

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
16 MARCH 2022

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.31pm

I would like to show my respect and acknowledge the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
KM Seymour	-	Councillor
SA Bryan	-	Councillor
AJ Leeson	-	Chief Executive Officer
GW Robins	-	Deputy Chief Executive Officer
NM Beard	-	Manager Community Development & Visitor Servicing
MM Murray	-	Executive Support Officer (minute taker)

APOLOGIES

TL Errington	-	Councillor
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Lefroy, President

- 2/3 Presentation to Moora PS years 3/4 around the role of local government
- 8/3 Panellist at International Women's Day breakfast
- 8/3 Met with Carol Redford and Donna Vanzetti re pathways for funding for Astro-tourism documentary
- 9/3 Met with Kaye Morton, principal of St Joseph's Primary re bus service from school to childcare for after-school care
- 11/3 Met with Managing Director, Chair and board members of Minerals260 along with the Deputy CEO

Cr Seymour

- 4/2 Special WALGA State Council meeting
- 2/3 WALGA State Council meeting

Cr Hamilton

- 17/2 Moora Frail Aged Lodge Committee meeting
- 8/3 International Women's Day breakfast
- 8/3 Chamber of Commerce meeting

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 16 FEBRUARY 2022

COUNCIL RESOLUTION

17/22 Moved Cr Hamilton, seconded Cr Bryan that the Minutes of the Ordinary Meeting of Council held on 16 February 2022 be confirmed as a true and correct record of the meeting.

CARRIED 6/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 9 March 2022

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Charly Sawyer, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

➤ Environment

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

18/22 Moved Cr Gilbert, seconded Cr Hamilton that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 62516 to 62517	\$2,704
	EFT 26695 to 26872	\$889,763.66
	Direct Debits 14270.1 to 14385.1	\$80,639.60
(DDIDD14437.1) Credit Card 04/02/21 to 02/03/20		<u>\$5,624.67</u>
		\$978,731.93
Trust Fund	Cheques 5589 to 5590	<u>\$223.58</u>
		Subtotal \$978,955.51
Net Pays	PPE 01/02/22	\$117,943.52
	PPE 15/02/22	<u>\$126,746.85</u>
		\$244,690.37
	Total	<u>\$1,223,645.88</u>
		 <u>CARRIED 6/0</u>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2022

REPORT DATE: 10 March 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 28 February 2022

PURPOSE OF REPORT:

To receive and endorse the Statement of Financial Activity for the period ended 28 February 2022.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2021/22 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

19/22 Moved Cr Bryan, seconded Cr Clydesdale-Gebert that Council endorses the Statement of Financial Activity for the period ended 28 February 2022.

CARRIED 6/0

9.1.3 2021/2022 BUDGET REVIEW

FILE REFERENCE: F/BUDI

REPORT DATE: 10 March 2022

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: 2021/22 Budget Review

PURPOSE OF REPORT:

To review and discuss the budget review and proposed changes for the period 1 July 2021 to 31 January 2022.

BACKGROUND:

Local Governments are required to formally conduct a budget review at least once each financial year, between 1 January and 31 March. The budget review allows a detailed comparison of the year to date actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether to adopt the review and any recommendations made within the review.

A copy of the review and Council decision is to be provided to the Department of Local Government, Sport & Cultural Communities within 30 days of the decision by Council.

COMMENT:

The budget review for the period 1 July 2021 to 31 January 2022 has been conducted by management and is provided as a separate attachment to this agenda.

The review was completed Wednesday 2 March 2022. In accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, the budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether to adopt the review and any recommendations made within the review.

A number of changes to the budget are recommended as part of this budget review to recognise changes to grant revenue received, actual costs incurred, projects to be carried forward to next year's budget and other changes requested by Council.

All budget amendments are shown in the attached Budget Review 2021/22 document which provides a line by line explanation for each change proposed.

Council adopted the 2021/22 Budget with an operating surplus of \$0. Even with the budget amendments tabled for endorsement by Council in Note 5 of the Budget Review document still estimates an operating surplus of \$0 at 30 June 2022.

POLICY REQUIREMENTS:

There are no known policy implications.

