



# **MINUTES**

**ORDINARY COUNCIL MEETING**

**TUESDAY 27 NOVEMBER 2018**

**(Held at the Shire of Waroona Council Chambers)**

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**1. DECLARATION OF OPENING/ANNOUNCEMENTS**

The Shire President declared the meeting open at 4.01 pm and welcomed Councillors and Staff present.

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

Cr Mike Walmsley	Shire President
Cr Noel Dew	Councillor
Cr John Mason	Councillor
Cr Laurie Snell	Councillor
Cr Naomi Purcell	Councillor
Cr John Salerian	Councillor
Mr Ian Curley	Chief Executive Officer
Mr Laurie Tilbrook	Deputy CEO/ Director Corporate Services
Mr Patrick Steinbacher	Director Technical Services
Mr Louis Fouche	Director Strategic Development
Mr Leonard Long	Executive Manager Planning & Building Services
Mr Murry Bracknell	Manager Works & Services
Miss Ashleigh Nuttall	Manager Corporate Services
Mrs Sue Cicolari	Executive Support Officer

**APOLOGIES**

Cr Craig Wright Councillor

There were three members of the public present at the commencement of the meeting.

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Larry Scott Deputy Shire President

**3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

**4.1 PUBLIC QUESTION TIME**

Nil

**4.2 PUBLIC STATEMENTS**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. DISCLOSURES OF MEMBERS' & OFFICERS' INTERESTS**

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)

Nil

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil



**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY COUNCIL MEETING – 23 October 2018**

**COUNCIL RESOLUTION**

**OCM18/11/106**

**MOVED: CR MASON**

**SECONDED: CR PURCELL**

**That the Minutes of the Ordinary Council Meeting held 23 October 2018 be confirmed as being a true and correct record of proceedings.**

**CARRIED 6/0**

**9.0 REPORTS OF OFFICERS AND COMMITTEES**

## 9.1 DIRECTOR TECHNICAL SERVICES

<b>9.1.1 MULTI TYRE ROLLER REPLACEMENT</b>	
Reporting Officer / Officer's Interest:	Patrick Steinbacher, Director Technical Services; No Interest
Reporting Officer / Officer's Interest:	Murry Bracknell, Manager of Works & Services; No Interest
Responsible Officer / Officer's Interest	Ian Curley CEO/ No interest
Proponent:	Shire of Waroona
Landowner:	n/a
Date of Report: 19th Nov 2018	File No.: 96/1
Previous Reference:	Nil
Statutory/Policy Implications:	Nil
Strategic Implications:	Nil
Financial Implications:	The 2018/19 Budget allows for the replacement of Council's existing loader
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 5 Assets, Resources, Financial Management &amp; Sustainability and No. 6 Good Governance</b>	

### **PROPOSAL SUMMARY**

The purpose of this item is to present to Council for its consideration the submissions received for WALGA preferred supplier contract (reference number VP123713) Multi Tyre Roller Replacement, and to recommend the award of the contract to the successful contractor.

### **BACKGROUND/INITIAL COMMENTS**

As part of its plant replacement program, Council's 2018/19 budget contains funds for the replacement of its existing Multi tyred Roller.

An amount of \$155,000 has been included in the 2018/19 budget for the purchase of a new Multi Tyre Roller and an amount of \$10,000 has been allowed for as the trade value of the current Multi Tyre Roller. As discussed later in the report, the purchase price for the recommended new Multi Tyred Roller is less than budget and the trade value obtained for the existing machine is more.

Two options were open to officers with regards to the replacement of Council's existing Multi tyre roller:

- Conduct an 'in house' tender process, or:
- Utilise the WA Local Government Association's preferred supplier contract.

The WALGA contract (reference number VP123713) was chosen as officers believe that it offers advantages over an in house tender process in that the paper work is simplified, as the process can be conducted as a 'Request For Quote' rather than a 'Request For Tender' process which is far more involved. Additionally, the contract allows for greater negotiation to take place in terms of specification as neither party is bound to a rigid specification as would be in the case of a tender process.

