



MINUTES OF SPECIAL MEETING OF COUNCIL

For Council to consider:

- 1. Confirm minutes for Ordinary Council meeting held 13 December 2023.**
 - 2. Receive minutes of the Audit and Risk Management Committee meeting held 20 December 2023.**
 - 3. Presentation of Summary of Accounts for December 2023.**
 - 4. Presentation of Monthly Financial Statements for December 2023.**
 - 5. Annual Financial Statements and Audit Opinion 2022/2023.**
 - 6. Office of the Auditor General Financial Audit Results Local Government 2021/2022.**
 - 7. 2022/2023 Annual Report.**
 - 8. Schedule the Annual General Meeting of Electors 2024**
 - 9. Appointment of Independent Members to the Audit and Risk Management Committee.**
-

Held on Wednesday 24 January 2024

Commenced at 5:00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

Garry Hunt
Chief Executive Officer (Temporary)

2 February 2024

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF SPECIAL COUNCIL MEETING

Held at the Council Chambers
Wednesday, 24 January 2024 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present, and emerging.

The Shire President declared the meeting open at 5:02pm and welcomed the public gallery.

The Shire President advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The President further stated the following:

“This meeting is being livestreamed and digitally recorded in accordance with Council Policy.”

“Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.”

“Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Vivienne MacCarthy (President)	Garry Hunt – Chief Executive Officer (Temporary)
Cr Lisa Glover (Deputy President)	Kim Dolzadelli –Director Finance and Corporate
Cr John Bailey	Ross Marshall – Director Operations
Cr Peter Gubler (arrived at 5:18pm)	Samantha Farquhar – Administration Officer Corporate Services
Cr Anita Lindemann	
Cr Anne Mitchell	
Cr Grant Patrick	
Cr Alexis Davy	
Cr Deanna Shand	

PUBLIC GALLERY

3 members of the public were in attendance.

2.1 APOLOGIES

Loren Clifford – Manager Corporate Services.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil.

4 DECLARATION OF INTEREST

Nil.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

In accordance with the Clause 7(3) of the Local Government (Administration) Regulations, public questions must relate to the stated purpose of the Special Meeting of Council.

Question: Shane Sercombe

Could I have an update on the Shire Audit Concluding Memorandum.

Response: Director Finance and Corporate

The Confidential Audit Concluding Report is attached to the report that is before Council today as a confidential item. The report shows that any issues flagged within previous periods have all been actioned and resolved and no significant findings are contained within the management letters for the reporting period in question. The Audit Concluding

Report was authored by Moore Australia Audit WA and contains the following confidentiality clause.

This document is strictly confidential and although it has been made available to management and those charged with governance to facilitate discussions, it may not be taken as altering our responsibilities to the Shire arising our audit contract with the OAG. The information contained in this document is confidential and cannot be conveyed to any party other than the party to which it is directed.

A request was made to Moore Australia Audit WA to approve the Shire releasing the report publicly however this request was denied.

Question: Shane Sercombe

The President and the Manager of Corporate and Community have been corresponding with the OAG within the last two weeks regarding the releases of the Audit Concluding Report and the OAG. In releasing of the report of the Confidentiality is ultimately a decision for the Council. Can you concur with that statement.

Response: Director Finance and Corporate

No, we can't. What I can confer is we were copied into email correspondence between yourself and the Officer Auditor General. I can also confirm that the responses contained therein confer a belief that you were acting as a Councillor. I can also confirm that the author of the report that has put the confidentiality clause in the document is not the Officer of the Auditor General, it is Moore Australia (Audit) WA. They have intellectual property contained within the document and I would recommend that the Shire does not release that information as it may breach intellectual property legislation.

Question: Shane Sercombe

Can you confirm that the Audit Concluding Memorandum was posted on the Shire's website in the attachments last week.

Response: Director Finance and Corporate

Yes, I can confirm it was, inadvertently in error posted on the website, once it was discovered it was quickly taken down. If you were able to view or download that report, or if anyone has, then I would suggest that the contents of the report would not alarm a single person.

The President advised that no further questions would be taken.

Cr Bailey moved a Procedural Motion being that the ruling of the Presiding Member be disagreed with.

COUNCIL RECOMMENDATION

That the ruling of the Presiding Member be disagreed with.