LEGISLATIVE REQUIREMENTS:

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The financial implications are tabled in the 2021/22 Budget Review documentation.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

20/22 Moved Cr Gilbert, seconded Cr Seymour that Council

- 1. Approve the Budget Review for the period ended 31 January 2022 carried out in accordance with the Local Government Financial Management Regulations 1995 Section 33A;*
- 2. Approve the amendments to the adopted budget as outlined in “Note 5 – Budget Amendments” in the 2021/22 Budget Review document;*
- 3. Forward a copy of the budget review to the Department of Local Government, Sport & Cultural Industries within 30 days of endorsement; and*
- 4. Administration staff make the required budget amendments within the chart of accounts to reflect those changes adopted in “Note 5 – Budget Amendments” within the 2021/22 Budget Review document.*

CARRIED BY ABSOLUTE MAJORITY 6/0

9.1.4 AMENDMENT TO COUNCIL POLICY 8.9 – LIQUOR CONSUMPTION IN/ON SHIRE RESERVES AND FACILITIES

At 5.45pm Cr Clydesdale-Gebert declared a financial interest as she has a liquor licence and left the meeting.

FILE REFERENCE: PL/POPI-2
REPORT DATE: 10 March 2022
APPLICANT/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

To amend Councils current policy 8.9, to put into place appropriate restrictions as to the timeframe in duration that the Chief Executive Officer can approve the consumption of liquor on Council property.

BACKGROUND:

An application was received recently from the Moora Mavericks seeking Shire permission to consume alcohol at the Moora Recreation Centre for an overall duration of 13 hours (11.00am to midnight).

The author recommends that Council sets some upper parameters in terms of the maximum amount of time alcohol can be consumed on Council property, notwithstanding any relative liquor licensing requirements that may or may not be applicable

COMMENT:

The consumption of alcohol in/on shire reserves and facilities is a common request. The previous policy is limited in its direction in its current form as it only deals with the Moora Recreation Centre and Ovals. It is recommended the policy be amended to capture all shire reserves and facilities for consistency and efficiency of Shire staff processing and approving such requests.

Current Policy

8.9 Moora Recreation Centre and Ovals – Liquor

Liquor at Sporting fixtures

Consumption of Liquor at the Recreation Centre: -

- I. That liquor is permitted to be served at the Recreation centre and grounds during sporting fixtures provided that the club/applicant has either;
 - i. A valid liquor license from the Department of Gaming and Liquor; and or/
 - ii. Approval from the Shire of Moora Chief Executive Officer to consume alcohol within a specified area detailing specific times for commencement and completion.

Draft Amended Policy

8.9 Consumption of Alcohol in/on Shire of Moora Reserves and Facilities

Policy Objectives

- Encourage the responsible consumption of alcohol in/on Shire of Moora Reserves and Facilities;

- Outline the conditions of approval to consume alcohol in/on Shire of Moora Reserves and Facilities

Policy Conditions/Parameters

Permit to Consume Alcohol on a Shire owned or managed reserves or facilities may be issued by the Shire of Moora Chief Executive Officer subject to the following conditions.

- a) The CEO must be satisfied that any application or request to consume alcohol does not demonstrate a significant risk that would result in damage to a Shire owned or managed facility or reserve;
- b) The CEO will not approve cumulative time for consumption of alcohol that exceeds 10 hours in duration in any one day;
- c) Applications for a Permit to Consume Alcohol will only be considered in line with the following time parameters/restrictions;
 - a. Monday - 11am to Midnight
 - b. Tuesday - 11 am to Midnight
 - c. Wednesday - 11am to Midnight
 - d. Thursday – 11am to Midnight
 - e. Friday – 11am to Midnight
 - f. Saturday – 11am to Midnight
 - g. Sunday – 11am to 9pm
- d) Compliance with relevant liquor licensing legislative requirements

POLICY REQUIREMENTS:

As above

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

Section 2.7 (2b) – The Council is to determine the local governments policies.

STRATEGIC IMPLICATIONS:

There are not any strategic implications for Council in consideration of this item

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no direct financial implications in consideration of this Item

VOTING REQUIREMENTS:

Simple Majority

COUNCIL RESOLUTION

21/22 Moved Cr Seymour, seconded Cr Bryan that Council approve the amendment to Council Policy 8.9 as detailed hereunder;

8.9 Consumption of Alcohol in/on Shire of Moora Reserves and Facilities**Policy Objectives**

- Encourage the responsible consumption of alcohol in/on Shire of Moora Reserves and Facilities;
- Outline the conditions of approval to consume alcohol in/on Shire of Moora Reserves and Facilities

Policy Conditions/Parameters

Permit to Consume Alcohol on a Shire owned / managed reserves or facilities may be issued by the Shire of Moora Chief Executive officer subject to the following conditions.

