



Norseman Woodlands to Eucla Coast

UNCONFIRMED MINUTES Special Council Meeting 29th March 2023

NOTICE OF MEETING

The next Special Meeting of the Council will be held on 29th March in the Council Chambers at the Shire Administration office – Prinsep Street Norseman commencing at 5:30 pm AWST to consider and resolve on the matters set out in the attached agenda.

All meetings are open to the public, except for matters raised by Council under "Confidential Items".

Members of the public may ask a question at an Ordinary Council meeting under "Public Question Time".

A handwritten signature in black ink, appearing to read "Peter Fitchat", is written over a light blue horizontal line.

Peter Fitchat
Chief Executive Officer
27th March 2023

UNCONFIRMED MINUTES for the SPECIAL Meeting of Council
to be held in the Council Chambers at the Shire Administration Office –
Prinsep Street Norseman on the
29th March 2023 commencing at 5:30pm AWST.

Notes to Minutes

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent, or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shires decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as representation by the Shire should be sought in writing and should make clear the purpose of the request.

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1. Declaration of Opening and Announcement of Visitors.

The Shire President welcomed all in attendance and declared the meeting open at: 5:31pm

This Ordinary Council Meeting will be video recorded to assist in the preparation of the minutes of the meeting.

1.1. Acknowledgment of Country

The Shire of Dundas recognises the Ngadju and Mirning as First Nations People in the Shire of Dundas, acknowledging them as traditional custodians and pay our respects to their Elders, past, present, and emerging.

1.2 Attendance at meetings by electronic means

The Shire President has been advised that Cr Wyatt will be in Norseman, Western Australia when the meeting is held and have requested attendance by electronic means (Telephone), with other Councillors present at the meeting in accordance with Administration Regulation 14C and 14CA. The President has approved previously to the meeting.

The Shire President has been advised that Cr Patupis will be in Perth, Western Australia when the meeting is held and have requested attendance by electronic means (Teams Meeting), with other Councillors present at the meeting in accordance with Administration Regulation 14C and 14CA. The President has approved previously to the meeting.

2. Declarations of Financial, Proximity, Impartiality Interests & Gifts Received.

Financial Interests: Nil

Proximity Interests: Nil

Impartiality Interests: Nil

Gifts Received by Councillors: Nil

As per the Shire of Dundas Code of Conduct section 3.4 Gifts, adopted by the Council on 21 October 2014 and reference to Regulation 34B of the Local Government (Administration) 1996.

3. Record of Attendance of Councillors / Officers and Apologies.

Cr LG Bonza	Shire President
Cr AR Patupis	Deputy Shire President
Cr JEP Hogan	
Cr SM Warner	
Cr VL Wyatt	
Peter Fitchat	Chief Executive Officer
Barry Hemopo	Manager of Works and Services
Clara Viola	Executive Assistant

Apologies

Pania Turner Manager of Corporate and Community Services

Public Gallery

4. Applications for Leave of Absence.

Cr J Maloney

At the Ordinary Council Meeting held on the 2 March 2023 Council approved the following resolution: That Council grant Cr. Maloney's application for Leave of Absence for the period 25th March-26th April inclusive, noting that the Councillor will be absent from the scheduled Ordinary Council Meetings 25th March 2023 and the 18th April 2023.

5. Response to Previous Public Questions Taken on Notice. Nil

6. Public Question Time. Nil

In accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996, any person may during Public Question Time ask any question.

7. Announcements by Presiding Member without Discussion. Nil

8. Reports

8.1 Administration, Finance and Community Development

Agenda Reference & Subject	
8.1.2 Compliance Audit Return 2022	
Location / Address	88-92 Prinsep Street, Norseman
File Reference	LS.CM
Author	Chief Executive Officer – Peter Fitchat
Date of Report	27 th March 2023
Disclosure of Interest	Nil

Background

Each year, Council is required to complete an annual compliance audit return (CAR) for the calendar year immediately preceding (1st January to 31st December) as published by the Department of Local Government, Sport and Cultural Industries. The CAR is then to be reviewed by the Audit Committee and a report presented to Council prior to the adoption of the CAR.

This year, the CAR was reviewed and completed by Moore Australia. Tanya Browning, Associate Director, and Jessica Spark, Senior Project Officer, Local Government Services from Moore Australia attended the Shire offices on 31 January 2023, during which time the CAR was completed through interviews with senior staff and the inspection of various documents and records including:

- Minute books
- Tender Register
- Financial Interest & Return Register
- Complaints Register
- Delegations Register
- Council's Website

The CAR is one of the tools that allow Council to monitor how the organisation is functioning in regard to compliance with the Local Government Act 1995 and provides the Audit and Risk Committee the opportunity to report to Council any cases of non-compliance or where full compliance was not achieved.

This process also provides opportunity for the Audit and Risk Committee to consider matters that may require further review within ongoing risk framework assessments and actions.

The Audit & Risk Committee reviewed the CAR at its meeting held 23rd March 2023 and resolved to recommend the adoption of the report to the Council and that the Shire President and Chief Executive Officer be authorised to sign the Compliance Audit Return for submission to the Department of Local Government. Minutes of that meeting are attached to this report as well as the 2022 CAR.

Through the completion of the 2022 CAR, there were instances of non-compliance noted which are further detailed in supporting documentation. In relation to procurement, whilst systems and processes should be in place to ensure compliance with the purchasing policy and legislation, it is impossible to certify compliance in every instance without a complete examination of all purchases. Instances of non compliance were noted by management to have occurred during the reporting period, as well as the difficulty to declare during the review period the appropriate number of quotations had been obtained for every purchase (particularly low value purchases) in accordance with the purchasing policy.