MOVED: Cr Bailey

SECONDED: Cr Glover

COUNCIL RESOLUTION 1/24

That the ruling of the Presiding Member be disagreed with.

For: Cr Bailey, Cr Glover, Cr Davy, Cr Patrick, Cr Shand

Against: Cr Lindemann, Cr MacCarthy, Cr Mitchell

CARRIED:5/3

Shane Sercombe proceeded to ask further questions.

Councillor Gubler entered the room at 5:18pm.

Question: Shane Sercombe

With the Shire's net result being 9 million dollars less than budget and capital expenses also 14 million dollars less than budgeted, can the Council and community have faith in the budget process.

Response: Director Finance and Corporate

Yes, they can. We are in somewhat in irregular times still with Covid impacts and trying to source builders to undertake building works.

One of the projects that was in the budget that didn't get completed is the Argyle Irishtown Volunteer Fire Brigade which was in the budget and tied to a 1.4 million dollar capital grant. We were not successful in that grant application therefore that income wasn't forthcoming.

We had SHERP funding which is for the Minnipup Cottages and Langley Villas refurbishments which is continuing to be undertaken. In terms of the completion of the project, it did have a slight time overrun there. The reduction was around \$800,000.

We also had Bridges in our capital works program to a total of \$1.93 million and that was totally offset with capital grant funding as well. Capital works undertaken on bridges, is fully grant, no Council funds involved. The works program, for Bridges is controlled by Main Roads Western Australia and therefore, we get told when those works will be done. The works will happen, it's more about timing.

We also had an underspend as to what we thought may occur with VC Mitchell Park.

Capital under and a \$5.3 million variance in terms of the overall grant funding that was received. We did have a budget of \$12.6 million for capital grants. We reached \$3.457 million, conversely our capital expenditure reduced significantly.

If you look at the Statement of Financial Activity it shows you the closing surplus position, the closing surplus position for the closing of the entire operation for the Shire for the year, taking into consideration all operations and capitals works, transfers to and from reserves, loan repayments and so on, there is over \$2 million.

If you analyse the Statement of Comprehensive Income and look at the bottom line, we could be stating we have made a \$25 million profit. The fact is that \$27.9 million of that is a revaluation of fixed assets, it's not cash. Nor is loss or profit on sale as assets. If you do the exercise of getting a bottom line on your Statement of Comprehensive Income by backing out those items that relate to either Capital or that are non cash items such as Depreciation, Amortisation, Capital Grants Subsidies and Contributions, Profit and Loss and Other Comprehensive Income you are getting to a figure of \$1.987 million of available cash that is generated from operations within the Shire for that financial year. If you do the analysis and break it back down, what might appear to be a dark picture is certainly not the case.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 13 DECEMBER 2023

Minutes of the Ordinary Meeting of Council held 13 December 2023 are attached (Attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 13 December 2023 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 2/24

MOVED: Cr Mitchell

SECONDED: Cr Lindemann

That the Minutes from the Ordinary Meeting of Council held 13 December 2023 be confirmed as a true and accurate record.

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

7.2 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING – 20 DECEMBER 2023

Minutes of the Audit and Risk Management Committee Meeting held 20 December 2023 are attached (Attachment 7.2(1)).

EXECUTIVE RECOMMENDATION

That Council receive the Minutes from the Audit and Risk Management Committee Meeting held 20 December 2023 as attached in Attachment 7.2(1).

COUNCIL RESOLUTION 3/24

MOVED: Cr Patrick

SECONDED: Cr Lindemann

That Council receive the Minutes from the Audit and Risk Management Committee Meeting held 20 December 2023 as attached in Attachment 7.2(1).

CARRIED: 8/1

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Cr Bailey.

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

Nil.

9.2 DIRECTOR FINANCE AND CORPORATE

9.2.1 ACCOUNTS FOR PAYMENT – DECEMBER 2023

The Schedule of Accounts Paid under Delegation (No 1.2.21) is presented for public information (Attachment 9.2.1(1)).

EXECUTIVE RECOMMENDATION

That the Accounts for Payment Report for the period ended December 2023 be received.

COUNCIL RESOLUTION 4/24

MOVED: Cr Lindemann

SECONDED: Cr Mitchell

That the Accounts for Payment Report for the period ended December 2023 be received.

