

# **ORDER OF BUSINESS**

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# Minutes of a Special Meeting of Council held in the Council Chambers on Wednesday 1 April 2020 commencing at 3.43pm

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

### Attendance

BD West	President	West Ward
B Smoker	Councillor	West Ward
J Noble	Councillor	Town Ward
R Bowey (via phone link)	Councillor	Town Ward
L Varone (via phone link)	Councillor	East Ward
G Yandle	Chief Executive Officer	
C Vandenberg	Deputy Chief Executive Officer	

### Apologies

GD Robins	Deputy President	Town Ward
RD Duckworth	Councillor	West Ward
MS Lucchesi	Councillor	Central Ward
BP Taylor	Councillor	Central Ward

## 3. PUBLIC QUESTION TIME

Nil

## 4. MATTERS REQUIRING DECISION

- 4.1 Annual Report 2018/19 – Auditors Report
- 4.2 Compliance Audit Return 2019 – Adoption
- 4.3 April Council Meeting and Annual Electors Meeting

## 5. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

## 6. NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

## 7. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

## 8. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

## 9. DATE AND TIME OF NEXT MEETING

## 10. CLOSURE OF MEETING

## 4. MATTERS REQUIRING COUNCIL DECISION

### 4.1 Annual Report 2018/19 – Auditors Report

**NAME OF APPLICANT:** DCEO  
**RESPONSIBLE OFFICER:** DCEO  
**FILE REFERENCE:** 12.05 Audit Return and Review  
**STRATEGIC REFERENCE/S:** Corporate Business Plan, Civic Leadership 4.1.1 a; CEO KRA 3.3 Financial Management, 3.5 Integrated Planning  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

The Shire of Kulin Annual Report 2018/19 has been audited by Councils Auditor, Byfields on behalf of Office of the Auditor General. The Auditor has provided the Independent Auditor's Report. It should be noted that no issues of inaccuracy or non-compliance with the Shire's Annual Financial Report for the year ended 30 June 2019 have been identified.

**BACKGROUND & COMMENT:**

Each year, as part of Council's audit process, an Independent Audit is undertaken to assess Council's Annual Financial Report and the legitimacy and accuracy of Council's accounts.

An Independent Audit Report is then produced by the Auditor and provided to the Chief Executive Officer, President and the Minister, Department for Local Government. The Report is included in Council's Annual Report. Any issues arising from the Independent Audit Report are to be investigated and action taken to resolve those issues.

Council's Auditor, Ms Leanne Oliver and the OAG representative Kien Neoh, will attend a teleconference at 3.00pm to discuss the audit report and take questions from Audit Committee members.

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**AUDIT & RISK COMMITTEE RECOMMENDATION TO COUNCIL:**

That the committee recommends to Council that the Auditors Report for the 2018/19 Financial Year be received and the accompanying management letter be noted. Questions arising from the Audit Report and management letter requiring action be addressed by the CEO. The Shire of Kulin Annual Report 2018/19 be received.

**VOTING REQUIREMENTS:**

Absolute majority required.

**SM01/0420**

**Moved Cr Bowey Seconded Cr Smoker that the Auditors Report for the 2018/19 Financial Year be received and the accompanying management letter be noted. Questions arising from the Audit Report and management letter requiring action be addressed by the CEO. The Shire of Kulin Annual Report 2018/19 be received.**

**Carried by Absolute Majority**

## 4.2 Compliance Audit Return 2019 – Adoption

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**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 04.02 Local Government Act & Returns  
**STRATEGIC REFERENCE/S:** CBP 4.1 Civic Leadership, 4.1.8 Compliance methods  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** NIL

### **SUMMARY:**

To present the Compliance Audit Return to the Audit and Risk Committee who adopt the report and make recommendation to Council.

### **BACKGROUND:**

Each year all local governments across the State are required by legislation to undertake a compliance audit for the period 1 January to 31 December. This audit is performed against the requirements of the Compliance Audit Return prepared by the Department of Local Government covering the following business areas considered to be 'high risk':

- Commercial Enterprises by Local Government;
- Delegation of Power / Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Local Government Employees;
- Official Conduct; and
- Tendering for Providing Goods & Services

### **COMMENT:**

The Audit and Risk Committee's consideration and endorsement of the Compliance Audit Return (addressing those areas identified as high risk) is required prior to the report being submitted to the Department of Local Government and Communities. A completed return for the year ended 31 December 2019 is due to the Department by the 31 March 2019.

