



MINUTES OF SPECIAL MEETING OF COUNCIL (COMMISSIONER)

For Council (Commissioner) to consider:

- 1. Confirm minutes for meetings held in November 2002 and January 2023.**
 - 2. Receive and endorse the minutes for the Local Emergency Management Committee Meeting.**
 - 3. Presentation of Summary of Accounts and Monthly Financial Statements for November and December 2022.**
 - 4. Annual Financial Statements and Audit Opinion 2021/22.**
 - 5. 2021-2022 Annual Report.**
 - 6. Annual General Meeting of Electors.**
 - 7. RFT 01/2223 Southampton Road - Balingup – Road and Path upgrade (Confidential).**
 - 8. SHERP – Minninup Cottages delegated Tender Award (Confidential).**
-

Held on

Wednesday 25 January 2023

Commencing at 3:00 pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

**Ben Rose
Chief Executive Officer**

7 February 2023

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF SPECIAL COUNCIL (COMMISSIONER) MEETING

Held at the Council Chamber
Wednesday, 25 January 2023 at 3.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Commissioner – Acknowledgment of Country

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

The Commissioner declared the meeting open at 3:00pm and welcomed the public gallery.

The Commissioner advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Commissioner 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

MEMBERS	STAFF
Gail McGowan - Commissioner	Ben Rose – Chief Executive Officer
	Kim Dolzadelli – Director Corporate and Community
	Archana Arun – Admin. Officer Executive Services

PUBLIC GALLERY

Six members of the public were in attendance.

2.1 APOLOGIES

Mr Steve Potter, Director Operations.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

I've been advised by a couple of community members that they would have been here today; however, the timing of the meeting coincides with the funeral of a much-loved member of the Donnybrook community. These occasions are always sad, but even more so when someone is in the prime of their life. So, can I extend my sympathy to the family and loved ones of Cis Steele and may the love and support of your community hold you up over the days, months and years ahead.

I'm also very conscious of the timing of this meeting, just ahead of the Australia Day holiday, which is not ideal, but unfortunately it was the only time we could schedule it. One of the reasons was so that we could move some items that weren't dealt with before (because of the December meeting cancellation), but also program in the Annual Electors Meeting, which we're hoping to set for the 7th of March 2023, which is a Tuesday at 6:00 pm in the Town Hall. I expect, and indeed I hope, there will be interest in that meeting, and I also hope there will be interest in regular meetings of Council. Also, I am hoping that people will take the time tomorrow to support those who are becoming Australian Citizens and being acknowledged for their service to the community. And I say no matter what your views are on the Australia Day holiday, I think it's really important we join together to celebrate with those who are taking their oath or being recognised and also use the day as a day of thanks and reflection for those whose volunteering efforts have supported the community over a trying few weeks. Nothing to me epitomises the notion of citizenship more than the camaraderie and support we've witnessed during the fires and the aftermath of the fires.

Now, we're all on a bit of a learning curve in terms of operating with the Commissioner model rather than a full Council, but as I continue to do my best to promote integrity and good governance in all that I do, I will from time to time beg indulgence as I come to grips with the role and I think you can all help keep me to account in that. I've now had the opportunity to meet with quite a number of individuals and groups and thank them for their interest in the future of the Shire. I have still got many more meetings ahead, but I'll summarise a couple of the key messages I've tried to consistently give so that everyone's getting much the same message, or getting the same message.

Firstly, I'm exploring options to maintain the principles of good governance and abide by the legislation while enabling input into the Council process given we're not operating with elected members. My initial thinking has been around how best we might organise Public Question Time to enable the broadest range of views to be presented. In my ideal world, I would rather not wait until an actual meeting to understand some of those views, so I'm very happy to have people either contact me or e-mail things through. On Ordinary Council Meeting dates, I would like to institute a register or something of that kind so those wishing to ask a question can flag for me at the at least the topic, if not the actual issue, and that way my intention would be to have a longer Public Question Time but try and group the issues a little bit together so we can deal with them. Hopefully that will enable me to organise the order of questions a bit more efficiently. We're also looking to establish some ground rules. While these are still being shaped up, I will have very low tolerance for attacks on individuals rather than a focus on the issues and one value very

close to my heart is that of tolerance and respect. And as I say, by all means, raise concerns with me if there are substantive issues, but I'm not convinced a public forum is the place to air those sorts of concerns. But that said, I appreciate and acknowledge some of the frustrations that have led to where we are today. So, I hope that as part of the resetting process, the modified approach to Question Time will help.

