



Heritage, Commerce and Lifestyle

SHIRE OF NORTHAM

**MINUTES OF THE
SPECIAL MEETING OF COUNCIL
HELD ON
WEDNESDAY
28 NOVEMBER 2012**

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SHIRE OF NORTHAM

Minutes of the Special Meeting of Council held in the Council Chambers on WEDNESDAY, 28 November 2012.

DISCLAIMER

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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 Northam during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Northam. The Shire of Northam warns that anyone who has an application lodged with the Shire of Northam 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 Northam in respect of the application.

1. OPENING AND WELCOME

The Presiding Officer, Cr S Pollard declared the meeting open at 6:37pm.

2. DECLARATION OF INTEREST

Parts of Division 6 Subdivision 1 of the Local Government Act 1995 requires Council members and employees to disclose any direct or indirect financial interest or general interest in any matter listed in this agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter being discussed.

NB A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the disclosed matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

3. ATTENDANCE

COUNCIL

President
Councillors

Cr S B Pollard
A W Llewellyn
K D Saunders
U Rumjantsev
T M Little
R M Head
D A Hughes
D G Beresford
J E Williams

Executive Manager Corporate Services
Executive Manager Community Services
Executive Manager Development Services
Executive Manager Engineering Services
Project Manager Community Infrastructure
PATO Executive Manager Corporate Services

D R Gobbart
J McGready
P B Steven
S Lee
C B Hunt
V Jones

GALLERY

Nil

4. APOLOGIES

Chief Executive Officer
Councillor

N A Hale
R W Tinetti

5. LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PUBLIC QUESTION TIME

Nil

8. PUBLIC STATEMENT TIME

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10. REPORTS OF OFFICERS

10.1. CORPORATE SERVICES

10.1.1 MEETING WITH THE SHIRE OF NORTHAM AUDITORS

| | |
|---------------------|--|
| Submission To: | Internal Report |
| Name of Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | 8.2.7.1 |
| Officer: | Denise Gobbart |
| Officer Interest:: | Nil |
| Policy/Legislation: | Local Government Act 1995, Local Government (Audit) Regulations 1996, DLGRD Operational Guidelines-Audit Committees in Local Government No 9 |
| Voting: | Simple Majority |
| Date: | 12/11/2012 |

PURPOSE

For the Audit Committee to meet with Council's Auditor Mr Greg Godwin from UHY Haines Norton, to discuss the 2011/12 audit.

BACKGROUND

On appointment of the audit committee, it was given delegated authority to meet with the Auditor of the local government at least once in every year, pursuant to Section 7.12A(2) the Local Government Act 1995.

The Local Government Act does not require the Audit Committee to meet with the Auditor rather the local Government is to meet with the Auditor at least once each year.

STATUTORY REQUIREMENTS

Local Government Act 1995 Section 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.

[Section 7.12A inserted by No. 49 of 2004 s. 8.]

CONFORMITY WITH THE PLAN FOR THE FUTURE

Nil

BUDGET IMPLICATIONS

Nil

OFFICER'S COMMENT

The Audit Report indicated no matters of concern regarding the Shire's financial statements and financial position as at the 30 June 2011 and has been prepared in accordance with the requirements of the Australian Accounting Standards, Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

In addition the Auditors Management Report, also attached, highlights:

Outstanding Rates Ratio

This ratio helps to determine the effectiveness of the Shires rate collection procedures. Ideally, this ratio should be below 0.05 at 30 June in any given year.

The Ratio has remained stable at 0.07 for the last two years although rates debtors have increased from \$521,629 at 30 June 2011 to \$562,831 at 30 June 2012. Council should continue to concentrate on follow up efforts in order to reduce the amount of outstanding rates.

Trust Account

As noted in the Financial Management Review report dated May 2012, there are still some old balances in the trust account for which the supporting documents have not yet been located.

To help ensure trust funds are correctly dealt with on a timely basis, we recommend the process in place be continued until all balances have supporting documentation on file.

Tender Register

The tender register was not maintained in accordance with statutory requirements. In particular, details of the decision to invite tenders and the name of the successful tenderer were not included in the register.

To help ensure the register complies with Local Government (Functions and General) Regulations 17(2)9b(i) and 17(2)(f) the tender register should include these details.

Uncorrected Misstatements

There were no uncorrected misstatements noted during the course of the audit.

General, the performance of the Shire continues to improve in regards to its financial management practices and reporting but continued effort will be made to ensure that standards continue to improve and are maintained at a high level.