For the purposes of comparing options, in this case 6 suppliers on the WALGA contract listing were approached and requested to submit a proposal. The suppliers who forwarded proposals are as follows:

- Tutt Bryant Equipment (Bomag)
- Conplant (Ammann)
- GCM Agencies (Multipac)
- Construction Equipment Australia (Dynapac)

In order to shortlist the submissions a spread sheet was prepared which scored the proposals against a series of criteria based on both price and key specifications which were included in the original Request for Tender document sent to suppliers.

The criteria included:

- Purchase Price
- Trade Price Offered

Roller suitability, performance and operational capacity.

- Fuel Consumption
- Transmission drive Type
- Motor - Power/Torque
- Warranty
- Servicing general / on ground daily servicing
- Flexibility to add or remove ballast
- Operating Weights ballasted / un-ballasted
- Stability and control
- Manoeuvrability
- Compaction width
- Operator safety / Ergonomics
- Operator vision

Value Adding Proposal

Through the evaluation process the rollers inspected and demonstrated were Bomag, Ammann, Dynapac with the Multipac unavailable for inspection.

Works officers and or works crew attended the demonstrations. All rollers demonstrated were capable of completing the required work tasks however the Bomag demonstrated better stability and control with regard to the on ground servicing provided greater access.

Following the evaluation process it was decided to recommend that Council purchase the Bomag supplied by Tutt Bryant Equipment. Although the Bomag is not the cheapest roller offered, officers believe that it will provide savings in servicing and greater safety through better access to the engine bay and greater stability and control in operation. Bomag is a well-known and respected brand operated by neighbouring council such as Shire of Murray and the City of Armadale.

Based on the results of the desktop evaluation and the demonstration, officers recommend the purchase of the Bomag Roller.

Price details for the Bomag are as follows all (ex GST):

Bomag BW27RH Multi-Tyred Roller		Budget
Purchase Price	\$159,000**	\$155,000
Trade Value	\$15,000	\$10,000
Changeover	\$144,000	\$145,000

\*\* This price includes some extra equipment which was requested in the specification and in some cases will be supplied by third parties, therefore the supplier cannot guarantee that such prices will remain as quoted. However any price variations are anticipated to be very minor and will not unduly effect the scoring of the machine or impact on budget constraints.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

This issue comes under sections:

- 6 “Active Civic Leadership, Good Governance, & Excellence in Management”.

### **FINANCIAL ISSUES/IMPLICATIONS**

The officer recommendation has considered that plant which provide operator/operational safety and the ease of maintenance will deliver savings greater than the small variation in purchasing price.

### **POLICY ISSUES/IMPLICATIONS**

Nil

### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

The procurement process has been conducted via the processes of the WALGA Preferred Supplier Panel contracts.

### **LEGAL ISSUES/IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

### **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

It is recommended that the Council:

Accepts the submission received from Tutt Bryant Equipment for WALGA preferred supplier contract (reference number VP123713) to supply one Bomag BW27RH Multi-Tyred Roller for the price of \$159,000.00\*\*(ex GST), notwithstanding any minor price variations and accept the trade price offered for the Multipac VP200 Roller of \$15,000 (ex GST).

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION**

**OCM18/11/107**

**MOVED: CR DEW**

**SECONDED: CR SNELL**

**That the Council accepts the submission received from Tutt Bryant Equipment for WALGA preferred supplier contract (reference number VP123713) to supply one Bomag BW27RH Multi-Tyred Roller for the price of \$159,000.00 (ex GST), notwithstanding any minor price variations and accept the trade price offered for the Multipac VP200 Roller of \$15,000 (ex GST).**

**CARRIED 6/0**

Mr Bracknell left the meeting, the time being 4.04pm.



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**9.2 DIRECTOR STRATEGIC DEVELOPMENT**

Nil.

**9.3 EXECUTIVE MANAGER PLANNING & BUILDING SERVICES**

Nil.

**9.4 DEPUTY CHIEF EXECUTIVE OFFICER / DIRECTOR CORPORATE SERVICES**

<b>9.4.1 PAYMENT LISTING FOR THE MONTH OF OCTOBER 2018</b>	
Reporting Officer / Officer's Interest:	Kathy Simpson, Finance Officer / Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Corporate Services / Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 12/11/18	File No.: 1/3
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	

**PROPOSAL SUMMARY**

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of October 2018.

