



## Shire of Cunderdin

### Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on Thursday 17<sup>th</sup> October 2019 in the Council Chambers, Lundy Avenue, Cunderdin WA, 6407 **commencing at 5.00pm**

Stuart Hobley  
**Chief Executive Officer**  
17 October 2019

<b>1.</b>	<b>Declaration of Opening .....</b>	<b>3</b>
<b>2.</b>	<b>Record of Attendance, Apologies and Approved Leave of Absence .....</b>	<b>3</b>
<b>3.</b>	<b>Public Question Time .....</b>	<b>4</b>
<b>4.</b>	<b>Petitions, Deputations &amp; Presentations .....</b>	<b>4</b>
<b>5.</b>	<b>Applications for Leave of Absence .....</b>	<b>4</b>
<b>6.</b>	<b>Confirmation of the Minutes of Previous Meetings .....</b>	<b>4</b>
6.1	Ordinary Meeting of Council held on 19 September 2019 .....	4
<b>7.</b>	<b>Declaration of Members and Officers Interests .....</b>	<b>4</b>
<b>8.</b>	<b>Announcements by President without Discussion .....</b>	<b>4</b>
<b>9.1</b>	<b>Finance &amp; Administration .....</b>	<b>5</b>
9.1	Financial Reports for September 2019.....	5
9.2	Accounts Paid – September 2019.....	6
9.3	Council Investments – As at 31st September 2019.....	8
9.4	Freedom of Information Statement 2019-2020.....	10
9.5	Special Council Meeting – Date.....	13
9.6	Shire of Cunderdin Administration Christmas Closing Period.....	15
9.7	Adoption of the Agreement between the Shire of Cunderdin and WA Contract Ranger Services.....	17
9.8	Appointments – Bush Fire Act 1954.....	19
9.9	Annual Audit Report 2017/2018 Financial Year – Report Review.....	23
9.10	Interim Audit Results for the Year ended 30 June 2019 .....	27
<b>10.</b>	<b>Environmental Health and Building .....</b>	<b>28</b>
<b>11.</b>	<b>Planning &amp; Development.....</b>	<b>28</b>
<b>12.</b>	<b>Works &amp; Services .....</b>	<b>28</b>
<b>13.</b>	<b>Urgent Items.....</b>	<b>28</b>
<b>14.</b>	<b>Scheduling of Meeting.....</b>	<b>28</b>
14.1	November 2019 Ordinary Meeting .....	28
<b>15.</b>	<b>Closure of meeting.....</b>	<b>28</b>
<b>16.</b>	<b>Certification .....</b>	<b>28</b>

## MINUTES

### 1. Declaration of Opening

**The President declared the meeting open at 5:00 pm**

**The Shire of Cunderdin disclaimer was read aloud.**

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin 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 decisions, which will be provided within ten working days of this meeting”.

Read by Di Kelly

### 2. Record of Attendance, Apologies and Approved Leave of Absence

#### 2.1 Record of attendances

##### Councillors

Cr DA (Dennis) Whisson	Shire President
Cr AE (Alison) Harris	Deputy President
Cr DB (Doug) Kelly	
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr D (Di) Kelly	
Cr B (Bernie) Daly	
Cr J (Jayson) Goldson	

##### In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Manager of Corporate Services and Finance

##### Guests of Council

##### Members of the Public

Sam Stewart

#### 2.2 Apologies

Lauren Cole	Governance and Compliance Officer
-------------	-----------------------------------

#### 2.3 Leave of Absence Previously Granted

### 3. Public Question Time

Nil

### 4. Petitions, Deputations & Presentations

Nil

### 5. Applications for Leave of Absence

Nil

### 6. Confirmation of the Minutes of Previous Meetings

#### 6.1 Ordinary Meeting of Council held on 19 September 2019

##### Recommendation 6.1

That the Minutes of the Ordinary Council Meeting held on Thursday 19 September 2019 be confirmed as a true and correct record.

Moved: Cr Bernie Daly

Seconded: Cr Norm Jenzen

Vote – Simple Majority

Carried: 8/0

##### Note to this item:

The President will sign the minute declaration on the previous minutes.