The second aspect is I'm quite happy to allow questions on behalf of an organisation, but I will need to be sufficiently persuaded that the individual seeking to ask the question has the authority to speak on behalf of the Members of that organisation. My understanding is that the reason people are seeking to use that mechanism is the stated fear of being sued as an individual, whereas you wouldn't be as a representative. I certainly don't intend to take a litigious approach, and I'd make the observation that sticking to focus on the issues rather than commenting on individuals or sort of the 'gotcha' questions that have crept in will help us all avoid that.

The third thing is my style is to be as open as I can be, and to test and challenge views where I can. My sense is that the Shire executive and staff overwhelmingly comprise people who are professional and dedicated to achieving the best outcomes for the Shire, and like the task I have before me over coming months, making those determinations is not easy and there'll be people who disagree. What I want to do is try and provide as much background as I can for any of those decisions I make, but there will be times when I'm not able to give as much detail as I might like for a range of reasons, including some of those issues of commercial confidentiality, but I will be trying my best to balance the various views to the best of my ability.

And then the last thing I note that in the agenda papers and minutes for today's paper, there are responses to some previously asked questions. Notably, those of the November meeting, and I am aware that many people are seeking more substantive detail, particularly on arrangements for the VC Mitchell Park development. And as I've said, in some of my previous public commentary I'm working through that in that detail at the moment, but I do want to provide a more detailed update in the next few weeks.

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by the commissioner to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Nil.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question: Helen Christensen

What repairs are going to be done to Jayes Road?

Director Operations Response

The project consists of the reconstruction and sealing of shoulders along Jayes Road to achieve a 6m seal width for approximately 3km, from Mauger Road. Any potholes will be repaired and the road will be considered for a full reseal over the entire width in next year's budget. The 1km section from Mauger Road to Walter St is planned to have shoulders reconstructed this year, however due to some steep edges and trees, will require the use of different equipment and will be undertaken separately.

Question: Mike King

Do we have a detailed project plan? Are the capital and operating capital cost required for each club defined and agreed by the clubs?

CEO Response

Yes, there is a detailed project plan.

An allowance has been provided for in the Long Term Financial Plan for ongoing costs, although that will require refinement as the precise scope of the built-form is determined.

Question: Mike King

So, given that the scope of work has been cut in order to make it fit within a \$9.5 million budget, what does the project plan look like now?

CEO Response

In terms of the project 'deliverable/output', the Shire is focusing on the original Stage 1 scope of works to be delivered, being the built form and infrastructure services that will further support the ongoing delivery and implementation of additional scope, as and when future funding becomes available.

Question: Neville Fry

You mentioned the VC Mitchell Park scope is changing - what has changed and what are you now getting for \$10 million?

CEO Response

In terms of the 'deliverable/output', the Shire is focusing on the original Stage 1 scope of works to be delivered, being the built form and infrastructure services that will further support the ongoing delivery and implementation of additional scope, as and when future funding becomes available.

Question: Shane Sercombe

For the VC Mitchell Park Project, I have been advised there is no co-contribution required to receive the \$6 million. Will you correct the public record?

CEO Response

This question has been asked by you, and answered by the Shire, on various occasions and previous forums.

Question: John Bailey

Does Council intend to provide full plans and yearly costings to the community before you sign off on this project?

CEO Response

The Chief Executive Officer cannot pre-determine decisions of the Council and so cannot advise if the “Council intends to provide full plans and yearly costings”. The Council approved the contract and loan for the project at its previous Council Meeting. Further project details are intended to be released to the public as and when they are available for release.