A summary of the matters noted during the completion of the 2022 CAR is attached for information. The attached summary also notes general improvement opportunities to systems and processes identified through the completion of the CAR. These improvements may assist the Shire in its risk management activities and continual improvement of administrative and compliance functions.

Statutory Environment

Regulation 14 of the *Local Government (Audit) Regulations 1996* provides that:

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council;
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 14 of the *Local Government (Audit) Regulations 1996* details the requirements regarding certifying the CAR and issuing to the Departmental CEO

Section 7.13(1)(i) of the *Local Government Act 1995* refers to the provisions within regulations regarding audits.

Policy Implications

There are no policy implications resulting from the recommendation of this report.

Financial Implications

There is a massive burden to our financial capability to recruit and minimise the implications resulting from the recommendation of this report from our compliance auditors.

Strategic Implications

There are no strategic implications resulting from the recommendation of this report.

Risk Management

This item has been evaluated against the Shire's Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is medium prior to treatment.

Officers Comment

As council is aware compliance cost money and, in our attempts, to increase our revenue to recruit and retain staff, and hire the best assistance from consultants where there is a need to meet compliance, we have over the last 4 years with Council support to drive advocacy to get buy in from State and Federal Government.

Shire of Dundas items taken to WALGA AGM

2019

[Agenda Annual General Meeting 2019 \(walga.asn.au\)](http://walga.asn.au)

3.7 Review of the Mining Act 1978

3.8 Financial Assistance Grant

2020

[Agenda Annual General Meeting 2020 \(walga.asn.au\)](http://walga.asn.au)

3.1 Drought in Western Australia

3.2 State Owned Unallocated Crown Land (UCL) House Blocks

2021

[Microsoft Word - 2021_AGM_Minutes \(walga.asn.au\)](http://walga.asn.au)

3.5. Review of the Environmental Regulations for Mining

Shire of Dundas submission into the Royal Commission inquiry for Natural Disasters

[Search | Royal Commission into National Natural Disaster Arrangements](#)

2022

[Agenda Annual General Meeting 2022 \(walga.asn.au\)](http://walga.asn.au)

3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA

3.4 Northern Australia Beef Roads Program

3.5 3D House Printing Building Compliance

Asset Management and Financial Management is another critical part of the process, however no direct linked to the CAR it has a indirect contribution, as Council has noticed we have quite a young crew, this is fantastic and with our continued support they will get the experience to be part of a fully compliant team, this direction and impacts of this report is something that I as the CEO and person conducting business on behalf of our Elected Members and our community are happy to be responsible for and will be working with everyone to ensure that our compliance will be met.

Shires Rates Revenue Status to date:

Description	3 Years +	2 Years	Previous Year	Current Year	Total
Rates	279,482	55,995	74,388	379,523	789,388
Legal Charges	23,382	-	-	14,218	37,601
Interest Charged	94,010	22,371	25,098	30,672	172,151
Emergency Services Levy	33,016	6,647	8,945	20,678	69,285
Back Rates 21/22	-	-	-	1,121	1,121
Credits	- 204,646	- 10,231	- 4,184	- 39,374	- 258,435
Domestic Rubbish Service	44,259	9,336	13,341	30,832	97,768
Pensioner Rubbish Service	4,797	1,148	2,171	3,359	11,475
Commercial Rubbish Service	2,514	1,144	1,168	1,806	6,632
Industrial Rubbish Service	871	-	-	-	871
Effluent Disposal	-	-	-	-	-
Rates Special Payment	50	-	-	150	200
ESL Interest Charges	10,804	2,230	2,362	2,558	17,954
Admin Fee	-	-	-	-	-
Instalment Surcharge	-	-	-	-	-
Total	288,540	88,639	123,289	445,543	946,011
<i>Add back Credits</i>	<i>204,646</i>	<i>10,231</i>	<i>4,184</i>	<i>39,374</i>	<i>258,435</i>

Total Outstanding Rates	493,186	98,870	127,473	484,917	1,204,446
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Voting Requirements

Absolute Majority

Officer Recommendation

That the Council adopt the Compliance Audit Return for 2022 as shown in the papers following this report, and that the Shire President and Chief Executive Officer be authorised to sign the Compliance Audit Return for submission to the Department of Local Government.

Moved: Cr. Bonza

Seconded: Cr. Hogan

Amendment to the Recommendation

1. That the Council note that the Audit Committee recommendation on 23rd March 2023 to adopt the CAR and to authorise to be signed for submission. The wording on the Audit Committee resolution to be change at the minutes to reflect this.
2. That the Council adopt the Compliance Audit Return for 2022 as shown in the papers following this report, and that the Shire President and Chief Executive Officer be authorised to sign the Compliance Audit Return for submission to the Department of Local Government.

Moved: Cr. Bonza

Seconded: Cr. Hogan

Cr Bonza moved an amendment to the recommendation to adjust a small wording error in the audit committee recommendation.

Resolution

1. That the Council note that the Audit Committee recommendation on 23rd March 2023 to adopt the CAR and to authorise to be signed for submission. The wording on the Audit Committee resolution to be change at the minutes to reflect this.
2. That the Council adopt the Compliance Audit Return for 2022 as shown in the papers following this report, and that the Shire President and Chief Executive Officer be authorised to sign the Compliance Audit Return for submission to the Department of Local Government.

Carried by: Absolute Majority

For: 5

Against: 0

9. Next Meeting

The next Special Meeting of the Council will be called as required.

10. Closure of Meeting

There being no further business the Shire President will declare the meeting closed at: 5:34pm