



Shire of Cunderdin

Minutes Special Council Meeting

A Special Meeting of the Cunderdin Shire Council was held on **Wednesday 3rd May 2023** in the Council Chambers, Lundy Avenue Cunderdin commencing at **4.00pm**, for the purpose of:

1. Setting the Annual Electors Meeting to be held on Thursday 18th May 2023 at 7pm in Cunderdin Community Resource Centre.
2. Pursuant to section 5.54 of the Local Government Act 1995, Council accepts the Annual Report for the 2021/2022 Financial Year.

Stuart Hobley
Chief Executive Officer
3rd May 2023

Table of Contents

1.	Declaration of opening.....	3
2.	Record of Attendance, Apologies and Approved Leave of Absence.....	3
3.	Public Question Time	3
4.	Petitions, Deputations & Presentations	3
5.	Finance & Administration.....	4
	5.1 Annual Report 2021/2022 Financial Year	4
6.	Closure of Meeting.....	6

MINUTES

1. Declaration of opening

The President declared the meeting open at 4.02 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”.

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

2.1 Record of attendances

Councillors

Cr AE (Alison) Harris	Shire President
Cr A (Anthony) Smith	Deputy President
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr B (Bernie) Daly	
Cr N (Natalie) Snooke	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance and Administration Officer

Guests of Council

Nil.

Members of the Public

Nil.

Apologies

Nil.

Leave of Absence Previously Granted

Nil.

3. Public Question Time

Nil.

4. Petitions, Deputations & Presentations

Nil.

5. Finance & Administration

5.1 Annual Report 2021/2022 Financial Year

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	1 st May 2023
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Annual Report 2021-22

Proposal/Summary

Council is requested to:

1. Set the Annual Electors Meeting to be held on Thursday 18th May 2023 at 7pm in Cunderdin Community Resource Centre.
2. Pursuant to section 5.54 of the *Local Government Act 1995*, Council accepts the Annual Report for the 2021/2022 Financial Year.

Background

Section 7.12A, clause 2, of the *Local Government Act 1995* requires that a local government is to meet with the auditor at least once in each financial year.

Council met with the auditors and staff from the Auditor General's office and Dry Kirkness Chartered Accountants via teleconference on the 27th April 2023 to discuss the findings of the 2021/22 Audit.

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 *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Comment

The Shire of Cunderdin received an unqualified audit report insofar as the financial report for 2021/22 has been completed in accordance with relevant legislation, standards and regulations and gives "is based on proper accounts and records" and "fairly represents, in all material respects, the results of the operation of the Shire for the year ended 30 June 2022 and its financial position at the end of that period" and "in accordance with the *Local Government Act 1995* (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards".

An Interim Audit Management Letter was not provided to the Shire due to COVID 19 and staff availability issues. The Auditors advised that all items will be included in the Final Management letter.

The Final Management Letter has drawn attention to:

Five significant items,

- CEO review of systems and procedures- Regulation 17 review.
- Fair value of infrastructure assets - Frequency of valuations.
- Fixed Assets reconciliation.
- Asset Management policy.
- IT related issues.

Four Moderate Items,

- Purchasing authority limits.
- Compliance with procurement policies.
- Updating of fixed assets register.
- Bank Signatory.

One Minor Item

- Excessive Leave Balances.

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.

Consultation

Dry Kirkness
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.*

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 5.1 SCM May 2023

That the Council:

1. Set the Annual Electors Meeting to be held on Thursday 18th May 2023 at 7pm in Cunderdin Community Resource Centre.
2. Pursuant to section 5.54 of the *Local Government Act 1995*, Council accepts the Annual Report for the 2021/2022 Financial Year.

Moved: Cr A (Tony) Smith

Seconded: Cr N (Natalie) Snooke

Vote – Absolute majority

Carried: 6/0

6. Closure of Meeting

There being no further business Cr AE (Alison) Harris declared the meeting closed at 4.19pm.