Question: Kevin Johns

Why would we go into another contract for a football club without plans and without costings? Are the contracts going to be fixed? Are they going to be fixed-plus? What have we spent \$350,000 already?

CEO Response

Part 1 – the Shire wouldn’t recommend doing this.

Part 2 – details of the contract with Perkins Builders are commercial in confidence.

Part 3 – project funds have been spent on forward planning, project management, concept and partial schematic design and preparation of tender documentation.

Question: Shane Sercombe

Why haven't we still had an Audit Committee Meeting (as there are matters to consider) and what was the breakdown in communication?

Director Corporate and Community Response

This question was previously asked by you at the October 2022 Ordinary Council Meeting with the response recorded in the minutes of that Meeting.

Question: Shane Sercombe

Will this financial year’s capital budget be spent in the remainder of the financial year?

Director Corporate and Community Response

No.

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

Can I please have your best observation of what went wrong with the previous Council?

Commissioner Response

Probably technically that's not within the ambit of this meeting. But my observation to-date is, and I think I've said this to a number of people I've met with, I don't see this Council as being so broken that it can't be fixed. I think there was obviously a bit of a breakdown in trust and communication and there are a range of reasons for that. I'm probably not best placed to comment on those reasons, I think that's up to the individuals, but I will place again on public record my thanks for the previous Shire President and the previous Councillors because I think they fulfilled their duties with good intent. There are a couple of things that I do observe, and I have observed when I've been looking at other breakdowns similar to this situation, and that's where you get into a bit of a cycle where the trust breaks down the confidence breaks down, some shutters and barriers go up, which feeds that cycle of mistrust and concerns about transparency etc. So, I'm hoping that by taking a little bit of the emotion out and allowing everyone to step back and to really think about what they want for the future of this community, we can reset and move forward.

Question: Shane Sercombe

You've mentioned one of your primary roles over the next nine months is to get candidates to stick their hand up to ultimately replace you. What can we do to prevent a similar situation and to make the role more attractive to candidates? What can we learn from what happened and what can we do to improve that situation?

Commissioner Response

I'll probably have more to say on that as we go along, but I think there's a couple of things. As I've said couple of times, it's a pretty thankless task, but it can also be an incredibly rewarding task. But we, and I'll say we in the collective sense, because I'm a member of this community for a while, is that need to be very respectful of the time and commitment of people who choose to put their hand up for election that they're willing to give, and they do it for the benefit of the community. And I think that's very evident in terms of past elected members. We have to be careful, then, that having elected them, we put them in a position of trust to make decisions on our behalf. So, we have to be respectful of those decisions. So, I think there is an element of sometimes when you don't like a decision, try to understand it and respect it and if you don't like it, then obviously the democratic process as you do with any State or Federal Government is, there's a ballot box process in the future. I think at meetings themselves that sense of having robust discussion around issues and a contest of ideas and coming to what I hope is a common landing – acknowledging you will get votes, etc. is an important part of the process. However, if I put it fairly bluntly, that democratic process means sucking it up when the decision doesn't

go your way and saying, maybe I didn't put the case persuasively enough etc. So, lots of different learnings, but the absolute message I would give is that it's a very recoverable position. It does require people to be assured that they will be supported, not cut down if they stand up to represent their community and that relationships and trust probably trump a whole lot of other things.

Question: Sian Blackledge

What has been put in place to ensure transparency and accuracy with the use of credit cards?

Commissioner Response

My observation would be obviously there are internal audit processes I will be going through as I am responsible for making those decisions, but my general observation on the level of detail that is in the financial statements and which includes effectively, the cheque runs of everything that's been paid is unlike anything I've ever seen before, to the point, I probably wouldn't necessarily agree that we need that much detail.

