase 3 – some slippage in this program which is hoped to be completed by Apr 24.

Phase 4 – originally budget to fund sections of the Mogumber-Yarrowindah Rd but no longer required. Funds will be placed in Restricted Funding and form part of the 2024-25 budget.

Phase 4B – completed.

Note 14 – Material Variances

This provides an explanation of variances in excess of 10% and \$10,000 as per council policy. These variances are relatively minor and as expected, minimal noting the budget review was completed against the Jan 24 statements.

CONSULTATION

Coordinator Financial Services
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –
Section 3 – Financial Management

Strategic Business Plan/Corporate Business Plan

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

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

Policy Implications

Policy Manual –
- 3 Financial Management

Other Corporate Document

- N/A

Risk Analysis

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

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **RECEIVE** the 29 Feb 2024 Monthly Financial Reports as presented.

For _____ / Against _____

9.3 Shire of Victoria Plains 2023 Election Report

File reference			
Report date	14 March 2024		
Applicant/proponent	WA Electoral Commission		
Officer disclosure of interest	Nil		
Previous meeting references			
Prepared by	Sean Fletcher, CEO		
Senior Officer	N/A		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	34	Shire of Victoria Plains – Ordinary Election 21 October 2023

PURPOSE

This report by the WA Electoral Commission is to brief elected members on the conduct of the election held on 21 October 2023 and to provide an overview of statistics that relate to it.

BACKGROUND

The Western Australian Electoral Commission was engaged by the Shire of Victoria Plains to use postal voting for the October 2023 elections.

In accordance with section 4.20(4) of the Act, the Electoral Commissioner appointed Mr Robert DEW to be the Returning Officer for the election. The Electoral Commissioner is also required to appoint one or more Deputy Returning Officers under section 4.21(2) of the Act. Several staff members from the Electoral Commission were appointed as Deputy Returning Officers to assist with those electoral processes conducted centrally.

The Shire CEO also provided several staff to act as electoral officers.

Section 4.62 of the Act requires that there must be at least one polling place in the district open between the hours of 8.00 am and 6.00 pm on election day. This polling place was located at Shire of Victoria Plains, 28 Cavell Street, CALINGIRI.

Staff at this polling place accepted hand-delivered voting packages and issued replacement and provisional voting papers. A total of 12 voting packages representing 2.1% of the total number of packages, were processed or replaced on election day

Optional Preferential Voting was introduced for the 2023 Local Government Ordinary Elections, replacing the first past the post voting method. The ballot box was opened after 6.00 pm and papers were sorted and counted by staff.

COMMENT

In a postal election, the number of electors who return packages measures participation.

A total of 360 packages were returned giving a participation rate of 62.94%. The state average for local governments using the postal voting method in 2023 was 31.6%.

A further 3 packages had no certificate attached, so no name could be marked off the roll and they were rejected from further scrutiny.

The names of 357 electors were marked off the roll. Of these electors, 1 (0.17%) had incomplete elector certificates or were signed on behalf of the elector and were rejected from further scrutiny by the Returning Officer.

The remaining 356 election packages were opened. Of these 0 packages contained no ballot papers. As a result, 356 councillor ballot papers were admitted to the count, as shown in Appendix 6 of the election report.

Appendix 7 details enrolment and voter participation. Other details on voter participation are at Appendices 8 to 11.

CONSULTATION

Deputy CEO, Mr Colin Ashe

STATUTORY CONTEXT

Part 4 of the Local Government Act and its Regulations regarding elections.

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

N/A

Risk Analysis

N/A

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **ACCEPT** the Shire of Victoria Plains Ordinary Election Report 21 October 2023.

For _____ / Against _____

9.4 Annual Electors Meeting 14 February 2023 (for 2022/2023)

File reference			
Report date	14 March 2024		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	OCM 14 December 2023 Item 9.4 2312-05		
Prepared by	Sean Fletcher, CEO		
Senior Officer	N/A		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	59	Minutes of the Annual Electors Meeting 14 February 2023

PURPOSE

To consider decisions made at the Annual Electors Meeting regarding the 2022/2023 financial year and other matters held on 14 February 2024.

BACKGROUND

Council resolved at its meeting on 14 December 2023 to hold the Annual meeting of Electors on 14 February 2023.

COMMENT

Although there were no decisions made at the meeting, it would be prudent for Council to familiarise itself with the content of the minutes including questions raised. These are provided in Attachment 1 to this report. It should also be noted that there were no members of the public present.

CONSULTATION

Nil

STATUTORY CONTEXT***Local Government Act 1995***

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable:
- (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose

CORPORATE CONTEXT

Strategic Community Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.2 Shire communication is regular, clear and transparent	Residents and community groups believe they are being listened to and fairly treated
	Positive feedback through our customer survey
	Council and Staff work closely with the community to successfully achieve projects or outcomes that deliver upon priorities

Under the local government act, the Annual Meeting of Electors is a key communication tool.