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.2 MONTHLY FINANCIAL REPORT – DECEMBER 2023

The Monthly Financial Report for December 2023 is attached (Attachment 9.2.2(1)).

EXECUTIVE RECOMMENDATION

That the Monthly Financial Report for the period ended December 2023 be received.

COUNCIL RESOLUTION 5/24

MOVED: Cr Lindemann

SECONDED: Cr Patrick

That the Monthly Financial Report for the period ended December 2023 be received.

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.3 ANNUAL FINANCIAL STATEMENTS AND AUDIT OPINION 2022/2023

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 02A
Author	Kim Dolzadelli, Director Finance and Corporate
Responsible Manager	Kim Dolzadelli, Director Finance and Corporate
Attachments	9.2.3 (1) - Annual Financial Statements 2022/2023 9.2.3 (2) - Audit Opinion 2022/2023 9.2.3 (3) - Management Letter 9.2.3 (4) - Interim Audit Management Letter 9.2.3 (5) - Audit Concluding Memorandum - Confidential
Voting Requirements	Simple Majority

COMMITTEE RECOMMENDATION	
That Council:	
<ol style="list-style-type: none"> 1. Receive the Annual Financial Report, Audit Report, Final Management Letter and Interim Audit Management letter for the year ending 30 June 2023; and 2. Note that a report on significant findings in accordance with Section 7.12A(4)(b) of the <i>Local Government Act 1995</i>, for the year ending 30 June 2023, is not required. 	

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

Outcome	11	Strong, visionary leadership.
Objective	11.1	Provide strategically focused, open, and accountable governance.
Outcome	12	A well respected, professionally run organisation.
Objective	12.1	Deliver effective and efficient operations and service provision.

EXECUTIVE SUMMARY

The Audit and Risk Management Committee considered the Annual Financial Report and Audit Opinion on Wednesday 20 December 2023 resulting in the above recommendation to Council.

BACKGROUND

The Shire of Donnybrook Balingup audit for year ending 30 June 2023 was conducted by the Office of the Auditor (OAG) using a private contractor; Moore Australia.

The Office of the Auditor General (OAG) has completed the Audit of the Annual Financial Report for the year ended 30 June 2023. The audit opinion was issued on 11 December 2023 and is attached to this item for reference.

The audit opinion is unqualified and concludes that the report fairly represents the results of the operations of the Shire for the period ended 30 June 2023.

The confidential Audit Concluding Report is also attached to this report for the information of Elected Members. The report shows that any issues flagged in the previous period have all been actioned and resolved and no significant finding are contained within the Management letter for the reporting period in question.

The Audit Concluding Report was authored by Moore Australia Audit (WA) and contains the following confidentiality clause:

“

Confidentiality

This document is strictly confidential and although it has been made available to management and those charged with governance to facilitate discussions, it may not be taken as altering our responsibilities to the Shire arising under our audit contract with the OAG.

The information contained in this document is confidential and cannot be conveyed to any party other than the party to which it is directed.

”

A request was made to Moore Australia Audit (WA) to approve the Shire releasing the report publicly however this request was denied.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995 Part – 7 Audit

7.12A. Duties of local government with respect to audits

- (3) A local government must —**
 - (aa) examine an audit report received by the local government; and**
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and**

- (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must —*
 - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

Local Government (Audit) Regulations 1996

16. Functions of audit committee

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council;*
- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) *regulation 17(1); and*
 - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
 - (i) *is required to take by section 7.12A(3); and*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*

- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

CONSULTATION

The Audit and Risk Management Committee (ARMC) considered the Annual Financial Statements and Audit Opinion at its meeting held Wednesday, 20 December 2023.

The following decision was made at ARMC meeting referred to above:

COMMITTEE RESOLUTION ARM 16/23

MOVED: CR BAILEY

SECONDED: IAN TELFER

That the Audit and Risk Management Committee recommend to Council that it:

- 1. Receive the Annual Financial Report, Audit Report, Final Management Letter and Interim Audit Management letter for the year ending 30 June 2023; and**
- 2. Note that a report on significant findings in accordance with Section 7.12A(4)(b) of the *Local Government Act 1995*, for the year ending 30 June 2023, is not required.**

CARRIED: 3/0

OFFICER COMMENT

The audit opinion is unqualified and concludes that the report fairly represents the results of the operations of the Shire for the period ended 30 June 2023.