We elect people and one of their jobs is to monitor expenditure and the finances. I think we have to avoid micromanaging that as well, because I do think we need to be mindful of the work that people have to do to get on with, actually doing their jobs, both the elected members and the individuals. So, anything can be subject to scrutiny. I've had one meeting of the Audit and Risk Committee and I really enjoyed the opportunity to work with Ian Telfer and Vivienne MacCarthy. I think that committee can help me, and if I have substantiated concerns raised I'm quite happy to look at them. There's part of me that says let's just get people get on with their job.

Question: Sian Blackledge

EFT 25469 for Water corporation for Vin Farley Playground - There's two lines statements and both lines have got the same dates and the same amount. Do you know whether it's a mistake or we are paying them the same amount twice?

Commissioner Response

I would , invite you to either give Kim or one of his team a ring and ask the question to get clarification on that payment. But I don't necessarily support the inclusion of dates, because I just think we're getting into too much detail. That's an area we might have to agree to disagree on.

Question: Lisa Glover

Would you consider holding a public meeting with regards to VC Mitchell Park project?

Commissioner Response

I won't say no, but I'll make a couple of comments before responding. As I've said I'll issue some more substantive information about the VC Mitchell Park project and hopefully that will address some of those previous concerns. I think the electors meeting on 7th March is inevitably going to involve a little bit of discussion of that project. At the moment, I'm

not persuaded that a public meeting is going to advance my understanding or help me untangle some of those bits as quickly as talking to some of the groups. And one of the reasons I say that is often there are lots of moving parts with a project, and at public meetings you end up getting the extremes of the debate and actually lose a bit of focus on the issues. I have had briefings from Treasury Corporation and the staff here and I have spoken to people. Next step is to meet with representatives at the sporting clubs to enable me to understand a bit more about it, but it's probably still a bit premature for me to say yes, I'll do that or no, I'll do this. I've got a couple of things in mind and as I've said, over the next few weeks I intend to say how I think we might move that forward.

Question: Lisa Glover

And I guess my question is not so much about you gaining the understanding, but the Community gaining the understanding, Commissioner?

Commissioner Response

Everything I am trying to work towards is to help the community gain a better understanding. So, for instance, as one of those things that I reported at the Audit and Risk Meeting that Treasury Corporation has, at my request, provided me with a sort of a scenario for want of a better word on current interest rates and repayments and cost of the project, etc. So, it's pulling together a whole lot of that information and where current costs have gone where the gateways are on the contract that was signed off in November where they fit in, so just trying to actually provide that information back to the community in a more digestible form, but I think we're heading in the same direction. It's just whether a public meeting is a way to get there.

Question: Lisa Glover

Why were the stakeholders in the proximity of the football oval area not been contacted and asked for feedback around the lights?

Commissioner Response

I'll ask the CEO if he's got any update in a moment, but it's a useful point you raise. From my experience as a former Director General, the notion of people doing their due diligence before moving into an area is a constant reminder to people to actually check about any developments in the area etc. So, there is an element of buyer beware in that sense as well. But I agree with you that consulting with the communities affected is an important aspect and that particularly includes existing residents.

CEO Response

Thank you, Commissioner. I'll need to take some advice from our planning department as to what processes and regulations apply. I understand that on a public reserve, a development application is not necessarily required, which is not to say that consultation can't or shouldn't be done, but the formal approval process is very different. I would need to take this question on notice and talk to the planning team.

Question: Lisa Glover

I'm just wondering the money that funded those lights, is that also part of the football clubs contribution towards their \$250,000 for that project?

Commissioner Response

I am not aware of where those funds were sourced so I will need to get back to you. Taken on notice.

Question: Simon McInnes

I'm just wondering about the policy of not maintaining the buildings?

Commissioner Response

I am not aware of the background so I will need to get back to you. Taken on notice.

Question: Simon McInnes

The RAMS, which is the road network, was going to be done this year and I was wondering if we could publish ours?