### 7. Declaration of Members and Officers Interests

Nil

### 8. Announcements by President without Discussion

The President thanked councillors Di Kelly and Doug Kelly for their time and commitment to council.

Both Councillors decided not to re-nominate for the upcoming election.

Cr Di Kelly has been on Council for 15 years and has made a great contribution to the shire especially in the Health and Aged Care portfolios.

Cr Doug Kelly has been on Council for 12 years and was a Deputy President for 3 years and provided the President with fantastic support. He has an extensive knowledge of roads, the airfield and fire issues.

Both have been great supporters of Meckering and the shire as a whole and they will both be hard to replace.

Both Councillors have advised they wish to have a function at a later point in time.

Once again I would like to thank both on behalf of council.

**9.1 Finance & Administration**

**9.1 Financial Reports for September 2019**

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services and Finance
<b>Date:</b>	8 October 2019
<b>Author:</b>	Hayley Byrnes
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 attachment – Monthly Report

**Proposal/Summary**

The financial reports as at 30 September 2019 are presented for consideration.

**Background**

The financial reports have been circulated to all Councillors.

**Comment**

Nil.

**Consultation**

Nil.

**Statutory Environment**

The *Local Government Act 1995* Part 6 Division 3 requires that a monthly financial report be presented to Council.

**Policy Implications**

Nil.

**Financial Implications**

All financial implications are contained within the reports.

**Strategic Implications**

Nil.

<b><u>Resolution 9.1</u></b>	
That Council receives the monthly financial reports for the period ending 30 September 2019.	
Moved: Cr Doug Kelly	Seconded: Cr Alison Harris
Vote – Simple Majority	Carried: 8/0

## 9.2 Accounts Paid – September 2019

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Service and Finance
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	8 October 2019
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 attachment – Creditors list of payments September 2019

### **Proposal/Summary**

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$178,346.94
Total for Trust -	\$56.65
TOTAL -	\$178,403.59

For September 2019 as listed in the Warrant of Payments for the period 1<sup>st</sup> to 30<sup>th</sup> September 2019.

### **Background**

Nil.

### **Comment**

Nil.

### **Consultation**

Nil.

### **Statutory Environment**

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Financial Management Regulations 12 & 13.

### **Policy Implications**

Nil.

### **Financial Implications**

All financial implications are contained within the reports.

### **Strategic Implications**

Nil.

**Resolution 9.2.1**

1. That Council's payment of accounts amounting to \$178,346.94 being from Municipal Account and \$56.65 being from the Trust account for September 2019, as follows:

<b>Municipal Account</b>	<b>\$</b>	<b>Total</b>
Electronic Funds Transfer: EFT 3458 - 3536	\$160,368.63	
Direct Debit (Inc Bank Charges): DD1612.1-DD1612.10	\$5,626.44	
Cheques: 11541-11547	\$12,351.87	
		\$178,346.94
<b>Trust Account</b>		\$56.65
<b>TOTAL</b>		\$178,403.59

be confirmed and noted; and,

2. That the Payments List as presented be incorporated in the Minutes of the Meeting.

Moved: Cr Bernie Daly

Seconded: Cr Alison Harris

Vote – Simple Majority

Carried: 8 /0

### 9.3 Council Investments – As at 31st September 2019

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services
<b>Author:</b>	Hayley Byrnes
<b>Report Date:</b>	8 October 2019
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 Attachment- Bank Statements

#### Proposal/Summary

To inform Council of its investments as at 30<sup>th</sup> September 2019.

#### Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

#### Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 31st September 2019.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$860,095.78	Municipal- 0000030	\$860,095.78		
Bendigo Bank	\$179,442.10	Municipal- 155971377	\$179,442.10		
Bendigo Bank	\$981,500.13	Reserves Term Deposit 1.9% Expires : 23/12/2019		\$981,500.13	
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%	\$146.78		
Bendigo Bank	\$1,098.37	Bendigo Trust Account 164 488 686			\$1,098.37
Westpac Bank	\$61,186.89	Trust Working Account 12-2981			\$61,186.89
Bendigo Bank	\$500,000.00	Bendigo Term Deposit 1.65% Expires:09/12/2019	\$500,000.00		
Westpac Bank	\$1,000,000.00	Westpac Term Deposit 1.75% Expires:09/02/2020	\$1,000,000.00		
<b>TOTAL INVESTMENTS</b>	<b>\$3,583,470.05</b>		<b>\$2,539,684.66</b>	<b>\$981,500.13</b>	<b>\$62,285.26</b>



In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 91,393.80 and Bendigo Term Deposit Ref: 3030072 – \$ 443,948.97.

