



## **Shire of Cunderdin**

### **Minutes of a Special Council Meeting**

A Special Meeting of the Cunderdin Shire Council was held on **Thursday, 2 May 2019** in the Council Chambers, Lundy Avenue Cunderdin commencing at **5.30pm**, for the purpose of adopting the Shire of Cunderdin Annual Report 2017/18 Financial Year and the Recruitment of a CEO.

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## AGENDA

### 1. Declaration of opening

**The Shire President declared the meeting open at 5.31 pm**

**The Shire of Cunderdin disclaimer will be read aloud by Cr Alison Harris**

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”.

### 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 Shire President
Cr J (Jayson) Goldson	
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr D (Di) Kelly	

#### 2.2 In Attendance

Neville A Hale	Chief Executive Officer
Stuart Hobley	Manager of Corporate Services and Finance
Hayley Byrnes	Senior Finance Officer

#### 2.3 Apologies

Cr DB (Doug) Kelly  
Cr NW (Norm) Jenzen

#### 2.4 Leave of Absence Previously Granted

### 3. Finance and Administration

#### 3.1 Shire of Cunderdin Audit Committee Minutes

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services and Finance
<b>Date:</b>	23 April 2019
<b>Author:</b>	Kayla James
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item Audit Committee Minutes

#### Proposal/Summary

Council to receive the minutes of the Audit Committee Meeting held on Thursday 2 May 2019.

#### Background

A copy of the Audit Committee Minutes have been circulated to all Councillors.

#### Comment

There were three items of business on the Audit Committee Agenda:

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 Shire of Cunderdin Council Chambers

And

That the Audit Committee, provides responses in the Fraud and Error Assessment as follows:

1. Has the Council's management communicated to you its processes for identifying/responding to risks of fraud?

*Response: Yes, Councils updated Policy Manual was adopted by the Council in December 2018 and within this process, the Policy was distributed to all Audit Committee Members.*

2. How does the Audit Committee exercise oversight over management's processes for identifying and responding to risks of fraud?

*Response: The Audit Committee has reviewed the CEO's Risk Dashboard Report completed in October 2018 which is due for review in February 2019.*

3. Is the Audit Committee aware of any actual, suspected or alleged fraud? If yes, please provide details.

*Response: No*

This report recommends that Council adopt the recommendations within this report.

#### Consultation

Nil

#### Statutory Environment

Special Meeting of Council was held 2 May 2019

**Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2)**

The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

**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 his or her 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 is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —

(a) determine if any matters raised by the report, or reports, 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 is to —

(a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and

(b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

- Local Government (Audit) Regulations 1996

- Local Government (Financial Management) Regulations 1996

**Policy Implications**

Nil

**Financial Implications**

There are no financial implications in considering this item.

## **Strategic Implications**

Good Governance Framework.

### **Resolution 3.1 May SCM 2019**

That the Minutes of the Shire of Cunderdin Audit Committee Meeting held on 2 May 2019, be received and the recommendations contained therein be adopted.

Moved: Cr Jayson Goldson

Seconded: Cr Alison Harris

Vote – Absolute majority

Carried: 6/0

### 3.2 Shire of Cunderdin Annual Report 2017/2018 Financial Year

<b>Location:</b>	Cunderdin
<b>Applicant:</b>	Manager of Corporate Services and Finance
<b>Date:</b>	23 April 2019
<b>Author:</b>	Kayla James
<b>Item Approved By:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Annual Report

#### Proposal/Summary

For Council to accept the Annual Report for the 2017/18 Financial Year.

#### Background

The *Local Government Act 1995*, sections 5.53 & 5.54 provides for a local government to prepare an Annual Report in each financial year.

The Report is to be received by the local government no later than 31 December after that financial year, however 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.

The Report is to be prepared in accordance with the provisions of the Act and the Local Government (Financial Management) Regulations 1996.

#### Comment

The *Local Government Act 1995*, section 5.26 provides that Council holds a General Meeting of Electors within 56 days of receiving the Annual Report.

Council alternates the AGM between its two towns year about. Accordingly, this year the AGM will be held in the Shire of Cunderdin Council Chambers, Cunderdin.

The date and time is yet to be determined.

A copy of the Annual Report has been circulated to all Council members.

#### Consultation

Nil

#### Statutory

##### **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.*

##### **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 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.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil

**Resolution 3.2 May SCM 2019**

That Council:

1. Pursuant to section 5.54 of the *Local Government Act 1995*, accepts the Annual Report for the 2017/2018 Financial Year.
2. Pursuant to section 5.53 (h) of the *Local Government Act 1995*, accepts the Auditors Report for the Financial Year ended 30 June 2018.
3. Pursuant to section 5.27 of the *Local Government Act 1995*, schedules the Annual General Meeting of Electors at the Cunderdin Community Resource Centre on 21 May 2019 commencing at 5pm.

Moved: Cr Bernie Daly

Seconded: Cr Di Kelly

Vote – Absolute majority

Carried: 6/0

**Note:** Copy of the Annual Report to be forwarded to the Department of Local Government Sport and Cultural Industries.



#### 4. Confidential Items

##### 4.1 Move Behind Closed Doors at 5.34pm

###### Resolution 4.1 May SCM 2019

That Council move behind closed doors.

Moved: Cr Todd Harris

Seconded: Cr Jayson Goldson

Vote – Absolute majority

Carried: 6/0

Hayley Byrnes and Stuart Hobley left the room at 5.34pm and did not return.

##### 4.2 CEO Recruitment

Under separate cover

##### 4.3 Move from Behind Closed Doors

###### Resolution 4.3 May SCM 2019

That Council move from behind closed doors,

Moved: Cr Bernie Daly

Seconded: Cr Dianne Kelly

Vote – Absolute majority

Carried: 6/0

The Shire President read aloud the following resolution;

###### Resolution 4.2 SCM May 2019

That Council:

- 1) Approve the recommended process to be used for selection and appointment of the vacant Chief Executive Officer Position;
- 2) Accept the minutes of the CEO Selection Panel Committee and adopt the recommendations within including;
  - a. Profile of the preferred applicant;
  - b. Agreed salary package
  - c. The process to use for the selection and appointment of a CEO; and,
  - d. Advertisement for the position inviting applications from suitable qualified persons in accordance with 18A (2) of the Local Government (Administration) Regulations 1996 with a remuneration package of : \$128,266 to \$200,192

Moved: Cr Jayson Goldson

Seconded: Cr Alison Harris

Vote – Absolute majority

Carried: 6/0

#### 5. Closure of meeting

There being no further business the Shire President is to declare the meeting closed at 5.36pm.