Commissioner Response

It's available. I've asked the same question and my understanding is that it's obviously made available to I think the Grants Commission, Main Roads and others that require the information for operational purposes. If it doesn't require an incredible amount of resourcing, it's a question I'm happy to continue to pursue, but equally, I would invite anyone who wants to know of any rating of a particular road to simply ask. I would see no reason - unless I'm going to be corrected in a moment - of why someone couldn't just ring and ask the question. I am not into publishing a whole lot of stuff in terms of levels of detail for the levels of detail's sake. I need enough transparency for people to have comfort, but I think we elect a Council or in my case, I am elected as the Commissioner to carry out certain functions, I have a responsibility there to act on behalf of the ratepayers just as Councillors do. So sometimes I will bat you away in terms of pursuing detail that I am not convinced is useful to resolving a concern.

Question: Shane Sercombe

Would you be able to give a high level summary of our annual financial report for the year?

Commissioner Response

Broadly speaking, the Audit and Risk Committee met last week to receive the financial statements and to receive the report of the Auditor General. I've mentioned before, that was an unqualified, or clear, audit. I think I'd better be careful that I don't incorrectly paraphrase Ian Telfer as chair of the Audit and Risk Committee but I think one of the things we noted with some degree of support was how close the actual budget figures

were to the estimates. My general observation is that the Council is in quite a strong position.

Director Corporate and Community Response

We finished the year with a confirmed surplus position at \$1.831 million. The importance of that number is in the 22-23 budget, we estimated the number at \$1,822,450 an extra \$9,489.

The variance with respect to employee costs in terms of budget to actual, is actually the movement in employee provisions, which isn't a cash impact on the statements in terms of end of year position.

Operating grants stated budget of \$2.4 million actuals at \$5.33 million and that was due to prepayment of the Financial Assistance Grants (both general and road grants) and \$1.571 million and we also had Minnipup and Langley Villas prepayment.

If you take away those, then we effectively come down to around \$240,000 surplus in real terms. Some of that was due to not being able to undertake some operational activities due to the lack of availability of contractors, minor savings in different areas which have helped us as also better performance at the Recreation Centre.

When you start adding up, considering 800 line items, it doesn't actually take much to get to that sort of a level. The good thing is that in every dollar of that surplus at the end of June 30, 2022 is utilised in the new budget.

Question: Shane Sercombe

To try and correct the public record, can the Commissioner confirmed that a \$3 million co contribution is not required in order to receive the \$6 million VC Mitchell grant?

Commissioner Response

As per my understanding and consistent with my previous comments, I believe there was no legal requirement for there to be a \$3 million or indeed a co-contribution of any kind. However, as someone who was previously on the other side of the fence, overseeing some of those grants, there is a very strong expectation there will be a co-contribution. I've seen a lot of to and fro-ing around a comment that without the three million, there wouldn't be a \$6 million. It may not be legally, absolutely right, but it's not incorrect either, because effectively to get you far enough up the pecking order to be considered for a grant, you would have been expected to put in a co-contribution. But there's a very clear difference between an expectation or a long-standing practice and a legal requirement. That's what I've been trying to make clear.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

7 CONFIRMATION OF MINUTES

7.1 SPECIAL MEETING OF COUNCIL – 16 NOVEMBER 2022

Minutes of the Special Meeting of Council held 16 November 2022 are attached (attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 16 November 2022 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 2/23

Moved: Commissioner McGowan

That the Minutes from the Special Meeting of Council held 16 November 2022 be confirmed as a true and accurate record.

CARRIED: COMMISSIONER MCGOWAN

7.2 ORDINARY MEETING OF COUNCIL – 23 NOVEMBER 2022

Minutes of the Ordinary Meeting of Council held 23 November 2022 are attached (attachment 7.2(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 23 November 2022 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 3/23

Moved: Commissioner McGowan

That the Minutes from the Ordinary Meeting of Council held 23 November 2022 be confirmed as a true and accurate record.

CARRIED: COMMISSIONER MCGOWAN

7.3 SPECIAL MEETING OF COUNCIL – 11 JANUARY 2023

Minutes of the Special Meeting of Council held 11 January 2023 are attached (attachment 7.3(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 11 January 2023 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 4/23

Moved: Commissioner McGowan

That the Minutes from the Special Meeting of Council held 11 January 2023 be confirmed as a true and accurate record.