Please note that the Risk and Audit Committee is required to review the completed CAR and report the results to the Council, prior to the CAR's adoption by Council and submission to the Department by 31 March 2020.

The Compliance Audit Return is attached for the Committee's and Council's consideration. Note the report was prepared by the CEO.

### **STATUTORY IMPLICATIONS:**

Regulation 14 of the Local Government (Audit) Regulations 1996 provides:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 15 provides that:

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit,
  - (c) is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation, certified in relation to a compliance audit return means signed by;
  - (a) the mayor or president; and
  - (b) the CEO.

**FINANCIAL IMPLICATIONS:**

Nil

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY STRATEGIC PLAN IMPLICATIONS:**

Nil

**AUDIT & RISK COMMITTEE RECOMMENDATION:**

That the Audit and Risk Committee recommend to Council that;

1. Note the recommendations and comments of the Audit Committee as detailed;
2. Council adopt the Compliance Audit Return 2019, as presented;
3. The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2019;
4. Endorse the return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2020.

**VOTING REQUIREMENTS:**

Absolute Majority Required

**SM02/0420**

**Moved Cr Varone Seconded Cr Noble that Council;**

1. **Note the recommendations and comments of the Audit Committee as detailed;**
2. **Council adopt the Compliance Audit Return 2019, as presented;**
3. **The Chief Executive Officer and the Shire President be authorised to sign the Compliance Audit Return 2019;**
4. **Endorse the return for submission to the Department of Local Government, Sport and Cultural Industries.**

**Carried by Absolute Majority**

### **4.3 April Council Meeting & Annual Electors Meeting**

**NAME OF APPLICANT:** CEO  
**RESPONSIBLE OFFICER:** CEO  
**FILE REFERENCE:** 13.03 Governance  
**AUTHOR:** CEO  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

Council is required to hold a general meeting of electors once every financial year. 14 days local public notice of the date, time, place and purpose of the meeting is to be given.  
Council's next Ordinary meeting date is Wednesday 15 April 2020.

**COMMENT:**

Once the Annual Report for 2018/19 has been adopted by Council, then there will be the ability to hold the Annual Electors Meeting on the same day as the scheduled April Meeting.

Proposed to set the time and date for the Annual Electors Meeting to be 12 noon Wednesday 15 April 2020.

Alternatively, it may be worth considering a later date as there may be more information and decisions required regarding COVID-19. Please note that the latest date the Annual Electors Meeting can be held is Tuesday 28 April 2020.

Section 5.55 of the *Local Government Act 1995* requires the CEO 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.

**FINANCIAL IMPLICATIONS:**

Nil

**STATUTORY AND TOWN PLANNING IMPLICATIONS:**

*Local Government Act 1995:*

- Section 5.27 Electors' general meetings
- Section 5.29 Convening electors' meetings
- Section 5.54 Acceptance of annual reports
- Section 5.55 Notice of annual reports

**POLICY IMPLICATIONS:**

Nil

**COMMUNITY CONSULTATION:**

Nil

**WORKFORCE IMPLICATIONS:**

Nil

**OFFICERS RECOMMENDATION:**

That Council confirm the date and time for the April Council Meeting and the Annual Electors Meeting.

**VOTING REQUIREMENTS:**

Simple majority required.

**SM03/0420**

Moved Cr Varone Seconded Cr Noble that the April Council Meeting scheduled for Wednesday 15 April 2020 at 1pm proceed as an online meeting; and that the Annual Electors Meeting be held at 12 noon on the same day.

Carried 5/0

**5 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**6 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**7 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**8 MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**

Nil

**9 DATE AND TIME OF NEXT MEETING**

Annual Electors Meeting – 12 noon Wednesday 15 April 2020  
Ordinary Council Meeting Wednesday 15 April 2020 at 1.00pm

**10 CLOSURE OF MEETING**

There being no further business the President declared the meeting closed at 3.55pm