**Consultation**

Nil.

**Statutory Implications**

Financial Management Regulation 19.

**Policy Implications**

Nil.

**Financial Implications**

There are no financial implications in considering this item.

**Strategic Implications**

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long Term Financial Plan when determining annual Council Budgets.

**Resolution 9.3**

That the report on Council investments as at 30<sup>th</sup> September 2019 be received and noted.

Moved: Cr Todd Harris

Seconded: Cr Di Kelly

Vote – Simple Majority

Carried: 8/0

#### 9.4 Freedom of Information Statement 2019-2020

<b>Location:</b>	Cunderdin Shire Office
<b>Applicant:</b>	Governance and Compliance Officer
<b>Date:</b>	24 <sup>th</sup> September 2019
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 Attachment - Freedom of Information Statement

#### **Summary**

For Council to approve the Shire of Cunderdin Freedom of Information Statement 2019 – 2020.

#### **Background**

Under the Government of Western Australia, *Freedom of Information Act (FOI Act) 1992* Section 96(1) requires each government agency, including local governments, to prepare and publish annually an Information Statement. The Shire of Cunderdin Freedom of Information Statement has been developed in accordance with the *FOI Act 1992* Section 94 that details the requirements of an information statement, in relation to an agency.

Currently our Freedom of Information Statement is overdue and require publishing to keep in line with the *Freedom of Information Act (FOI Act) 1992* Section 96(1).

Previous resolution:

#### **Resolution 9.4 August 2018**

*That Council:*

1. *adopt the Shire of Cunderdin Freedom of Information Statement 2018 – 2019; and,*
2. *publish the Information Statement as per the requirements of Freedom of Information Act 1992.*

#### **Comment:**

Freedom of Information gives the public a right to access government documents, subject to some limitations. In Western Australia, under the *FOI Act 1992*, the right applies to documents held by most State government agencies (such as departments, public hospitals, public universities and State government authorities), Ministers and local government. Together, these bodies are referred to as “agencies”.

Documents accessible under the *FOI Act 1992* include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form. Agencies are required to assist applicants to obtain access to documents at the lowest reasonable cost. Anyone can also apply to have personal information about themselves in government documents amended if that information is inaccurate, incomplete, and out of date or misleading.

The Information Commissioner is an independent officer who reports directly to Parliament. The position is established by the *FOI Act* and is supported by staff of the Office of the Information Commissioner.

#### **Consultation:**

Nil.

### **Statutory Implications:**

*Freedom of Information Act (1992)*

Part 5 Publication of information about agencies

96. Information statement, each agency to publish annually

(1) An agency (other than a Minister or an exempt agency) has to cause an up to date information statement about the agency to be published in a manner approved by the Minister administering this Act —

- (a) within 12 months after the commencement of this Act; and
- (b) at subsequent intervals of not more than 12 months.

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including
  - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
  - (ii) which kinds of documents can be purchased; and
  - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
  - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
  - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
  - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
  - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

### **Policy Implications:**

Nil.

### **Financial Implications:**

Nil.

### **Strategic Implications:**

6. Civic Leadership

Our Councillors and community leaders have vision, are accessible, act with transparency and integrity, and act in good faith on behalf of their constituents.

**Resolution 9.4**

That Council:

1. Adopt the Shire of Cunderdin Freedom of Information Statement 2019 – 2020; and,
2. Publish the Information Statement as per the requirements of Freedom of Information Act 1992.