CARRIED: COMMISSIONER MCGOWAN

8 REPORTS OF COMMITTEES

8.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

Minutes of the Local Emergency Management Committee Meeting held 29 November 2022 are attached (attachment 8.1(1)).

EXECUTIVE RECOMMENDATION

That Council receive and endorse the minutes of the Local Emergency Management Committee Meeting, inclusive of any recommendations contained therein.

COUNCIL RESOLUTION 5/23

Moved: Commissioner McGowan

That Council receive and endorse the minutes of the Local Emergency Management Committee Meeting, inclusive of any recommendations contained therein.

CARRIED: COMMISSIONER MCGOWAN

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

Nil.

9.2 DIRECTOR CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2022

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

9.2.2 MONTHLY FINANCIAL REPORT – NOVEMBER 2022

The Monthly Financial Report for November 2022 is attached (*attachment 9.2.2(1)*).

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended November 2022 be received.

COUNCIL RESOLUTION 6/23

Moved: Commissioner McGowan

That the monthly financial report for the period ended November 2022 be received.

CARRIED: COMMISSIONER MCGOWAN

9.2.3 ACCOUNTS FOR PAYMENT – DECEMBER 2022

The Schedule of Accounts Paid under Delegation (No 1.2.21) is presented for public information (attachment 9.2.3(1)).

9.2.4 MONTHLY FINANCIAL REPORT – DECEMBER 2022

The Monthly Financial Report for December 2022 is attached (*attachment 9.2.4(1)*).

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended December 2022 be received.

COUNCIL RESOLUTION 7/23

Moved: Commissioner McGowan

That the monthly financial report for the period ended December 2022 be received.

CARRIED: COMMISSIONER MCGOWAN

9.2.5 ANNUAL FINANCIAL STATEMENTS AND AUDIT OPINION 2021/22

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 02A
Author	Kim Dolzadelli, Director Corporate and Community
Responsible Manager	Kim Dolzadelli, Director Corporate and Community
Attachments	9.2.5(1) - Annual Financial Statements 2021/2022 9.2.5(2) - Audit Opinion 2021/2022 9.2.5(3) – Management Letter 9.2.4(4) – Interim Audit Management Letter
Voting Requirements	Simple Majority

Audit and Risk Management Committee Recommendation
<p>That Council:</p> <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 2022; 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 2022, 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	11.1	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 18 January 2023 resulting in the above recommendation to Council.

BACKGROUND

The Shire of Donnybrook Balingup audit for year ending 30 June 2022 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 2022. The audit opinion was issued on 21 December 2022 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 2022.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Not Applicable.

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 —*
 - (in) *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) consider the Annual Financial Statements and Audit Opinion at its meeting held Wednesday 18 January 2023.

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

COMMITTEE RESOLUTION

That the Audit and Risk Management Committee recommend to Council:

- 1. Receive the Annual Financial Report, Audit Report, Final Management Letter and Interim Audit Management letter for the year ending 30 June 2022; 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 2022, is not required.***

CARRIED 3/0

OFFICER CONCLUSION

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 2022.

COUNCIL RESOLUTION 8/23

Moved: Commissioner McGowan

That Council:

- 1. Receive the Annual Financial Report, Audit Report, Final Management Letter and Interim Audit Management letter for the year ending 30 June 2022; 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 2022, is not required.**

CARRIED: COMMISSIONER MCGOWAN

9.2.6 2021-2022 ANNUAL REPORT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	NA
Author	Kim Dolzadelli, Director Corporate and Community
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.2.6(1) - 2021-2022 Annual Report
Voting Requirements	Absolute Majority

Recommendation
That Council accepts the Annual Report for the year ending 30 June 2022 as attached.

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	11.1	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. 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 posting it on the Shire's website 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 18 January 2023.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Not applicable.

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

Not applicable.