RECOMMENDATION

Minute No C.1903

Moved: Cr U Rumjantsev

Seconded: Cr R M Head

- 1. That the meeting between the Audit Committee and the Auditor satisfied the requirements of Section 7.12A(2) of the Local Government (Audit) Regulations 1996 and that the minutes of the meeting show the auditor was involved and the matters discussed.**
- 2. That the verbal report by the Shire Auditor Mr Greg Godwin from UHY Haines Norton be received.**
- 3. Council congratulate the Finance staff on their outstanding efforts in meeting the 2011/2012 audit requirements.**

Carried 9/0

10.1.2 SHIRE OF NORTHAM 2011/2012 ANNUAL REPORT

| | |
|---------------------|---|
| Submission To: | Internal Report |
| Name of Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | 8.2.7.1 |
| Officer: | Denise Gobbart |
| Officer Interest: | Nil |
| Policy/Legislation: | Local Government Act 1995 & LG (FM) Regs 1996 |
| Voting: | Absolute Majority |
| Date: | 12/11/2012 |

PURPOSE

For Council to consider and if acceptable receive the Annual Report for the year ended 30 June 2012 for the Shire of Northam.

BACKGROUND

The Annual Financial Report for the year ended 30 June 2012 was completed and presented to the Shire of Northam's auditor on Monday 3 September 2012, for audit. The Audit was completed and signed off on 12 October 2012.

Section 5.54 'Acceptance of Annual Reports' of the Local Government Act 1995 requires an Annual Report to be accepted by Council by 31 December in each year unless the Auditors Report is not available in time.

The Local Government Act 1995 Section 5.54(2) requires that if the Annual Report is not accepted by the Local Government by 31 December then it must be presented within two (2) months of the Auditors Report becoming available.

It is intended that the advert will be placed in the 'Gazette' Saturday's 1, 8 & 15 December 2012 and in the 'Advocate' Wednesday's 5, 12 & 19 December 2012.

STATUTORY REQUIREMENTS***Local Government Act 1995 Section 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;*
 - (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.*

Local Government Act 1995 Section 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.*

Local Government Act 1995 Section 5.55 Notice of Annual Reports;

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

CONFORMITY WITH THE PLAN FOR THE FUTURE

Nil

BUDGET IMPLICATIONS

Nil

OFFICER'S COMMENT

Council is requested to accept the Annual Report for the year ended 30 June 2012 for the Shire of Northam.

A copy of the management letter is also attached for council perusal for comment.

RECOMMENDATION

Minute No C.1904

Moved: Cr R M Head

Seconded: Cr T M Little

That Council pursuant to;

- 1. Sections 5.53 and 5.54 of the Local Government Act 1995, accepts the Annual Report for the 2011/2012 financial year;**
- 2. Section 5.55 of the Local Government Act 1995, authorise the Chief Executive Officer to give public notice of the availability of the Annual Report from Friday 30 November 2012.**

Carried by Absolute Majority 9/0

10.1.3 2011/2012 ANNUAL ELECTORS GENERAL MEETING

| | |
|---------------------|---|
| Submission To: | Internal Report |
| Name of Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | 8.2.7.1 |
| Officer: | Denise Gobbart |
| Officer Interest: | Nil |
| Policy/Legislation: | Local Government Act 1995 & LG (FM) Regs 1996 |
| Voting: | Simple Majority |
| Date: | 12/11/2012 |

PURPOSE

For Council to consider and endorse the date for the Annual Electors General Meeting set by the Chief Executive Officer.

BACKGROUND

The Annual Electors General Meeting is to be held within 56 days of the local government accepting the Annual Report.

A requirement of setting the date is that 14 days local public notice is required for advertising the meeting.

The closing period for adverts to be placed in the "Gazette" is Thursday Morning, this would mean the earliest edition for an advert to be displayed is Saturday 1 December 2012, and this would allow the meeting to be held no earlier than Saturday 15 December 2012. The last eligible day for holding the meeting would be Saturday 26 January 2012.

STATUTORY REQUIREMENTS***Local Government Act 1995 Section 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.*

Local Government (Administration) Regulation No 15 Matters for discussion at general electors' meetings - s. 5.27(3)

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

Local Government Act 1995 Section 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.*

CONFORMITY WITH THE PLAN FOR THE FUTURE

Nil

BUDGET IMPLICATIONS

Nil

OFFICER'S COMMENT

Council is requested to endorse the date set, in accordance with the Local Government Act, for the Annual Electors General Meeting.

RECOMMENDATION

Minute No C.1905

Moved: Cr Ulo Rumjantsev

Seconded: Cr K D Saunders

That Council holds the Annual Electors General Meeting on Wednesday, 19 December 2012 at 4.30pm in the Shire of Northam Council Chambers.

Carried 7/2

11. DECLARATION OF CLOSURE

There being no further business the Presiding Officer declared the meeting closed at 6.41pm.

“I certify that the Minutes of the Special Council Meeting held on Wednesday, 28 November 2012 have been confirmed as a true and correct record.”

_____ President

_____ Date