**BACKGROUND / INITIAL COMMENTS**

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

**PLANNING – STRATEGIC IMPLICATIONS**

Nil

**REFERRALS**

Nil

**STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management.

**FINANCIAL ISSUES/IMPLICATIONS**

Nil



**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 13

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

All payments made from Council's Municipal and Trust account were completed in accordance with the adopted budget.

That Council receive the payment listing for the period as per the appendices.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.4.1</b>
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**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION**

OCM18/11/108

MOVED: CR SNELL

SECONDED: CR MASON

That Vouchers numbered:

<b><u>ACCOUNT</u></b>	<b><u>CHEQUE NOS.</u></b>	<b><u>TOTAL \$</u></b>
<b>Municipal</b>	<b>Cheques 9021 - 9047</b>	<b>\$37,921.94</b>
<b>Trust (Cheque/EFTs)</b>	<b>Chq: 11191-11194 EFT 28750, 28751, 28803, 28804</b>	<b>\$3,415.81</b>
<b>Electronic Transfers Municipal Fund</b>	<b>EFT 28697 to 28885</b>	<b>\$424,351.29</b>
<b>Direct Wages</b>	<b>01/10/18 – 31/10/18 inclusive</b>	<b>\$170,997.20</b>
<b>Direct Debits</b>	<b>01/10/18 – 31/10/18</b>	<b>\$39,270.12</b>
<b>GRAND TOTAL:</b>		<b><u>\$675,956.36</u></b>

and attached at Appendix 9.4.1 be endorsed.

**CARRIED 6/0**

<b>9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2018 TO 31 OCTOBER 2018</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Corporate Services; Nil
Responsible Officer / Officer's Interest	Ashleigh Nuttall – Manager Corporate Services; Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 15/11/2018	File No.: 1/1
Previous Reference:	N/A
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>):</b> <i>No 6 Good Government: Active &amp; Responsible Civic Leadership, &amp; Excellence in Management</i>	

### **PROPOSAL SUMMARY**

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

### **BACKGROUND / INITIAL COMMENTS**

The monthly financial report recognises the financial position of Council at the reporting date and contains the following information;

- a) Annual budget estimates taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act 1995;
- b) Budget estimates to the end of the month to which the statement relates;
- c) Actual amounts of expenditure, revenue and income to the end of the month to which the statements relate;
- d) The material variance between the comparable amounts referred to in the paragraphs (b) and (c); and
- e) The net current assets at the end of the month to which the statement relates.

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions

- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 6 Good Government: Active & Responsible Civic Leadership, & Excellence in Management.

### **FINANCIAL ISSUES/IMPLICATIONS**

Nil

### **POLICY ISSUES/IMPLICATIONS**

Accounting policies - Policy 3.1.1 to Policy 3.1.7

### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Local Government Act 1995 – Section 6.4 and Local Government (Financial Management) Regulations 1996 – Section 34

### **LEGAL ISSUES/IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

### **OFFICER'S FINAL COMMENTS/CONCLUSIONS**

That Council receive the monthly statement of financial activity for the period as per the appendices.

<b>Appendices Attached:</b>	<b>Yes</b>	<b>Appendices Numbers:</b>	<b>9.4.2</b>
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### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL RESOLUTION**

**OCM18/11/109**

**MOVED: CR DEW**

**SECONDED: CR SALERIAN**

**That Council receive the Monthly Statement of Financial Activity for the period 1 July 2018 to 31 October 2018 as presented.**

**CARRIED 6/0**



<b>9.4.3 ADOPTION OF 2017/18 ANNUAL REPORT</b>	
Reporting Officer / Officer's Interest:	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy CEO/Director Corporate Services / Nil
Proponent:	Shire of Waroona
Landowner:	N/A
Date of Report: 20.11.2018	File No.: 8/1
Previous Reference:	N/A
Statutory/Policy Implications:	Local Government Act 1995 – Section 5.35 & 5.55
Strategic Implications:	See heading below
Financial Implications:	Nil
Asset Mgt. & LCC Implications:	Nil
Workforce Implications:	Nil
<b><i>LINKED TO STRATEGIC OBJECTIVE NUMBER (SCP): 6 ACHIEVE ACTIVE CIVIC LEADERSHIP</i></b>	

### **PROPOSAL**

The 2017/18 Annual Report (**Appendix 9.4.3**) is to be presented to the Annual Meeting of Electors on Tuesday 18 December 2018.