COUNCIL RESOLUTION 6/24

MOVED: Cr Lindemann

SECONDED: Cr Mitchell

That Council:

- 1. Receive the Annual Financial Report, Audit Report, Final Management Letter and Interim Audit Management letter for the year ending 30 June 2023; and**
- 2. Note that a report on significant findings in accordance with Section 7.12A(4)(b) of the *Local Government Act 1995*, for the year ending 30 June 2023, is not required.**

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.4 OFFICE OF THE AUDITOR GENERAL FINANCIAL AUDIT RESULTS LOCAL GOVERNMENT 2021/2022

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 02A
Author	Kim Dolzadelli, Director Finance and Corporate
Responsible Manager	Kim Dolzadelli, Director Finance and Corporate
Attachments	9.2.4 (1) Letter from Auditor General 9.2.4 (2) Office of the Auditor General Financial Audit Results Local Government 2021/2022
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
That Council receive the Office of the Auditor General Financial Audit Results Local Government 2021/2022 and letter of advice from the Auditor General.

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan 2022 – 2032 relate to this proposal:

- Outcome 11 Strong, visionary leadership
- Objective 11.1 Provide strategically focused, open and accountable governance
- Outcome 12 A well respected, professionally run organisation
- Objective 12.1 Deliver effective and efficient operations and service provision

EXECUTIVE SUMMARY

In accordance with section 24 of the *Auditor General Act 2006*, Attachment 9.1.2 (2), summarises the final results of the Office of the Auditor Generals annual audits of 146 of 148 local government entities for the year ended 30 June 2022 and the 16 remaining audits from 30 June 2021.

It is pleasing to see that the Shire of Donnybrook Balingup was listed in the “Best practice top 20 entities” as listed on Page 22 of Attachment 9.1.2 (2). This is a testament to the dedicated Finance staff working for the Shire.

Excerpt Page 22 of the Attachment 9.1.2 (2):

Best practice entities

This is the first year we have rated entities on their financial reporting and financial controls, though we have been reporting on this for the State sector for many years. The quality of financial reporting is measured against five criteria:

- timeliness of financial statements
- quality of financial statements and notes
- quality of working papers
- resolution of accounting issues
- availability of key staff.

Of the 148 entities, 85 were scored audit ready, representing 57% of all local government entities and signalling room for improvement.

Most noteworthy is the number of regional shires that have made the better practice list. We commend all those who have made this inaugural list and trust others will now be inspired to strive to compete for inclusion.

Best practice top 20 entities			
City of Albany	Murchison Regional Vermin Council	Shire of Dumbleyung	Shire of Murray
City of Greater Geraldton	Shire of Boddington	Shire of Gingin	Shire of Pingelly
City of Melville	Shire of Bridgetown-Greenbushes	Shire of Jerramungup	Shire of Wagin
City of Swan	Shire of Cranbrook	Shire of Donnybrook-Balingup	Shire of Waroona
Eastern Metropolitan Regional Council	Shire of Cue	Shire of Mingenew	Shire of Wongan-Ballidu

Source: OAG

Table 4: Best practice entities for 2021-22

BACKGROUND

Responsibility for financial auditing of Western Australia’s local governments transitioned from the Department of Local Government, Sport, and Cultural Industries to the Office of the Auditor General with the proclamation of the *Local Government Amendment (Auditing) Act 2017*.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

That the Office of the Auditor General Financial Audit Results Local Government 2021/2022 and letter of advice from the Auditor General be received.

COUNCIL RESOLUTION 7/24

MOVED: Cr Mitchell

SECONDED: Cr Lindemann

That Council receive the Office of the Auditor General Financial Audit Results Local Government 2021/2022 and letter of advice from the Auditor General.