OFFICER CONCLUSION

The Annual Report 2021-22 is presented for acceptance prior to calling the Annual General Meeting of Electors.

COUNCIL RESOLUTION 9/23

Moved: Commissioner McGowan

That Council accepts the Annual Report for the year ending 30 June 2022 as attached.

CARRIED: COMMISSIONER MCGOWAN

9.2.7 ANNUAL GENERAL MEETING OF ELECTORS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	Not Applicable
Author	Kim Dolzadelli, Director Corporate and Community
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
<p>That Council</p> <ol style="list-style-type: none"> 1. Schedules the Annual General Meeting of Electors for Tuesday 7 March 2023 commencing at 6:00pm at the Town Hall, Bentley Street Donnybrook; 2. Instruct the Chief Executive Officer 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	11.1	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

Not applicable.

POLICY COMPLIANCE

Not applicable.

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

To be advertisement via South Western Times, Shire Website, Shire notice boards and social media.

OFFICER COMMENT/CONCLUSION

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 local newspaper publications as necessary for a “local public notice”, it is suggested that Council hold this Annual Meeting of Electors Tuesday, 7 March 2023 commencing at 6:00pm.

COUNCIL RESOLUTION 10/23

Moved: Commissioner McGowan

That Council

- 1. Schedules the Annual General Meeting of Electors for Tuesday 7 March 2023 commencing at 6:00pm at the Town Hall, Bentley Street Donnybrook;**
- 2. Instruct the Chief Executive Officer undertake all statutory advertising.**

CARRIED: COMMISSIONER MCGOWAN

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

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 RFT 01/2223 – SOUTHAMPTON ROAD – BALINGUP – ROAD AND PATH UPGRADE - CONFIDENTIAL

This report is confidential in accordance with Section 5.23 (2) (c) of the Local Government Act 1995, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

12.1.2 SHERP- MINNINUP COTTAGES DELEGATED TENDER AWARD

This report is confidential in accordance with Section 5.23 (2) (c) of the Local Government Act 1995, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

RECOMMENDATION

That the meeting be closed in accordance with section 5.23(2) of the Local Government Act 1995 to discuss the following confidential item:

12.1.1 RFT 01/2223 – SOUTHAMPTON ROAD – BALINGUP – ROAD AND PATH UPGRADE – CONFIDENTIAL

12.1.2 SHERP- MINNINUP COTTAGES DELEGATED TENDER AWARD

COUNCIL RESOLUTION 11/23

Moved: Commissioner McGowan

That the meeting be closed in accordance with section 5.23(2) of the Local Government Act 1995 to discuss the following confidential item:

12.1.1 RFT 01/2223 – SOUTHAMPTON ROAD – BALINGUP – ROAD AND PATH UPGRADE – CONFIDENTIAL

12.1.2 SHERP- MINNINUP COTTAGES DELEGATED TENDER AWARD

CARRIED: COMMISSIONER MCGOWAN

The meeting was closed to the public at 3:58 pm

COUNCIL RESOLUTION 14/2023

Moved: Commissioner McGowan

That the meeting be re-opened to the public.

CARRIED: COMMISSIONER MCGOWAN

The meeting was opened to the public at 4:02 pm

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

COUNCIL RESOLUTION 13/2023

That Council:

- 1. Authorise the Chief Executive Officer to:**
 - 1.1 Award the Tender on the merit of the evaluation report content and recommendation; and**
 - 1.2 Ensure that the award aligns to the Grant funding guidelines and budget allocations; and**
 - 1.3 Provide an update for the community and stakeholders of the successful award via all the usual media and correspondence outlets; and**
- 2. Release this resolution in the meeting Minutes.**

13 CLOSURE

The Commissioner advised that the next Ordinary Council Meeting will be held on Wednesday 22 February 2023 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Commissioner declared the meeting closed at 4:04 pm.

These Minutes were confirmed by the Council as a true and accurate record at the Special Council Meeting held 22 February 2023.



Gail McGowan

COMMISSIONER – SHIRE OF DONNYBROOK BALINGUP