Moved: Cr Todd Harris

Seconded: Cr Di Kelly

Vote – Simple majority

Carried: 8/0

## 9.5 Special Council Meeting – Date

<b>Location:</b>	Cunderdin Shire Office
<b>Applicant:</b>	Governance and Compliance Officer
<b>Date:</b>	11 <sup>th</sup> October 2019
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For Council to endorse the date for the Special Council Meeting on the 7<sup>th</sup> November 2019

### **Background**

The Local Government elections for will be held on the 19<sup>th</sup> October. The Shire of Cunderdin advertised four vacancies and was fortunate enough to have four people nominate therefore there will be no contested election.

The newly appointed councillors will need to be sworn in and complete the declaration of office that states the council member will faithfully perform their duties and will adhere to the principles and rules established by the *Local Government (Rules of Conduct) Regulations 2007*.

This swearing in ceremony is often held as a separate Council Meeting in order for the new Councillors to meet the existing Councillors and staff and obtain an understanding of the meeting process in a comfortable environment. This meeting cannot be held earlier than the 19<sup>th</sup> October 2019.

### **Comment**

We are proposing to hold a Special Council meeting on the 7<sup>th</sup> November 2019 for the purpose of;

- Holding the swearing in ceremony for new councillors
- Election of Shire President
- Election of Deputy Shire President
- Review of Appointments to Committees, Working Groups and Portfolios

### **Consultation**

Shire Staff.

### **Statutory Implications**

Nil.

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

### **Strategic Implications**

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area’s infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.

**Administration Recommendation**

That Council adopts and provides Local Public Notice for a Special Council Meeting on the Thursday 7<sup>th</sup> November 2019. Commencing at 5:00pm and being hold in the Council Chambers, Lundy Avenue, Cunderdin.

The CEO and MCSF will not be available on the 7<sup>th</sup> November due to a conference. Meeting was changed to accommodate this.

**Resolution 9.5**

That Council adopts and provides Local Public Notice for a Special Council Meeting on the Tuesday 5<sup>th</sup> November 2019. Commencing at 5:00pm and being hold in the Council Chambers, Lundy Avenue, Cunderdin.

Moved: Cr Bernie Daly

Seconded: Cr Jayson Goldson

Vote – Simple majority

Carried: 8/0

## 9.6 Shire of Cunderdin Administration Christmas Closing Period

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	10 <sup>th</sup> October 2019
<b>Author:</b>	Stuart Hobley
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For Council to consider the closure of the Shire Administration Office over the Christmas / New Year period.

This report recommends Council endorsement of the proposal as in recent years.

### **Background**

In the past five (5) years Council has authorised the closure of the Administration Office as follows:

2014/15	24 <sup>th</sup> December 2014, returning on Monday 5 <sup>th</sup> January 2015
2015/16	24 <sup>th</sup> December 2015, returning on Tuesday 5 <sup>th</sup> January 2016
2016/17	24 <sup>th</sup> December 2016, returning on Tuesday 3 <sup>rd</sup> January 2017
2017/18	22 <sup>nd</sup> December 2017, returning on Tuesday 2 <sup>nd</sup> January 2018
2018/19	21 <sup>st</sup> December 2018, returning on Wednesday 2 <sup>nd</sup> January 2019

No complaints and / or adverse comments have been received in relation to the office closure over the periods mentioned.

### **Comment**

As a general rule no significant business is conducted between the Christmas and New Year period, therefore it is considered an ideal time to close the office and allow staff to clear some of their accrued leave entitlements, and enjoy a relaxed festive period with their families.

It is proposed the office be closed from the close of business on Tuesday 24<sup>th</sup> December 2019 to Thursday 2<sup>nd</sup> January 2020 inclusive, reopening on Thursday 2<sup>nd</sup> January 2020.

During the proposed six (6) business day closure period staff time will be allocated to public holidays (3 days) and annual leave entitlements (3 days).

Notification of the office closure will be displayed in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.

### **Consultation**

Shire Staff.

### **Statutory Implications**

Nil.

### **Policy Implications**

Nil.

## **Financial Implications**

Nil.

## **Strategic Implications**

### **Cunderdin Community Strategic Plan**

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

#### **Social**

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

#### **Environmental**

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

#### **Economic**

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.