### **STRATEGIC IMPLICATIONS**

Preparation of the Annual Report and subsequent conduct of the Annual Electors meeting supports the Council's obligations pursuant to Community Strategic Plan objective No.6 "Achieve Active Civic Leadership".

Annual reports are required to comply with the "Integrated Planning & Reporting Framework". This involves documenting compliance/progress/outcomes with the Councils Community Strategic Plan taking into account detailed objectives contained with the Corporate Business Plan.

### **REFERRALS**

N/A

### **FINANCIAL IMPLICATIONS**

N/A

### **POLICY ISSUES**

Nil.

### **STATUTORY IMPLICATIONS**

As above.

### **LEGAL ISSUES**

Nil.



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**COMMUNITY CONSULTATION**

The report is required to be available for public consultation from Thursday 29 November.

**OFFICERS COMMENTS**

In accordance with Section 5.54 and 5.55 the report is to be accepted by the Council and will then be available to the general public from Thursday 29 November 2018. Hard copies and an electronic version will be made available.

<b>Appendices Attached: Yes</b>	<b>Appendices Numbers: 9.4.3</b>
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICERS RECOMMENDATION**

**OCM18/11/110**

**MOVED: CR DEW**

**SECONDED: CR SNELL**

**That the 2017/2018 Annual Report for the Shire of Waroona be adopted.**

**CARRIED 6/0**

<b>9.4.4 ANNUAL FINANCIAL STATEMENTS AUDIT 2017/2018</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall – Manager Corporate Services; Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook – Deputy Chief Executive Officer; Nil
Proponent:	
Landowner:	
Date of Report: 19/11/2018	File No.: 15/1
Previous Reference:	Nil
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>No 6 Good Government: Active &amp; Responsible Civic Leadership, &amp; Excellence in Management</i>	

### **PROPOSAL SUMMARY**

Council's annual audit for 2017/18 has now been finalised by the Council's auditor Mr Tim Partridge from AMD Chartered Accountants in Bunbury.

The auditor has advised that the accounts have been presented to a very high standard with no areas of concern in relation to statutory compliance. Details of management issues, suggestions etc. are contained within a separate management report and are addressed on an ongoing basis. Staff are pleased to advise that no issues requiring Council's attention were identified during the audit. A copy of the 2017/18 Annual Financial Statements together with the audit report can be found at the back of the Annual Report at **APPENDIX 9.4.3**.

Following adoption of the official audit report the document and Annual Financial Statements will be presented to the Electors at the annual electors meeting held on Tuesday 18<sup>th</sup> December 2018 at 6.00pm. It is also a requirement that a copy of the audit report and Financial Statements be forwarded to the Dept of Local Government.

### **BACKGROUND / INITIAL COMMENTS**

Council is required to prepare and submit to its Auditors their annual financial statements by September 30 each year. This is followed by formal acceptance of the Audit report and subsequent incorporation of the audit report into the Annual Report which is to be presented to the Electors.

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 6 "Active Civic Leadership, Good Governance, & Excellence in Management".





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**FINANCIAL ISSUES/IMPLICATIONS**

Nil

**POLICY ISSUES/IMPLICATIONS**

Nil

**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

In accordance with section 6.4 of the Local Government Act 1995 Council is required by the 30<sup>th</sup> September each year to submit its accounts to the auditor.

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

A full set of the audited Annual Financial Statements will be included within the “Annual Report” which is to be presented to Electors at the Annual meeting of Electors proposed to be held on Tuesday 18 December 2018 (following the December Ordinary Council meeting).

The Council’s Finance and Audit Committee are also required to meet with the Auditor on an annual basis. This is expected to take place immediately prior to the December Ordinary Council meeting.

Councillors are reminded that State Government legislation (Local Government Amendment Auditing Act 2017) has passed the passage of Parliament.

This Legislation provides for the Office of the Auditor General to carry out future Local Government Audits. Although there will be transition phase it is expected that all Local Governments will be audited by the Auditor General by the financial year 2020/21 regardless of existing contracts.