- d) The CEO must be satisfied that any application or request to consume alcohol does not demonstrate a significant risk that would result in damage to a Shire owned or managed facility or reserve;
- e) The CEO will not approve cumulative time for consumption of alcohol that exceeds 10 hours in duration in any one day;
- f) Applications for a Permit to Consume Alcohol will only be considered in line with the following time parameters/restrictions;
 - a. Monday - 11am to Midnight
 - b. Tuesday - 11 am to Midnight
 - c. Wednesday - 11am to Midnight
 - d. Thursday – 11am to Midnight
 - e. Friday – 11.00am to Midnight
 - f. Saturday – 11.00am to Midnight
 - g. Sunday – 11.00am to 9.00pm
- d) Compliance with relevant liquor licensing legislative requirements

CARRIED 5/0

At 5.50pm Cr Clydesdale-Gebert rejoined the meeting and was advised of Councils decision.

9.1.5 **REGISTER OF DELEGATIONS**

FILE REFERENCE: PL/DELI
REPORT DATE: 11 March 2022
APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES:
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Draft Register of Delegations

PURPOSE OF REPORT:

To ensure Council complies with legislation requiring it to review delegations made under the Local Government Act 1995, at least once every financial year. Other Acts require different review timeframes, but this review and proposed adoption will “reset” review periods for all delegations, under all Acts.

BACKGROUND:

s5.42 of the LGA 1995 permits Council to delegate anything that the “local government” may do, under the Act, to the CEO, who automatically has the right to sub delegate such matters to any employee.

The Council cannot delegate any matters, which may only be determined by the Council - s5.43 LGA, including:

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,
- any of the local government’s powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,
- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor.

Council should note that although it can only delegate to the CEO, under the LGA, who can only sub delegate to another employee, other Acts allow Council, or the CEO to delegate to other persons (such as a contract Ranger).

In addition, there are some matters which the CEO holds, as of right, and these may also be delegated to another employee. Such matters require no resolutions of the Council.

The draft Register of Delegations has been developed by a governance consultant (who has assisted the Shire of Moora in recent new councillor induction training (which included a module on delegated decision making) and other related policy matters and advice.

COMMENT:

The draft Register is based on the WALGA template Register of Delegations, which provides the benefits of:

- ease of amendment when new provisions need to be addressed
- consistency with other local governments for comparison, if needed
- ensuring legal compliance via WALGA
- a format which is consistent with the approach required by a cloud-based system for delegations, notifications (such as Primary and Annual Returns, gifts, compliance calendar etc) – although at this stage the CEO is not contemplating a move to such a cloud-based system.

POLICY REQUIREMENTS:

Many of the delegations (and sub delegations) will require complementary policies – either Council or CEO Policies/Procedures.

These will be addressed subsequently.

LEGISLATIVE REQUIREMENTS:

Sections 5.42, 5.43, 5.44 and other Sections (as well as some Clauses in Regulations) are relevant.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no direct financial implications of adopting the Register of Delegations

VOTING REQUIREMENTS:

Absolute Majority, to revoke the existing Register and to adopt the draft Register.

Revoking the existing Register ensures there are no duplicate delegations, nor any “redundant” ones, inadvertently carried forward.

COUNCIL RESOLUTIONS

22/22 Moved Cr Hamilton, seconded Cr Clydesdale-Gebert that on the basis that at least one third of the offices of Council have supported consideration of the intention to revoke:

That Council, by absolute majority revoke the existing Shire of Moora Register of Delegations.

That Council, by absolute majority adopt the new Register of Delegations as circulated with the Agenda of the Ordinary Meeting of Council 16 March 2022.

CARRIED BY ABSOLUTE MAJORITY 6/0

9.2 ENGINEERING SERVICES**9.2.1 BUDGET ITEM – CONCRETE FOOTPATH CONSTRUCTION WORKS – 2021-2022**

FILE REFERENCE: L/TER1-3
REPORT DATE: 8 March 2022
APPLICANT/PROPONENT: Keith Dickerson, Acting Manager Engineering Services
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Keith Dickerson, Acting Manager Engineering Services
ATTACHMENTS: Concrete Footpath Construction works Quotations

PURPOSE OF REPORT:

For Council to consider the RFQs received for Concrete Footpath Construction works.