### **Resolution 9.6**

That Council resolves to:

1. Approve the closure of the Shire of Cunderdin Administration Office during the Christmas / New Year period from close of business on Wednesday 24<sup>th</sup> December 2019 to Thursday 2<sup>nd</sup> January 2020 inclusive, reopening on Thursday 2<sup>nd</sup> January 2020 at 8.30am.
2. Advertises the Administration Office closure in the Avon Advocate, Bandicoot, on local notice boards and the Shire website.

Moved: Cr Bernie Daly

Seconded: Cr Di Kelly

Vote – Simple majority

Carried: 8/0



## 9.7 Adoption of the Agreement between the Shire of Cunderdin and WA Contract Ranger Services

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Governance and Compliance Officer
<b>Date:</b>	1 October 2019
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 Attachment – Draft Agreement

### **Proposal/Summary**

For Council to consider the adoption of the WA Contract Ranger Services Agreement.

### **Background**

Council has been utilising the WA Contract Ranger Services since March 2015. Initially a contract was not put in place as the arrangement was for a trial period and it was not common practise to hold service agreements with contactors such as rangers for such a short period. The relationship with WA Contract Ranger Services has been ongoing and both parties are willing to enter the agreement into the future.

It has been brought to our attention that for legal purposes it is recommended that we have a Ranger Service agreement in place. This agreement is a standard document that has been adopted recently by a number of Wheatbelt Councils who utilise WA Contract Ranger Services.

This agreement outlines the responsibilities of each party such as liability, insurance and confidentiality. It does not go into job specifics and just refers to the acts a Local Government Rangers must abide by.

No change to the service provided or fees paid will change with the adoption of this agreement.

### **Comment**

The service provided by WA Contract Ranger Service has been more than satisfactory since the agreement began in 2015. They provide one day a fortnight service and will attend emergencies or callouts as required.

The rangers used are local and know the area and community well. Over the past few years Council has had very few complaints with the respect to the level of service or professionalism. It would be difficult for Council to find another range service provider in this area.

### **Consultation**

WA Contract Ranger Services

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

## **Strategic Implications**

### **Cunderdin Community Strategic Plan**

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

#### **Social**

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

#### **Environmental**

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

#### **Economic**

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub

### **Resolution 9.7**

That Council:

1. Enter into a new Ranger Service Agreement with WA Contract Ranger Services Pty Ltd for the purpose of completing contractor to provide the services to and on behalf of the shire.

Moved: Cr Alison Harris

Seconded: Cr Di Kelly

Vote – Simply Majority

Carried: 8/0

## 9.8 Appointments – Bush Fire Act 1954

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Simon Bell
<b>Date:</b>	14 <sup>th</sup> October 2019
<b>Author:</b>	Governance and Compliance Officer
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	1 Attachment – BFACM Meeting

### Proposal/Summary

This report is provided to Council to consider and endorse appointments in accordance with the Bush Fire Act 1954.

### Background

In accordance with legislative requirements the Council is required to formally appoint its Bush Fire Control Officers. This is done to ensure compliance and lawfully legitimise their authorisation under the Bush Fires Act 1954, in fulfilling their duty. The Annual General meeting of the Cunderdin Bushfire Brigade was held on the 7<sup>th</sup> October 2019 and included the appointments of officers. Council is required to endorse the appointments in order to meet requirements as an appointed Bush Fire Control Officer under the Bush Fire Act 1954.

The Resolutions from the Bush Fire Advisory Committee Meeting Minutes are;

#### **RESOLUTION: BFAC1– 19/20**

MOVED Mervyn Burges SECONDED Todd Harris

That the minutes of the Bush Fire Advisory Committee held on the 3<sup>rd</sup> April 2019 be confirmed as a true and correct record of that Meeting.

**CARRIED**

#### **RESOLUTION: BFAC2– 19/20**

MOVED Todd Harris SECONDED Mervyn Burges

That the Meeting recommend to Council that Mr Ashley Burges be appointed as Chief Bush Fire Control Officer for the forthcoming year.

**CARRIED**

#### **RESOLUTION: BFAC3– 19/20**

MOVED Todd Harris SECONDED Norm Jenzen

That the Meeting recommend to Council that Mr Ashley Teakle be appointed as Deputy Chief Bush Fire Control Officer for the forthcoming year.

**CARRIED**

**RESOLUTION: FCO4– 19/20**

MOVED Ashley Teakle SECONDED Mervyn Burges

That the Meeting recommend to Council that the following persons, subject to their acceptance be elected as Fire Control Officers for the Shire of Cunderdin for the forthcoming year:-

Mr A Burges, Mr A Teakle, Mr T Harris, Mr M Burges, Mr D Wilmott, Mr N Jenzen, Mr J Snooke, Mr S Mussared, Mr D Kelly, Mr D Beard, Mr D Fisher, Mr S Bell, and Mr S Hobley

**CARRIED**

**RESOLUTION: FCO5– 19/20**

MOVED Digby Wilmott SECONDED Ashley Teakle

That the Meeting recommend to Council that the following Fire Control Officers be elected as Dual Fire Control Officers with the surrounding Shires: -

York	Mr D Fisher
Dowerin	Mr D Beard and Mr D Wilmott
Tammin	Mr S Mussared
Goomalling	Mr A Burges and Mr M Burges
Northam	Mr A Burges, Mr M Burges and Mr J Snooke
Quairading	Mr D Fisher
Wyalkatchem	Mr D Wilmott and Mr A Teakle

**CARRIED**

**RECOMMENDATION: FCO6– 19/20**

MOVED Digby Wilmott SECONDED Ashley Teakle

That the Meeting recommend to Council that the Council infringe any landowner within the Shire of Cunderdin that is not adhering to the Fire Break Order.

**CARRIED**

**Comment**

It was recommended from the meeting that:

*Council infringe any landowner within the Shire of Cunderdin that is not adhering to the Fire Break Order.*

The CESM will inspect the properties that are subject to the Fire Break Order and the Shire will send out warning notices and then infringements. If the works are not completed the Shire may complete the fire break and charge the costs to the land owner. There are a number of properties both in Cunderdin and Meckering who will receive notices and this will impact the administrations resources.

**Consultation**

Cunderdin Bushfire Brigade Committee  
Chief Executive Officer – Stuart Hobley  
Community Emergency Services Manager – Simon Bell  
Manager of Works & Services – Craig Robertson

### **Statutory Implications**

Bush Fire Act 1954

### **Policy Implications**

Shire of Cunderdin Policy Manual – Section 5, Fire Control

### **Financial Implications**

There are no financial implications in relation to this item.

### **Strategic Implications**

Outcome 1.2 A growing, healthy and safe community

- 1.2.1 Maintain and enhance sport and recreation facilities
- 1.2.2 Improve recreation for all ages
- 1.2.3 Support provision of emergency services and encourage community volunteers

#### **Resolution 9.8.1**

That Council makes the following appointments under section 38 of the Bush Fire Act 1954:

1. That Ashley Burges be appointed as the Shire of Cunderdin Chief Bush Fire Control Officer.
2. That Ashley Teakle be appointed as the Shire of Cunderdin Deputy Chief Bush Fire Control Officer.

Moved: Cr Bernie Daly

Seconded: Cr Jayson Goldson

Vote: Simple Majority

Carried: 8/0

#### **Resolution 9.8.2**

That Council adopts the following recommendation, subject to their acceptance be elected as Fire Control Officers for the Shire of Cunderdin for the forthcoming year:-

Mr. A Burges, Mr A Teakle, Mr T Harris, Mr M Burges, Mr D Wilmott, Mr N Jenzen, Mr J Snooke, Mr S Mussared, Mr D Kelly, Mr D Beard, Mr D Fisher, Mr S Bell and Mr S Hobley.

Moved: Cr Bernie Daly

Seconded: Cr Jayson Goldson

Vote: Simple Majority

Carried: 8/0



## 9.9 Annual Audit Report 2017/2018 Financial Year – Report Review

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	11 <sup>th</sup> October 2019
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Stuart Hobley
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Final Management Letter to CEO - Shire of Cunderdin - For year ended 30 June 2018 Final Management Letter Attachment - Shire of Cunderdin - Year ended 30 June 2018

### **Proposal/Summary**

The Local Government Act requires a report to be prepared by the Local Government addressing any matters identified as significant by the auditors in the Council audit report.

### **Background**

Agenda Item was presented to the Audit Committee Meeting on the 17<sup>th</sup> October 2019

Section 7.12A(4) of the Local Government Act 195 States that a local government must:

*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.*

Council met with the auditors and staff from the Auditor General's office on the 16<sup>th</sup> April to discuss the findings of the 2017/18 Audit. An agenda item was then put to the Audit Committee Meeting on the 2 May 2019 at which the Audit Report was accepted by Council.

### **Resolution 5.1 May 2019**

*That the Audit Committee:*

- 1. adopt the 2017/18 Financial Report;*
- 2. receive the Auditor's Report and Management Report from Macri Partners for the 2017/18 financial year;*
- 3. recommend to Council the adoption of the 2017/18 Financial Report, and receipt of the Auditor's Report and Management Report from Macri Partners for the 2017/18 financial year; and*
- 4. Recommend to Council that the Annual Electors Meeting be held on Tuesday 21 May 2019 at 5pm in the Cunderdin Community Resource Centre.*

Every matter raised by the auditor was discussed at the Committee Meeting, however the report did not detail the items identified as significant. This report will address this oversight.

The Shire of Cunderdin received an unqualified audit report insofar as the financial report for 2017/18 has been completed in accordance with relevant legislation, standards and regulations and gives "... a true and fair view of the financial position of the Shire of Cunderdin..."

## **Comment**

The matters addressed as significant in the 2017/18 Audit Report as follows:

### **1. Asset Renewal Funding Ratio**

#### **Finding**

The Shire has not reported the Asset Renewal Funding Ratio for 2018, 2017 and 2016 in the annual financial report, as required by section 50(1)(c) of the Local Government (Financial Management) Regulations 1996, as management could not confirm the reliability of the available information on planned capital renewals and required capital expenditure.

#### **Management Comment**

The Asset Renewal Funding Ratio is calculated from the Asset Management Plan and Long Tern Financial Plan. These documents are currently being reviewed and updated and will be approved by Council in the near future to ensure compliance.

#### **Updated Management Comment**

Both of these documents are nearly complete and will be put to Council before the end of the year.

### **2. Revaluation of Infrastructure**

#### **Finding**

We noted that the Shire had not recorded bridges as an asset in the asset register and financial report, despite being independently valued for the first time in 2015-16. The Shire has rectified this error in 2017-18 by obtaining an independent valuation for bridges and recording them in the financial report.

We also noted that the Shire had revalued infrastructure assets in 2017-18, but was unable to record these values in the 2017-18 financial report due to difficulties in reconciling the assets in the valuation report to those recorded in the asset register. As the Shire had revalued infrastructure within the last three years, we were satisfied that the carrying amount reflected the fair value of the assets. However, the Shire needs to ensure that these differences are reconciled and resolved so that the valuation can be recorded in the general ledger as soon as possible.

#### **Management Comment**

The process in which asset revaluations are being performed is being reviewed. This will include a schedule for the revaluation of all asset classes in line with the regulations. Asset data within the shires system will be reviewed for accuracy and checked before it is sent to the valuers. Any discrepancies will be amended.

#### **Updated Management Comment**

The matters identified with the infrastructure assets have been resolved in the 2018/19 audit and a review of Council Asset Register has been undertaken.

### **3. Compliance with Procurement Thresholds**

#### **Finding**

We tested 18 invoices and found that in all instances, we were not able to ascertain whether the procurement requirements pertaining to the procurement values/thresholds, as specified within the Shire's procurement policy (Policy 9.15), have been followed.

Procurement value	Procurement requirement	No. of Exceptions
\$0 to \$4,999	A single written or verbal quotation must be obtained.	5



\$5,000 to \$49,999	Seek a sufficient number of written quotations (minimum two) and obtained a minimum of one quotation.	10
\$50,000 to 149,000	Obtain a sufficient number of written requests for quotations (minimum three) from suppliers containing price and detailed specification of goods and services required.	2
\$150,000 and above	Conduct a public tender process.	1

**Management Comment:**

Deficiency in process was identified in an earlier review and a memo sent to responsible officers on 22 August 2018. Further advice regarding attachment of quotes to the Purchase Order will be issued.