The Council’s existing audit contract with Mr Tim Partridge (AMD Chartered Accountants) expires on 30<sup>th</sup> June 2021. It is possible that Mr Partridge could be contracted by the Auditor General however it is unclear if he would perform Shire of Waroona audits.

In addition to Financial Audits an additional audit category being a “Performance Audit” has been introduced. This audit may examine the economy, efficiency and effectiveness of any aspect of a Council’s operations.

As per the Local Government (Audit) Regulations 1996, the WA Auditor General requires reporting of benchmarks not reached with relation to financial ratios to be addressed in the Auditors Report. Even though Council has not come under the Auditor General (AG) for end of year financial audit as yet, AMD Charter Accounts are reporting alike for all client directly under the AG’s office as well as those with an existing agreement with AMD.

The Council is required to calculate 7 financial ratios and report the outcomes in its financial statements. These ratios measure trends in the Council's financial performance by a series of benchmarks.

Council's Auditor has advised that 2 of the 7 benchmark ratios have not been achieved –

- Asset sustainability ratio – which measures the extent to which assets managed by the Council are being replaced as these assets reach the end of their useful lives. This ratio does not account for assets that might last longer than expected or that would not ordinarily be replaced at end of life.
- Operating surplus ratio – measures the Council's ability to cover its operational costs and have revenues available for capital funding or other purposes. This ratio does not include any operating grants or contributions in its calculation.

This ratio may be effected by a large grant and/or the early payment (ie previous financial year) of the Council's Financial Assistance Grant.

The Council's Long Term Financial Plan aims to achieve improvements in these ratios over the longer period which is normal practice for the majority of Councils.

<b>Appendices Attached: Yes (Contained in Annual Report)</b>	<b>Appendices Numbers: 9.4.3</b>
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### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL RESOLUTION**

**OCM18/11/111**

**MOVED: CR MASON**

**SECONDED: CR SNELL**

1. **That the Annual Financial Statements for the books of account for the Shire of Waroona, for the 2017/2018 financial year, as appended be received.**
2. **That the Audit Report for the books of account for the Shire of Waroona, for the 2017/2018 financial year, as appended be received.**
3. **That Council records its appreciation to the Finance Staff on the excellent presentation of the Council's accounts.**

**CARRIED 6/0**



<b>9.4.5 SUNDRY DEBTOR BAD DEBT WRITE OFF</b>	
Reporting Officer / Officer's Interest:	Ashleigh Nuttall, Manager Corporate Services; Nil
Responsible Officer / Officer's Interest	Laurie Tilbrook, Deputy Chief Executive Officer/Director Corporate Services; Nil
Proponent:	
Landowner:	
Date of Report: 20/11/2018	File No.: 1/2
Previous Reference:	Nil
Policy Implications:	<i>See heading below</i>
Statutory Implications:	<i>See heading below</i>
Strategic Implications:	<i>See heading below</i>
Financial Implications:	<i>See heading below</i>
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>No 6 Good Government: Active &amp; Responsible Civic Leadership, &amp; Excellence in Management</i>	

### **PROPOSAL SUMMARY**

To submit to Council for approval to write off an outstanding debt totalling \$1,280. All reasonable attempts to recover the monies have not succeeded and further recovery is not considered cost effective.

During the debt recovery process both properties in relation to the above debt had been sold and the fund were unable to be collected from the new owners.

### **BACKGROUND / INITIAL COMMENTS**

Details of the debt proposed for write off are as follows;

<b>Date &amp; Inv. Number</b>	<b>Debtor Details</b>	<b>Amount</b>	<b>Reason</b>
04/04/2017 Inv. 12351	David JF Jones	\$540.00	The Shire of Waroona instigated an approved contractor to conduct works to clear 3 Haub Street in Lake Clifton as the property posed a fire danger. This work was conducted during the 2016/2017 bush fire season.  The debt collection process to collect these funds was initiated when payment was not received. However due to the amount owed the second stage of collect was not activated as the legal fees would exceed the original invoice which officers concluded was not economical.  During the 2017/2018 Bush fire season this property was again identified as a fire danger and fire prevention works was undertaken by a contactor as instructed by Council officers. The second invoice was sent to the debtor after these works were completed.  The collection process continued however Councils Debt collection agency CS Legal was unable to make contact with the Debtor.
17/04/2018 Inv. 12845		\$392.00	

