



Council Agenda

17 Queen Street, Pingelly
Western Australia 6308
Telephone: 9887 1066
admin@pingelly.wa.gov.au

Shire of Pingelly

Special Council Meeting

Wednesday 9 February 2022 at 1430 hrs

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MISSION STATEMENT

To enhance the quality of life for the people of Pingelly through the provision of leadership, services and infrastructure.



Shire of Pingelly

Notice of Meeting

Notice is given that a Special meeting of the Council will be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 9 February 2022 commencing at 2.30 pm.

Your attendance is respectfully requested.

Disclaimer

The recommendations contained in this agenda 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. 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 Councils decision.

Andrew Dover
Chief Executive Officer

PUBLIC QUESTION TIME INFORMATION

The Shire of Pingelly welcomes community participation during public question time. This document is to be read in conjunction with the *Shire of Pingelly Standing Orders Local Law 2017* and the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

1. A member of the public who raises a question during question time must:
 - a. be in attendance at the meeting;
 - b. first state their name and address;
 - c. direct the question to the Presiding Member;
 - d. ask the question briefly and concisely;
 - e. limit any preamble to matters directly relevant to the question; and
 - f. ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
2. Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
3. Where a member of the public seeks a written response to their questions to be tabled at a meeting, the member of the public must submit their questions to Council by no later than 12 noon on the day prior to the meeting date of which the response is to be tabled.
4. Where a member of the public submits their questions after 12 noon on the day prior to the meeting date of which the response is to be tabled, a written response may be provided at the discretion of the presiding member.
5. Where a member of the public submits a written question after 12 noon the day prior to the meeting at which they are to be tabled, a verbal response may be provided at the meeting.
6. A member of the public may ask questions without notice at a meeting, provided they present a written copy of their questions to Council prior to the commencement of the meeting.

Questions may be submitted by e-mail to admin@pingelly.wa.gov.au.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairman to declare the meeting open.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past, present and emerging.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

4. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

5. PUBLIC QUESTION TIME

6. DISCLOSURES OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Audit Committee Meeting Minutes

Recommendation:

That Council receive the Minutes of the Audit Committee Meeting held on 9 February 2022.

Moved: _____ Seconded: _____

8. REPORTS OF COMMITTEES OF COUNCIL

8.1 Compliance Audit Committee Meeting 9 February 2022

Statutory Environment: Section 5.22 of the Local Government Act provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

Recommendation:

That Council:

1. Adopts the Compliance Audit Return (CAR) for the 2021 calendar year presented as attached;
2. Accepts the 2020/21 Annual Financial Report and associated Audit Report, and notes the actions required by the Chief Executive Officer to address the matter raised; and
3. Receives the report on the significant matters indicating an adverse trend in the Operating Surplus Ratio raised in the 2020/21 Audit Report.

Moved: _____ Seconded: _____

9 OFFICE OF THE CHIEF EXECUTIVE OFFICER

9.1 Adoption of 2020/21 Annual Report

File Reference:	ADM0074
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Attachment 1 Annual Report 2020/21
Previous Reference:	Nil

Summary

Council is requested to accept the Annual Report, inclusive of the Annual Financial Report and the Audit Report for the 2020/21 financial year and schedule the Annual Meeting of Electors.

Background

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare an Annual Report in the manner and form prescribed, and by 30 September submit to its Auditor the accounts balanced up to the last day of the preceding year, and the annual financial report for each financial year.

Section 5.53 of the Local Government Act 1995 requires a Local Government to prepare an Annual Report for each financial year. The Annual Report is to contain a report from the President, a report from the Chief Executive Officer, the Financial Report for the Financial Year, the Auditor's Report for the Financial Year, a number of other matters in relation to principal activities and such other information as may be prescribed. Once received, Council is then required by Section 5.27 of the Local Government Act 1995 to hold a General Meeting of Electors once every financial year to discuss the contents of the Annual Report for the previous financial year and any other general business. This meeting is to be held not more than 56 days after the local government accepts the annual report for the previous year.

Section 5.54 of the Local Government Act 1995 requires Council to accept the Annual Report no later than 31 December each year. Should the auditor's report not be available in time for the Annual Report to be accepted by 31 December, then the local government is to accept the Annual Report no later than two months after the auditor's report becomes available. The Audit Report was made available by the Office of the Auditor General on 16 December 2020.

Comment

The Annual Report for the year ended 30 June 2021 is presented to Council for acceptance. The Annual Report is presented in two parts, being the Annual Report, and the Financial Report. Also included is a full set of audited annual financial statements and the Independent Auditor's report. Once formally received and accepted by Council, the Annual Report can be referred for discussion at the Annual Electors' Meeting.

This Report will be available to the Public and Electors prior to the Annual Electors Meeting, subject to its acceptance by Council.

Industry best practice is to endeavour to hold the Annual Meeting of Electors in the same calendar year that the financial year ended. This is dependent on the timing of the audit of the Shire's financial statements and the receipt of the audit statement. The acceptance of the Annual Report will trigger the timeline for the Annual Meeting of Electors, necessitating it to be held by Wednesday 6 April 2022. It is proposed to hold the Annual Meeting of Electors for 2020/21 at 5.30 pm on Wednesday 16 February 2022.

Consultation

The availability of the Annual Report is advertised.

Statutory Environment

Part 5 Division 5 of the Local Government Act 1995 (the Act) specifies the legislative requirements for preparation and acceptance of the Annual Report.

Section 5.53(1) of the Act requires a local government to prepare an annual report for each financial year.

Section 5.53(2) specifies the content of the Annual Report, including a report from the Shire President, a report from the Chief Executive Officer, an overview of the plan for the future, the financial reports for the year under review, the auditor's report, and specified information including that relating to employees, disability services, and complaints.

Section 5.54(1) specifies that the Annual Report is to be accepted by Absolute Majority decision.

Section 5.55 notes that the Chief Executive Officer 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.

Section 5.27 of the Local Government Act 1995 and Part 3 of the Local Government (Administration) Regulations 1996 specify the legislative requirements for annual meeting of electors, including when a meeting is to be held, the matters to be discussed (Annual Report and other General Business), who may vote and how, and the procedure at the meeting.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Goal 5	Innovation Leadership and Governance
Outcome 5.8	A strong corporate governance framework is maintained
Strategy 5.8.2	Ensure compliance with legislative requirements and excellence in business performance

Risk Implications

Risk	The key risk is in relation to the annual report legislative process not being adhered to, including sufficient public notice being given.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Compliance
Risk Action Plan (Controls or Treatment Proposed)	Nil

Risk Matrix

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

Voting Requirements

Absolute Majority

Recommendation

That Council:

- 1. Adopt the Shire of Pingelly Annual Report for the Financial Year ended 30 June 2021, inclusive of the Annual Financial Report and Audit Report; and**
- 2. Approves the Annual Meeting of Electors to be held at 5.30 pm on Wednesday 16 February 2022.**

Moved: _____ Seconded: _____

10. CORPORATE AND COMMUNITY SERVICES REPORTS

Nil

11. WORKS REPORTS

Nil

12. CLOSURE OF MEETING

The Chairman to declare the meeting closed.