



# Shire of Pingelly

## Minutes

Special Council Meeting  
09 February 2022

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Chairman declared the meeting open at 2.21pm.

**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**

Nil

**4. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**  
**MEMBERS PRESENT**

Cr W Mulrone	(President)
Cr J McBurney	(Deputy President)
Cr K Camilleri	
Cr B Hotham	
Cr P Narducci	
Cr K Singh	
Cr P Wood	
Cr A Oliveri	

**STAFF IN ATTENDANCE**

Mr A Dover	Chief Executive Officer
Mrs D Sweeney	Executive Manager Corporate Services
Mr M Hudson	Executive Manager Works
Ms J Hitch	Customer Service Officer

**5. PUBLIC QUESTION TIME**

No members of the public present.

**6. DISCLOSURES OF INTEREST**

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**7.1 Audit Committee Meeting Minutes**

13098 Moved: Cr Oliveri                      Seconded: Cr Camilleri

**Recommendation and Council Decision:**

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

Carried 8:0

**8. REPORTS OF COMMITTEES OF COUNCIL**

**8.1 Compliance Audit Committee Meeting 9 February 2022**

13099 Moved: Cr McBurney                      Seconded: Cr Wood

**Recommendation and Council Decision:**

**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.**

Carried 8:0

## **9 OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **9.1 Adoption of 2020/21 Annual Report**

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

#### **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	Minor	Moderate	Major	Catastrophic
		1	2	3	4	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

**13100 Moved: Cr Narducci**

**Seconded: Cr McBurney**

**Recommendation and Council Decision:**

**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.

Carried 8:0

**10. CORPORATE AND COMMUNITY SERVICES REPORTS**

Nil

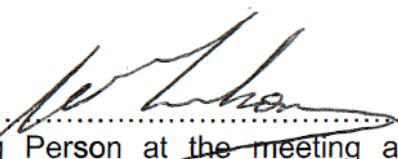
**11. WORKS REPORTS**

Nil

**12. CLOSURE OF MEETING**

The Chairman declared the meeting closed at 2.26pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 16 February 2022

Signed..........  
Presiding Person at the meeting at which the minutes were confirmed.