			The property in question has now been sold and all rates and charges recovered, however the invoices for fire prevention works remains outstanding.
17/04/2018 Inv. 12842	Mark G Witcomb	\$348.00	<p>The Shire of Waroona instigated an approved contractor to conduct works to clear 28 McLarty Street in Waroona as the property posed a fire danger. This work was conducted during the 2017/2018 bush fire season.</p> <p>The property in question has since been sold by the Bank which held the mortgage and all rates and chargers have been recovered. However this invoice remains outstanding.</p> <p>Council officers were unable to retrieve a contact address for the owner as the property was sold by the bank and the settlement agent had no further details.</p> <p>It is considered not to be economical to pursue the debt collection process as legal fees would exceed the amount of the outstanding invoice.</p>

### **PLANNING – STRATEGIC IMPLICATIONS**

Nil

### **REFERRALS**

Nil

### **STRATEGIC COMMUNITY PLAN ISSUES/IMPLICATIONS**

The relevant Strategic Community Plan issue area is number 6: Good Governance; Active responsible civic leadership and excellence in management.

### **FINANCIAL ISSUES/IMPLICATIONS**

Council is requested to approve the write off of the following invoices for fire prevention works;

Inv. 12351	\$540.00	David JF Jones – 3 Haub Road, Lake Clifton
Inv. 12845	\$392.00	David JF Jones – 3 Haub Road, Lake Clifton
Inv. 12842	\$348.00	Mark G Witcomb – 28 McLarty Street, Waroona

The expense to write off these invoices will be allocated to the other expense under emergency management.

### **POLICY ISSUES/IMPLICATIONS**

Shire Policy 3.22 (“Write Off Minor Debts”) grants Delegated Authority to the Chief Executive Officer to approve debt write offs including rates on behalf of Council to a maximum of \$100.00. As the reported bad debt is in excess of \$100.00 it is required by Council to resolve to write the bad debt off by absolute majority.



**STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Section 6.12 (1) (c) of the Local Government Act allows a local government to write off any amount of money.

**LEGAL ISSUES/IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**OFFICER'S FINAL COMMENTS/CONCLUSIONS**

At the time of instigating the fire prevention work Council officers analysed the risk of not completing the work compared with the proposed fire danger risk to neighbours. It was concluded that these works were considered to be essential.

As the two properties in question have now since been sold and the debtors unable to be found, officers concluded that further attempts to recovery these funds would not be considered cost effective.

<b>Appendices Attached:</b>	<b>No</b>	<b>Appendices Numbers:</b>
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**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION**

**OCM18/11/112**

**MOVED: CR SALERIAN**

**SECONDED: CR SNELL**

**In accordance with section 6.12 of the Local Government Act 1995, that Council;**

- a) Resolve to write off the bad debt of \$932 for fire prevention works for David JF Jones for property 3 Haub Street, Lake Clifton and allocate the expense to 106820 Other Emergency Management Expenses.**
- b) Resolve to write off the bad debt of \$348 for fire prevention works for Mark Witcomb for property 28 McLarty Street, Waroona and allocate the expense to 106820 Other Emergency Management Expenses.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

## 9.5 CHIEF EXECUTIVE OFFICER

<b>9.5.1 REVIEW OF DELEGATIONS REGISTER &amp; COUNCIL'S CODE OF CONDUCT FOR EMPLOYEES, ELECTED MEMBERS AND COMMITTEE MEMBERS</b>	
Responsible Officer / Officer's Interest:	Ian Curley – Chief Executive Officer/Nil
Proponent:	N/A
Landowner:	N/A
Date of Report: 17/11/2018	File No.: Delegations Register
Previous Reference:	N/A
Policy Implications:	Council is required to review the Delegations once in every financial year.
Statutory Implications:	Council is required to review the Delegations once in every financial year.
Strategic Implications:	N/A
Financial Implications:	Nil
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (<i>Strategic Community Plan-SCP</i>): No. 6 “Active Civic Leadership, Good Governance, &amp; Excellence in Management”</b>	

### **PROPOSAL SUMMARY**

To review and endorse Delegations to the Chief Executive Officer and the Council's Code of Conduct for Employees, Elected Members and Committee Members.