Risk Management

There are no matters of risk regarding this item.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

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Moved Cr _____

Seconded Cr _____

That Council in accordance with section 5.33(1) of the *Local Government Act 1995* **NOTE** that there were no decisions made for its consideration at the Annual Electors Meeting held on 14 February 2024.

For _____ / Against _____

9.5 Council Policy Manual Part 3 Financial Management – Disposal Policy

File reference	12.2.1		
Report date	19 Mar 2024		
Applicant/proponent	Audit Committee		
Officer disclosure of interest	NIL		
Previous meeting references	N/A		
Prepared by	Colin Ashe, DCEO		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	64	3.10 Disposal Policy

PURPOSE

That Council as recommended by the Audit Committee approve the Disposal Policy for the Shire of Victoria Plains.

BACKGROUND

In Mar 2023 the Audit Committee was presented with an Internal Audit Report of Financial Management Systems conducted by Dry Kirkness Consultants and as part of compliance Local Government (Financial Management) Regulations 1996. One of the outstanding recommendations was the establishment of a Disposal Policy.

COMMENT

The report from Dry Kirkness noted the audit control on this item was adequate but rated it as a minor risk with commentary of:

Without a formal policy or procedure, the Shire might dispose of an asset without complying with the section 3.58 of the Local Government Act 1995.

Staff have now drafted a disposal policy that will satisfy this recommendation including referencing section 3.58 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 – Regulation 30 which details the exemptions. These exemptions primarily apply for the method of disposal cited in section 3.58 (2) - public auction or public tender by placing a market value threshold to qualify for the exemption.

Local Government (Financial Management) Regulations 1996 regulation 17A (5) notes a non-financial asset is to be excluded from the assets of the local government (i.e. asset register) if the acquisition value is under \$5,000.

The Disposal Policy aims to provides for an unambiguous and transparent direction for the disposal of assets to promote fair and effective competition to the greatest possible extent. Consider any potential benefit to the community or reward to retain staff, ensure best value for money is achieve, and ensure the same accountability for disposal of assets as that of purchasing asset.

The Disposal Policy is intended to provide guidance on:

- Assessing the appropriateness of disposal.

- Approval Process.
- Attractive Assets (excluding land) with a carrying value of less than \$5,000.
- Assets with a carrying value greater than \$5,000 excluding land.
- Gratuities and Donations ensuring the market value of assets recommended for disposal to be less than \$20,000 in order to qualify for exemption under Local Government (Functions and General) Regulations 1996 – Regulation 30.

CONSULTATION

Mr Sean Fletcher, Chief Executive Officer

STATUTORY CONTEXT

3.58 (2) of the Local Government Act 1995 provides for the methods of disposal.

Regulation 30 of the Local Government (Functions and General) Regulations 1996 provides for the exemptions of section 3.58

Regulation 17A (5) of the Local Government (Financial Management) Regulations 1996 provides the value (\$5,000) of when an asset should be capitalised and recorded in the asset register.

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

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

Strategic Priority 4.3 will be facilitated to ensure further closure of recommendations from Dry Kirkness.

Delegation

N/A

Policy Implications

Section 3 – Financial Management

Other Corporate Document

N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Major (4) Non-compliance results in termination of services or imposed penalties to Shire/Officers	Possible (3) The event should occur at some time	High (12)	Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Ensuring any recommendations from the audit are implemented will ensure that the residual risk is low.

FINANCIAL IMPLICATIONS

NIL

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

As recommended by Audit Committee, that Council **APPROVES** the Disposal Policy for the Shire of Victoria Plains.

For _____ / Against _____

9.6 Compliance Audit Return 2023

File reference	
Report date	19 March 2024
Applicant/proponent	Department of Local Government, Sport and Cultural Industries
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Candice Watson, PA to the CEO
Senior Officer	Sean Fletcher, CEO
Authorised by	CEO
Attachments	
Attachment 1	Page
	SoVP CAR 2023

PURPOSE

That Council adopts the Compliance Audit Return 2023 as recommended 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.

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

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

COMMENT

The Compliance Audit Return has been completed for the 2023 year and reviewed by the Audit Committee and is submitted for adoption.