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.5 2022/2023 ANNUAL REPORT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	ADM 36
Author	Kim Dolzadelli, Director Finance and Corporate
Responsible Manager	Garry Hunt, Chief Executive Officer (Temporary)
Attachments	9.2.5 (1) – 2022/2023 Annual Report
Voting Requirements	Absolute Majority

EXECUTIVE RECOMMENDATION
<p>That Council accepted the Annual Report for the year ending 30 June 2023 as per Attachment 9.2.5(1).</p>

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

- Outcome 11 Strong, visionary leadership
- Objective 11.1 Provide strategically focused, open, and accountable governance
- Outcome 12 A well respected, professionally run organisation
- Objective 12.1 Deliver effective and efficient operations and service provision

EXECUTIVE SUMMARY

The Annual Report seeks to provide a record of the events and operations of the Shire for the past financial year 2022/2023. The minimum content is prescribed and includes a full copy of the Annual Financial Report and a copy of the Auditor’s report.

The Annual Report is required to be accepted by the Council prior to making it publicly available to the community by way of local public notice and presenting it to the Annual General Meeting of Electors.

BACKGROUND

The Annual Financial Statements and Auditors Report, which form part of the Annual Report, were reviewed by the Audit and Risk Management Committee on the Wednesday 20 December 2023.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995, sections:

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - [(c), (d) *deleted*]
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - (i) *such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO 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.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

CONSULTATION

Nil.

OFFICER COMMENT

The Annual Report 2022/2023 is presented for acceptance prior to calling the Annual General Meeting of Electors.

COUNCIL RESOLUTION 8/24

MOVED: Cr Lindemann

SECONDED: Cr Davy

That Council accepted the Annual Report for the year ending 30 June 2023 as per Attachment 9.2.5(1).

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.6 SCHEDULES THE ANNUAL GENERAL MEETING OF ELECTORS 2024

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 10
Author	Kim Dolzadelli, Director Finance and Corporate
Responsible Manager	Garry Hunt, Chief Executive Officer (temporary)
Attachments	Nil.
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
<p>That Council</p> <ol style="list-style-type: none"> 1. Schedules the Annual General Meeting of Electors for Thursday, 22 February 2024 commencing at 6:00pm at the Donnybrook Memorial Hall, Bentley Street Donnybrook; and 2. Request the Chief Executive Officer to undertake all statutory advertising.

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

Outcome	11	Strong, visionary leadership
Objective	11.1	Provide strategically focused, open, and accountable governance
Outcome	12	A well respected, professionally run organisation
Objective	12.1	Deliver effective and efficient operations and service provision

EXECUTIVE SUMMARY

The purpose of this report is for Council to confirm a date for the Annual General Meeting of Electors.

BACKGROUND

In accordance with the provisions of section 5.27 of the *Local Government Act 1995*, a general meeting of electors of a district is to be held once every financial year, but not more than 56 days after the local government accepts the annual report for the previous financial year.

In addition, section 5.29(1) of the Act requires a minimum 14-day notice period of the annual meeting of electors be given via local public notice.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Section 5.27 of the *Local Government Act 1995*.

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Local Government (Administration) Regulations 1996 regulation 15:

15. Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,**of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time the notice is first given and is to continue in the prescribed way until the meeting has been held.*

Section 1.7 of the *Local Government act 1995*:

1.7. Local public notice

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) *published on the official website of the local government concerned in accordance with the regulations; and*
- (b) *given in at least 3 of the ways prescribed for the purposes of this section.*

Local Government (Administration) Regulations 1996 regulation 3A:

3A. Requirements for local public notice (Act s. 1.7)

- (1) *For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —*
 - (a) *the period specified in or under the Act in relation to the notice; or*
 - (b) *if no period is specified in relation to the notice — a period of not less than 7 days.*
- (2) *For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —*
 - (a) *publication in a newspaper circulating generally in the State;*
 - (b) *publication in a newspaper circulating generally in the district;*
 - (c) *publication in 1 or more newsletters circulating generally in the district;*
 - (d) *publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —*
 - (i) *the period specified in or under the Act in relation to the notice; or*
 - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days;*
 - (e) *circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;*
 - (f) *exhibition on a notice board at the local government offices and each local government library in the district for —*
 - (i) *the period specified in or under the Act in relation to the notice; or*
 - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days;*
 - (g) *posting on a social media account administered by the local government for —*
 - (i) *the period specified in or under the Act in relation to the notice; or*
 - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days.*

CONSULTATION

Local public notice will be via South Western Times, Shire Website, Shire notice boards and the Shire's social media platforms.