BACKGROUND:

2021/22 budget for footpath construction is \$200,000 with an allocation of \$170,218 for materials and contracts, and \$29,782 for plant, wages and overheads.

COMMENT:

Council management decided to use the WALGA Preferred Supplier process to call for quotations for Concrete Footpath Construction works. Four companies were contacted, with only two companies responding and submitting quotes for the works. Axiis Contracting offered a price of \$187,705 (excl GST) and Dowsing offered a price of \$172,286 (excl GST).

As neither quotation was from a local contractor and both contractors will be using a local concrete supplier, local purchasing preference was not included in the assessment process.

POLICY REQUIREMENTS:

Policy Manual, Section 12 - Purchasing and Procurement

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Strategically, the appropriate resourcing of contract Concrete Footpath Construction works should be a priority of Council on an annual basis.

In a general sense Council should undertake a closer examination of its Footpath Network and implement a suitable footpath program.

It is understood there is always annual budget parameters and it's a difficult task to provide the appropriate fiscal resources to keep up with the required Concrete Footpath Construction works, however with a program in place this can be better managed.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal.

➤ Economic

The Concrete Footpath Construction works enables the Shire to maintain and preserve a high standard footpath network on key strategic Streets in Moora, Miling and Watheroo. This in turn is of significant benefit to pedestrians and path users within the Shire.

➤ Social

Construction of new footpaths within the townsites improves safety and offers ease of access for all pedestrians including wheelchair traffic.

FINANCIAL IMPLICATIONS:

The quoted price from Dowsing is within the 2021/22 budget of \$200,000.00.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

23/22 Moved Cr Seymour, seconded Cr Bryan that Council accepts the quotation from Dowsing for the 2021/22 Concrete Footpath Construction works at a cost of \$172,286.00 (excl GST).

CARRIED BY ABSOLUTE MAJORITY 6/0

10. REPORTS OF COMMITTEES

AUDIT COMMITTEE MEETING – 16 MARCH 2022

10.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2021

FILE REFERENCE: GA/SCO1

REPORT DATE: 10 March 2022

APPLICANT/PROPONENT: Department of Local Government, Sport and Cultural Industries

OFFICER DISCLOSURE OF INTEREST: The author has no financial or other interest in this matter.

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: 2021 Compliance Audit Return

PURPOSE OF REPORT:

To provide Council with the outcomes of the 2021 Statutory Compliance Audit Return (CAR) for the period 1 January 2021 to 31 December 2021 and recommend it for adoption.

BACKGROUND:

In accordance with the Local Government Act 1995 and Local Government (Audit) Regulations 1996, a local government is required to complete an annual CAR for the period 1 January to 31 December of the preceding year. The CAR, after being adopted by Council, is to be forwarded to the Department of Local Government by 31 March 2022. The CAR was tabled for discussion at the Audit Committee meeting held on 16 March 2022.

COMMENT:

The purpose of the annual CAR is for individual local governments to assess their level of compliance with the Local Government Act 1995 and associated Regulations.

With the exceptions of Elections (as it was an election year) and an “Optional” Category that included 9 questions, the specific areas addressed by the CAR are the same as those covered in the 2020 return. Overall, the areas covered include:

- Commercial Enterprises by Local Government
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning & Reporting
- Local Government Employees
- Official Conduct
- Optional Questions
- Tenders for Providing Goods and Services

The Compliance Audit Return has been undertaken as an internal audit, sourcing evidence of compliance through the Shire’s own records. Where relevant, resolution references have been included in the CAR.

The review has found that there were 2 items of non-compliance. Both items related to the same section Delegation of Power/Duty. It should be noted that Council is currently in the process of reviewing the Shire's Delegation Register which will ensure compliance with the 2021 Compliance Audit Return.

A summary for the each of the sections is shown below;

Commercial Enterprises by Local Government

The Shire had no major trading undertakings during 2021.

Non Compliance matters raised - Nil

Delegation of Power/Duty

Non-Compliance matters raised – 2

Q12 - Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?

No.

Council is currently in the process of reviewing the Shire's Delegation Register which will ensure compliance with the 2021 Compliance Audit Return.

Q13 - Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?

No.