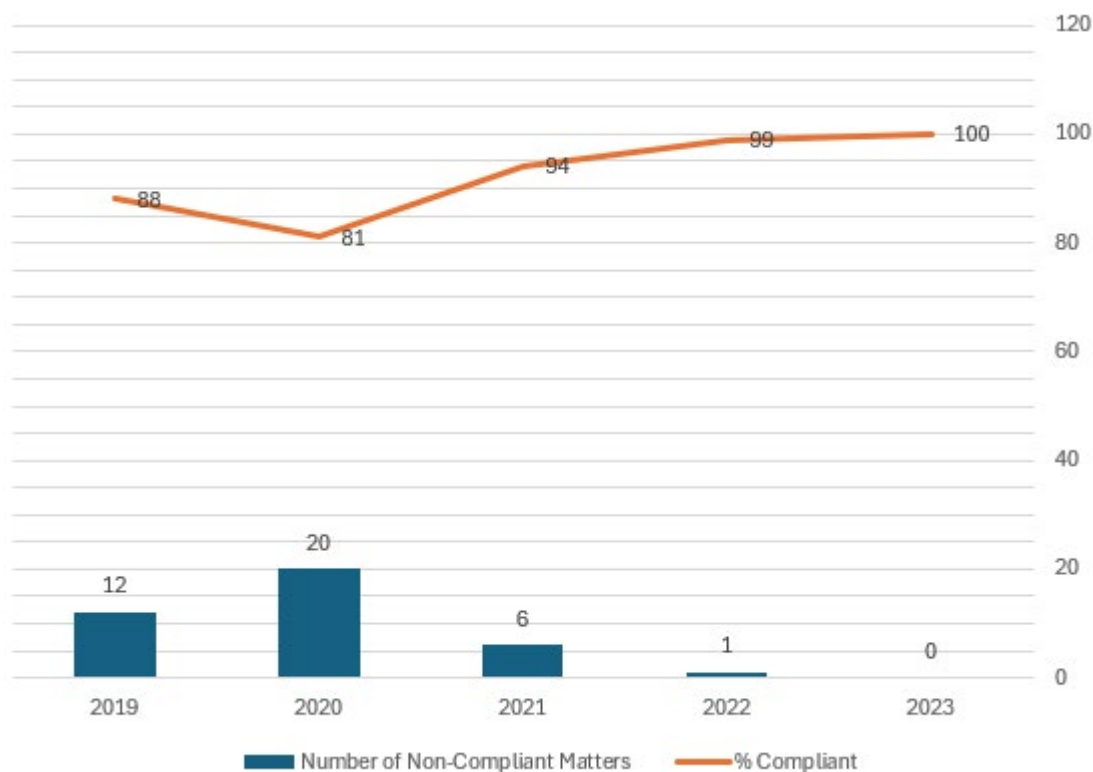
Audit Findings

The author, along with the CEO, the Deputy CEO and other key staff reviewed the practices and procedures of the administration, as required under the CAR (Attachment 1). In essence, there was no matters of non-compliance. The following is a summary of the audit findings regarding the CAR for 2023:

Subject	Page	Question of Non-Compliance	Finding Matters of Non-Compliance
Commercial Enterprises by Local Government			
5 questions	1/11	N/A	SoVP did not undertake any such activity for 2023. This was the same for 2019, 2020, 2021 and 2022
Delegation of Power or Duty			
13 questions	1-2/11		2019 – 4 2020 – 0 2021 – 0 2022 - 1 2023 – 0
Disclosure of Interests			
21 questions	2-4/11		2019 – 0 2020 – 4 2021 – 2 2022 - 0 2023 - 0
Disposal of Property			
2 questions	4/11	N/A	No matters of non-compliance.
Elections			
3 questions	5/11		2019 – 0 2020 – 3 2021 – 0 2022 – 0 2023 - 0
Finance			
7 questions	5-6/11		2019 – 2 2020 – 6 2021 – 2 (11 Questions) 2022 – 0 2023 - 0
Local Government Employees			
5 questions	6/11		2020 – 0 2021 – 1 (6 Questions) 2022 – 0 2023 - 0
Official Conduct			
4 questions	7/13		2019 – 0 2020 – 2 2021 – 0 (3 Questions) 2022 – 0 2023 – 0
Tenders for Providing Goods and Services			

22 questions	7-9/11		2019 – 4 2020 – 1 2021 – 1 (24 Questions) 2022 – 0 2023 - 0
Integrated Planning and Reporting			
3 questions	10/11		Compliant
Optional Questions			
9 questions	10-11/11		2019 – 0 2020 – 3 2021 – 0 2022 – 0 2023 – 0

Summary of Non-Compliance by Year



CONSULTATION

Mr Sean Fletcher, Chief Executive Officer
 Mr Colin Ashe, Deputy Chief Executive Officer
 Mrs Marie Freeman, Records Manager

STATUTORY CONTEXT

Local Government (Audit) Regulations 1996 –

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

CORPORATE CONTEXT

Strategic Community Plan and Corporate Business Plan

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

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

Risk Management (Risk Governance Framework)

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

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
<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: Substantial improvement on the previous three years</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. The six matters of non compliance will be actioned ASAP</p> <p>The CEO to update the Audit Committee on progress of outstanding items. Councillors to observe statutory requirements</p>

					regarding returns The above will, over time, ensure that the risk is maintained as Low
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FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Nil

Audit Committee and Officer’s Recommendation

Moved Cr _____ Seconded Cr _____

That Council in accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* **ADOPTS** the Compliance Audit Return 2023 (in Attachment 1), including the following findings:

Subject	Page	Question of Non-Compliance	Finding Matters of Non-Compliance
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3 questions	10/11		Compliant
Optional Questions			
9 questions	10-11/11		2019 – 0 2020 – 3 2021 – 0 2022 – 0 2023 – 0

For _____ / Against _____

10. MEETING CLOSED TO PUBLIC

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

13. MEETING CLOSED TO PUBLIC

13. CLOSURE OF MEETING

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

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on _____
2024.

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.**