**Updated Management Comment**

Staff have been requested to attached copies of quotes to the obtained to the orders.

**4. Tender Contracts and Documentation**

**Finding**

We noted that a payment made during the year to the following supplier was in excess of \$150,000 i.e. the tender requirement threshold. We were not provided with evidence of tender contracts or any other documentary evidence to show that the Shire has followed the tender procedures, as required by Regulation 11 of the Local Government (Functions and General) Regulations 1996.

Supplier	Description of goods or services	Amount (excluding GST)
Earthstyle Contracting	Road maintenance	\$239,026

Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires a local government to follow tender procedures when the value of goods or services to be purchased is expected to exceed \$150,000.

**Management Comment:**

Lack of due process in awarding gravel re-sheeting contracts has been identified and will be the subject of a 3 year works tender for future contracts.

Training will be conducted with staff to ensure further breaches do not occur

**Updated Management Comment**

Training has been conducted with Council staff. Projects have been identified that may require payments in excess of \$150,000 over three years. These services will be put out for tender.

**Consultation**

Macri Partners  
Office of the Auditor General

**Statutory Implications**

*Local Government Act 1995*

*7.12A. Duties of local government with respect to audits*

*(1) A local government is to do everything in its power to —*

- (a) assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and  
(b) ensure that audits are conducted successfully and expeditiously.

(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.

(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.

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Audit Committee Resolution 5.1**

That the Audit Committee notes the actions that have been taken or intended to be taking in addressing the matters identified as significant by the auditor in the 2017/18 Audit Report.

Moved: Jayson Goldson                      Seconded: Todd Harris

Vote: Simple majority                      Carried: 8/0

#### **Council Resolution 9.9**

That the Audit Committee notes the actions that have been taken or intended to be taking in addressing the matters identified as significant by the auditor in the 2017/18 Audit Report.

Moved: Alison Harris                      Seconded: Bernie Daly

Vote: Simple majority                      Carried: 8/0

## 9.10 Interim Audit Results for the Year ended 30 June 2019

<b>Location:</b>	Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	11 <sup>th</sup> October 2019
<b>Author:</b>	Lauren Cole
<b>Item Approved by:</b>	Stuart Hobley
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Annual Financial Report – Interim Audit

### **Proposal/Summary**

The Audit Committee is to note the annual financial report interim audit results for the year ended 30 June 2019.

### **Background**

The Shires auditor, Macri partners recently completed the Councils interim audit for the period ending 30 June 2019. The auditors spent two days at the Shire Offices on the 27 and 28 May 2018 conducting the interim audit.

The purpose of the audit is to evaluate the overall control environment and to obtain an understanding of the key business processes, risks and internal controls relevant to the audit of the annual financial statements.

The Auditor General signed off on the interim audit on the 28 August 2019.

### **Comment**

The interim audit has identified a number of management control issues that are required to be addressed. The full report including all of the findings are included in the attachment.

The matters identified are either significant, moderate or minor. The report identified 15 matters this year of which two were significant, ten were moderate and three were minor. There were also five items from previous years of which two were significant and three were moderate.

The administration has provided a response to each of the findings and this is contained within the report.

### **Consultation**

Macri Partners  
Office of the Auditor General

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Audit Committee Resolution 5.2**

That the Audit Committee receive the Interim Audit Results for the year ended 30 June 2019.

Moved: Norm Jensen  
Vote: Simple majority

Seconded: Alison Harris  
Carried: 8/0

**Council Resolution 9.10**

That the Audit Committee receive the Interim Audit Results for the year ended 30 June 2019.

Moved: Alison Harris

Seconded: Bernie Daly

Vote: Simple majority

Carried: 8/0

**10. Environmental Health and Building**

Nil

**11. Planning & Development**

Nil

**12. Works & Services**

Nil

**13. Urgent Items**

Nil

**14. Scheduling of Meeting**

**14.1 November 2019 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 21 November 2019 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

**15. Closure of meeting**

There being no further business the Shire President will declare the meeting closed at 5:43pm.

**16. Certification**

**DECLARATION**

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 17 October 2019 as shown were confirmed at the ordinary meeting of Council held on 21 November 2019.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_