OFFICER COMMENT

Giving consideration to the requisite statutory timeframes (in particular the 14-day notice period), the lead time required to lodge a notice in any of the newspaper publications as necessary for a “local public notice”, it is suggested that Council hold this Annual Meeting of Electors Thursday, 22 February 2024 commencing at 6:00pm.

COUNCIL RESOLUTION 9/24

MOVED: Cr Glover

SECONDED: Cr Shand

That Council

- 1. Schedules the Annual General Meeting of Electors for Thursday, 22 February 2024 commencing at 6:00pm at the Donnybrook Memorial Hall, Bentley Street Donnybrook; and**
- 2. Request the Chief Executive Officer to undertake all statutory advertising.**

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.7 PROPOSED APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT AND RISK MANAGEMENT COMMITTEE

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Kim Dolzadelli, Director Finance and Corporate Services
Responsible Manager	Garry Hunt, Chief Executive Officer (temporary)
Attachments	9.2.7(1) Application - Mr Ian Telfer 9.2.7(2) Application - Mr Angelo Logiudice
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION	
<p>That Council approve the appointment of Mr Ian Telfer and Mr Angelo Logiudice to the presently vacant roles of Independent Member of the Audit and Risk Management Committee, until the ordinary local government election in October 2025.</p>	

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision
Action	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

EXECUTIVE SUMMARY

The Shire of Donnybrook Balingup Audit and Risk Management Committee (the Committee) comprises two independent Committee members (i.e. non-Councillor) and three Councillor members. Both independent Committee member positions are vacant; with a recommendation from the Executive to fill the positions.

BACKGROUND

Local public advertising was undertaken in December 2023, with two expressions of interest being lodged – Mr Ian Telfer and Mr Angelo Logiudice, Attachments 9.2.7 (1) and 9.2.7 (2) respectively.

Mr Telfer has been the independent member of the Committee for the past approximately four years with his term extended after the October 2023 Council elections until the month

of December 2023. This was to allow for an open expression of interest process for nominations by community members to the Committee.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995, Section 7.1A. Audit committee:

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

* *Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

Notwithstanding the above the adopted, by Council, Terms of Reference for the Audit and Risk Management Committee stipulates the following regarding membership:

“Membership

The Committee will consist of three (3) Elected Members plus two (2) external members and the Shire President as Ex-Officio. All members shall have full voting rights.

External persons appointed to the Committee will have business or financial management / reporting knowledge and experience and be conversant with financial and other reporting requirements.

Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum term of two (2) years.

The terms of the appointment shall be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

Reimbursement of approved expenses will be paid to each external person who is a member of the Committee.

The CEO and employees are not members of the Committee.

The CEO or his/her nominee is to be available to attend all meetings to provide advice and guidance to the Committee.

The Shire of Donnybrook-Balingup shall provide secretarial and administrative support to the Committee.”

CONSULTATION

The following Public Advertising and communications were undertaken regarding the Expression of Interest:

- On the Shire’s public website as a news post on Monday 4 December 2023.
- On the Shire’s social media pages (Facebook & Instagram) on Friday 8 December 2023.
- In the Shire Connect for the Preston Press published in December 2023 (distributed in the first week of the month).
- In the Shire E-Connect emailed newsletter, shared on Friday 8 December 2023.
- Shared to the noticeboard at the Shire Administration Office.
- Forwarded to the Donnybrook & Balingup Libraries, as well as to the Donnybrook CRC for their noticeboard.

OFFICER COMMENT

The two applications are attached for the vacant independent member positions for the consideration of Council.

COUNCIL RESOLUTION 10/24

MOVED: Cr Glover

SECONDED: Cr Shand

That Council approve the appointment of Mr Ian Telfer and Mr Angelo Logiudice to the presently vacant roles of Independent Member of the Audit and Risk Management Committee, until the ordinary local government election in October 2025.

CARRIED: 9/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.3 CHIEF EXECUTIVE OFFICER

Nil.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

Nil.

13 CLOSURE

The Shire President advised that the next Agenda Briefing Session will be held on Wednesday 21 February 2024 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 5:42pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 28 February 2024.



Vivienne MacCarthy
PRESIDENT – SHIRE OF DONNYBROOK BALINGUP