### **BACKGROUND/INITIAL COMMENTS**

1. The Delegations Register list at **Appendix 9.5.1A** contains delegations that have previously been authorised by Council and are recommended for re-endorsement.
2. The Council's Code of Conduct for Employees, Elected Members and Committee Members is provided at **Appendix 9.5.1B** and is recommended for adoption with modifications. The current code of conduct has undergone a substantial review and an update in formatting. Very little of the intent has changed and a few items have been added e.g. social media section to better equip the code of conduct for the modern environment. Once reviewed and adopted by Council all employees, committee members and council member, will be required to resign the amended agreement.

### **PLANNING – STRATEGIC IMPLICATIONS**

As above.

### **STATUTORY ISSUES/ENVIRONMENT/IMPLICATIONS**

Under section 5.46 (2) of the Local Government Act 1995, at least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Under section 5.103 of the Local Government Act 1995, every local government is to prepare and adopt a code of conduct to be observed by council members, committee members and employees.

**REFERRALS**

N/A

**COMMUNITY CONSULTATION**

N/A

<b>Appendices Attached:</b> Yes	<b>Appendices Numbers:</b> 9.5.1 A & B
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**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL RESOLUTION****OCM18/11/113****MOVED: CR PURCELL****SECONDED: CR SNELL**

**That Council endorse the Delegations Register at Appendix 9.5.1A and adopt the Council's Code of Conduct for Employees, Elected Members and Committee Members included at Appendix 9.5.1B.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

**COUNCIL RESOLUTION****OCM18/11/114****MOVED: CR SNELL****SECONDED: CR SALERIAN**

That the meeting be closed to members of the public in accordance with Section 5.23(2)(d) of the Local Government Act 1995 to discuss an item of a confidential nature relating to Australia Day Awards, the time being 4.15 pm.

**CARRIED 6/0****10. CONFIDENTIAL REPORTS**

<b>10.1 CONFIDENTIAL ITEM – SHIRE OF WAROONA MERITORIOUS COMMUNITY SERVICE AWARDS AND AUSTRALIA DAY COUNCIL OF WA CITIZEN OF THE YEAR AWARDS 2019</b>	
Reporting Officer / Officer's Interest:	Brad Vitale, Community Development Officer; Nil
Responsible Officer / Officer's Interest	Louis Fouche, Director Strategic Development; Nil
Proponent:	Shire of Waroona
Landowner:	Not Applicable
Date of Report: 12 November 2018	File No.: 12/1; 58/1
<b>LINKED TO STRATEGIC OBJECTIVE NUMBER (Strategic Community Plan-SCP):</b> <i>No 4 Society/Community Wellbeing: Maintain a strong sense of community and effective community wellbeing</i>	

**COUNCIL RESOLUTION****OCM18/11/115****MOVED: CR MASON****SECONDED: CR PURCELL**

That in relation to the 2019 Shire of Waroona Meritorious Community Service Awards and the Australia Day WA Citizen of the Year Awards, the Small Grants and Awards Committee recommends that Council award the following:

1. Shire of Waroona Meritorious Community Service Awards 25 Years and Over be awarded to Jenny Rose and Judy Carroll;
2. Australia Day WA Citizen of the Year Award be awarded to Greg Lewis; and
3. Australia Day WA Citizen of the Year Award for Active Citizenship be awarded to Waroona Senior Citizens Welfare Committee.
4. A Certificate of Appreciation be awarded to Coral's Charity Knitters.

**CARRIED 6/0**



**COUNCIL RESOLUTION**

**OCM18/11/116**

**MOVED: CR MASON**

**SECONDED: CR SNELL**

**That the meeting resume in public, the time being 4.28 pm.**

**CARRIED 6/0**

**11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN, OR FOR CONSIDERATION AT NEXT MEETING**

Nil.

**12. NEW BUSINESS OF AN URGENT NATURE/REPORTS & INFORMATION**

**12.1 ELECTED MEMBERS**

Nil

**12.2 OFFICERS**

Nil

**13. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 4.53 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2018 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE

