



MINUTES
OF THE
AUDIT COMMITTEE OF COUNCIL MEETING
HELD ON
WEDNESDAY
16 DECEMBER 2020 @4.30PM



**SHIRE OF THREE SPRINGS
ORDINARY COUNCIL MEETING NOTICE PAPER
16 DECEMBER 2020**

President and Councillors,

An Audit Committee meeting of Council is called for Wednesday, 16 December 2020, in the Council Chambers, Railway Road, Three Springs commencing at 4.30pm.

Keith Woodward
Chief Executive Officer

10 December 2019

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Three Springs for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Three Springs disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Three Springs during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Three Springs. The Shire of Three Springs warns that anyone who has an application lodged with the Three Springs Shire Council must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Three Springs in respect of the application.

Shire of Three Springs
PO Box 117, Three Springs
WA 6519

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

☐ Ordinary Council Meeting held
on

☐ Special Council Meeting held
on

☐ Committee Meeting held on

☐ Other

Report No

Report Title

Name

☐ Elected
Member

☐ Committee

☐ Employee

☐ Contractor

Type of Interest (**see overleaf for further information*)

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

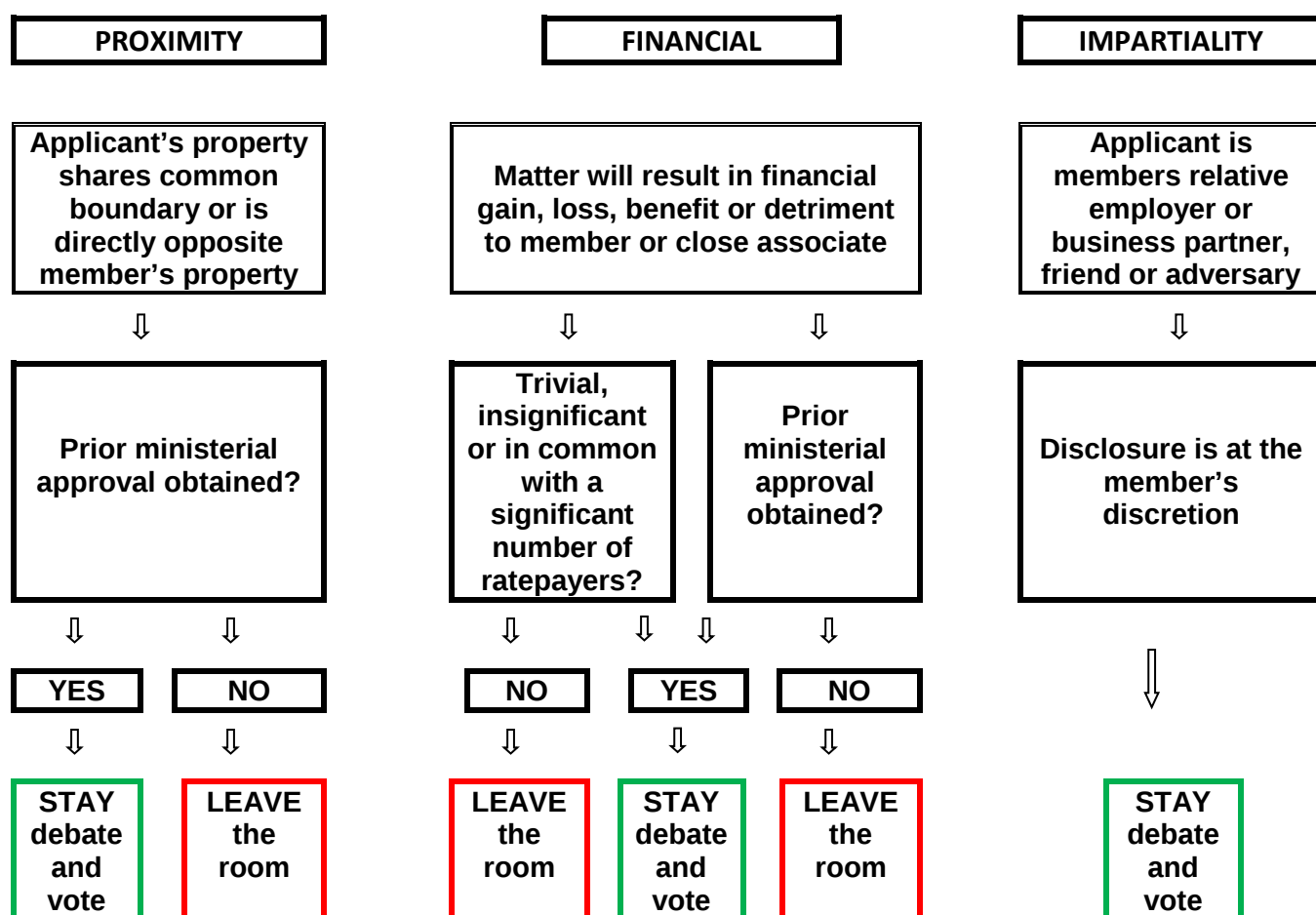
CEO

Signed:

Date:

:

* Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

(a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 - Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

**SHIRE OF THREE SPRINGS
AGENDA OF THE AUDIT COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBERS, THREE SPRINGS
ON WEDNESDAY 16 DECEMBER, 2020**

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.34pm

Welcome to Country:-

The Shire of Three Springs acknowledges the traditional owners of this land – the Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane	Present		
Councillor Connaughton			16/12/2020
Councillor Heal	Present		
Councillor Mutter	Present		
Councillor Mills	Present		
Councillor Ennor	Present		
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Manager Works	Present		
Executive Secretary	Present		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Audit Committee Meeting are confirmed as true and accurate record of proceedings.

		Date	Moved	Seconded	Vote
6.1	11/12/2019	12/02/2020	Cr. Mills	Cr. Mutter	6/0

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Mills	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10. REPORTS OF OFFICERS

CORPORATE SERVICES	
10.1 Annual Financial Report 2019-2020	
Agenda Reference:	
Location/Address:	Shire of Three Springs
Name of Applicant:	Shire of Three Springs
File Reference:	191206
Disclosure of Interest:	Nil
Date:	9 December 2020
Author:	Deputy Chief Executive Officer
Attachment (s):	10.1 Audited Annual Financial Report 2019-2020 10.2 Auditors Opinion 10.3 Transmittance Letters

Council Role:

- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☒ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☐ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

The Audit Committee recommends that the Council accepts the Annual Financial Statements, Audit Report, Management Report for 2019-2020 and set the date for the Annual Electors Meeting.

Background:

Following proclamation of the Local Government Amendment (Auditing) Act 2017, the Auditor General was made responsible for the financial and performance auditing of local governments.

In November 2017 Council was informed the annual financial audit for the financial year ending 30 June 2018 would be undertaken by the Auditor General via contracted companies. Butler Settineri was the company contracted to do the audit on behalf of the Auditor General for next two years – 2019-2020.

Officer's Comment:

On Wednesday 9 December 2020, Robert Hall (representing Butler Settineri) and Mikey Fiorucci from Office of the Auditor General for Western Australia conducted an audit exit meeting via Microsoft Team meeting with the Shire President, the Chief Executive Officer (CEO) and the Deputy Chief Executive Officer (DCEO). The final reports were signed off by the Auditor General and are presented to Council for review.

As per the Local Government Act 1995 Council is required to accept the Audit Report, Management Report, Annual Financial Statements and set the date for the Annual Electors Meeting.

The Completion Report by our Auditors is a reflection of the sound governance principles and effort that staff have put into the finance and administration processes throughout 2019/2020.

Consultation:

Chief Executive Officer, Deputy Chief Executive Officer, Senior Finance and Administration Officer, Butler Settineri audit staff and Office Auditor General-Assistant Director Financial Audit.

Statutory Environment:

Local Government Act 1995, Section 5.53 provides that the annual report is to contain the following:

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 report from the president*
 - *a report from the CEO*
 - *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*
 - *the financial report for the financial year*
 - *such information as may be prescribed in relation to the payments made to employees*
 - *the auditor's report for the financial year*
 - *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993*
 - *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*
 - *such other information as may be prescribed.*

The Local Government Act 1995 Section 7.2 provides:

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by each local government.

The Local Government Act 1995 Section 7.12a provides:

- (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 Act 1995 s5.27 & s5.29

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.

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 of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held."

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Council's approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.	
Council Objectives:	Outcome:
Nil	Nil

This item is relevant to the Council's approved 'Corporate Business Plan 2020– 2024'.

'Corporate Business Plan 2020-2024	
Scope Statement:	Project Outputs:
Nil	Nil

Voting Requirements:

Absolute Majority

Officer's Recommendation:

088/2020 OFFICERS RECOMMENDATION and COUNCIL DECISION	10.1
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MOVED: Cr. Eva
SECONDED: Cr. Ennor

That the council:

1. Accept the Annual Financial Report for the year ended 30 June 2020
2. Accept the Audit Report for the year ended 30 June 2020
3. The Chief Executive Officer to be instructed to give notice of the availability of the Annual Report for the year ended 30 June 2020 and to publish the Annual Report on the Shire of Three Springs's official website
4. Schedule the Annual Electors meeting in Council Chambers for 10 February 2021 at 6:00 PM.

CARRIED:
VOTED: 6/0

11. TIME AND DATE OF NEXT MEETING

The date and time of the next Audit Committee will be advised
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12. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 4.42p.m.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____

Presiding Officer
Date: 25 February 2020