While records were maintained for persons exercising delegated power or duty during the period, this was not recorded in the prescribed format.

Regulation 19 of the Local Government (Administration) Regulations 1996 outline the following format to be applied;

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Rectifying the matter is an administration requirement that will require monitoring throughout the year and is currently being addressed to ensure it is compliant in 2022.

Disclosure of Interest

Council need to ensure that all Primary and Annual Returns are completed in a timely manner and returns are acknowledged in writing by the CEO (for all Councillors & Staff) and the President (for the CEO).

For the purpose of completing Primary and Annual Returns for staff, a designated employee is an employee, other than the Chief Executive Officer, to whom any power or duty has been delegated to that employee as explained in section 5.74 of the Local Government Act 1995.

The Local Government Act 1995 has very stringent rules for both Annual and Primary Returns. Annual Returns must be completed within 3 months of the commencement date, while Annual Returns must be completed by 31 August each year. There are very harsh penalties for non-compliance in this area with penalties of a \$10,000 fine or imprisonment for 2 years that may be applied for Annual and Primary Returns not completed within the required timeframes. Below is an extract from the Local Government Act 1995;

Non Compliance matters raised – Nil

Disposal of Property

Public notice is required for the disposal of property under section 3.58 of the Act unless sold by public auction. There was no property disposed of during the period.

Non Compliance matters raised - Nil

Elections

In total there were 3 questions relating to local government elections. All 3 questions relate to need for Council to maintain a Gift Register and for all prospective elected members to declare any gifts received throughout the electoral campaign.

Non Compliance matters raised - Nil

Finance

Council need to establish an Audit Committee and members of the Audit Committee need to be appointed by Council.

It is a requirement for any significant matters raised in the Audit Report to be addressed by the CEO with an Action List addressing these matters raised endorsed by Council and a copy sent to the Minister within 3 months of receiving the Audit Report.

Non Compliance matters raised - Nil

Integrated Planning & Reporting

This section was introduced in the CAR for 2017 and was not compulsory for Council to complete for 2017 & 2018, however it was a requirement to be completed from 2019.

Non Compliance matters raised - Nil

Local Government Employees

There are currently 3 designated senior employees as per the definition of the Local Government Act 1995 employed at the Shire.

No positions were filled during the period 1 January 2021 to December 2021.

Non Compliance matters raised - Nil

Official Conduct

No complaints were received in accordance with section 5.121 of the Local Government Act 1995.

Non Compliance matters raised – Nil

Optional

The optional section included 9 questions relating to various financial management reporting and disclosures. All of which were compliant, and the questions were completed.

Non Compliance matters raised - Nil

Tenders for Providing Goods and Services

A tender register has been maintained and the processes for calling tenders followed within this reporting section. While a tender register has been maintained it is imperative to ensure the register is properly maintained at all times. Outlined below are the minimum requirements for information to be maintained in the tender register.

17. Tenders register

- (1) The CEO is responsible for keeping the tenders register and making it available for public inspection.
- (2) The tenders register is to include, for each invitation to tender —
 - (a) a brief description of the goods or services required; and
 - (b) *[deleted]*
 - (c) particulars of —
 - (i) any notice by which expressions of interests from prospective tenderers was sought; and
 - (ii) any person who submitted an expression of interest; and
 - (iii) any list of acceptable tenderers that was prepared under regulation 23(4);and
 - (d) a copy of the notice of the invitation to tender; and
 - (e) the name of each tenderer whose tender has been opened; and
 - (f) the name of any successful tenderer.
- (3) The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.

Non Compliance matters raised - Nil

Overall, the completed CAR indicates that the Shire of Moora is maintaining an acceptable level of compliance in the key areas that the CAR focuses on. Those items identified as being non-compliant can be rectified with the implementation of simple administration processes.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

Local Government (Audit) Regulations 1996

Local Government (Functions & General) Regulations 1996

Local Government (Administration) Regulations 1996

Local Government (Financial Management) Regulations 1996
Local Government (Rules of Conduct) Regulations 2007

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

24/22 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that Council adopts the 2021 Compliance Audit Return for the period (1 January 2021 to 31 December 2021), and forward with the duly signed Joint Certification by the President and Chief Executive Officer to the Executive Director of the Department of Local Government, Sport & Cultural Industries.

CARRIED 6/0

11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

Nil

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.58pm.

CONFIRMED

PRESIDING MEMBER