



*A progressive, diverse and caring community,
with access to modern services and infrastructure,
in a unique part of the world*

MINUTES

of the

Special Meeting of Council

held

Monday 31st January 2022

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

These minutes were confirmed at the Ordinary Meeting held on Thursday 16th December 2021.

Signed.....

Cr Eliza Dowling, Shire President
Wednesday 16th February 2022

COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Cuballing for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Cuballing 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 or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who 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 Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing. The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

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1. DECLARATION OF OPENING:

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr Eliza Dowling	President
Cr Robert Harris	Deputy President
Cr Dawson Bradford	
Cr Julie Christensen	
Cr Adrian Kowald	
Cr Peter Dowdell	

Mrs Bronwyn Dew	Acting Chief Executive Officer
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2.1.2 Apologies

Nil

2.1.3 Leave of Absence

Nil

3. STANDING ORDERS:

COUNCIL DECISION 2022/01:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

Moved: Cr Christensen

Seconded: Cr Dowdell

Carried 6/0

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. CONFIRMATION OF MINUTES:

Nil

The confirmation of minutes from the previous Ordinary Meeting of Council will be included in the Agenda for the next Ordinary Meeting to be held at 2pm, Wednesday 16th February 2022.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:**

Nil

8. DISCLOSURE OF FINANCIAL INTEREST:

Ms Bronwyn Dew declared a Direct Financial Interest in 12.1.2 in that she is the Officer being considered for appointment as Acting and Temporary CEO.

Ms Bronwyn Dew declared an Impartiality Interest in 12.1.3 in that she is the incumbent in the position of Deputy CEO.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1	2020/21 Annual Report
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Applicant:	N/A
File Ref. No:	ADM108
Disclosure of Interest:	Nil
Date:	24 th January 2022
Author:	Bronwyn Dew, Deputy CEO
Attachments:	9.1.1A 2020/21 Independent Auditors Report 9.1.1B 2020/21 Annual Report – (attached separately)

Summary

Council is to consider receiving the 2020/2021 Independent Auditor’s Report and adoption of the 2020/21 Annual Report.

Background

AMD, as appointed contractor for the Officer of the Auditor General (OAG), has completed their final Audit of Council’s functions and operations for the 2020/2021 Financial Year.

Comment

The Shire of Cuballing’s 2020/21 Independent Auditor’s Report was received on 21st December 2021. The 2020/21 Independent Auditor’s Report is included as part of the 2020/21 Annual Report and is also included separately at Attachment 9.1.1A. The 2020/21 Audit has been conducted in accordance with the Australian Audit Standards to ensure that during the reporting period the Shire of Cuballing complied with all statutory requirements, including the Local Government Act 1995 and associated Regulations.

The Shire of Cuballing Audit Committee held a meeting on 31st January 2022 and recommended that Council accept the Annual Financial Statements for the financial year ended 30th June 2021. The Annual Financial Statements are a component of the 2020/2021 Annual Report.

The 2020/2021 Annual Report has been compiled and is provided for adoption by Council and is included separately in Councillor information Packs.

Council is required to hold an Annual Electors Meeting within 56 days of accepting the annual report and give at least 14 days local public notice of the date, time and place for the Annual Electors Meeting.

Strategic Implications - Nil

Statutory Environment

Local Government Act 1995

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.

5.29 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.

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

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.

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.

Policy Implications – Nil

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. not adopt the 2020/21 Annual Report, giving reasons.

Voting Requirements – Absolute Majority

COUNCIL DECISION 2022/02:

That Council:

1. receive the Shire of Cuballing Independent Auditor's Report for the financial year ended 30th June 2021 included at Attachment 9.1.1A;
2. accept the Annual Financial Statements for the financial year ended 30th June 2021 included as a separate attachment;
3. adopt the Shire of Cuballing 2020/21 Annual Report included as a separate attachment; and
4. hold the Annual Electors Meeting at 6.30pm on Wednesday 16th February 2022 at the Shire of Cuballing Chambers.

Moved: Cr Christensen

Seconded: Cr Harris

Carried 6/0



Our Ref: 8290

Mr Gary Sherry
Chief Executive Officer
Shire of Cuballing

ceo@cuballing.wa.gov.au

7th Floor, Albert Facey House
469 Wellington Street, Perth

Mail to: Perth BC
PO Box 8489
PERTH WA 6849

Tel: 08 6557 7500
Email: info@audit.wa.gov.au

Dear Mr Sherry

ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021

The Office has completed the audit of the annual financial report for your Shire. In accordance with section 7.12AD (2) of the *Local Government Act 1995*, we enclose the Auditor General's auditor's report, together with the audited annual financial report.

We have also forwarded the reports to the President and the Minister for Local Government, as required by the Act. You are required to publish the annual report, including the auditor's report and the audited financial report, on your Shire's official website within 14 days after the annual report has been accepted by your Council.

Matters of regulatory non-compliance and an adverse trends in the financial position are reported on page 2 and 3 of the auditor's report.

Management Control Issues

While the result of the audit was generally satisfactory, we would like to draw your attention to the attached listing of deficiencies in internal control and other matters that were identified during the audit. These matters have been discussed with management and their comments have been included in the attachment.

Please note that the purpose of our audit was to express an opinion on the financial report. The audit included consideration of internal control relevant to the preparation of the financial report in order to design audit procedures that were appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of internal control.

An audit is not designed to identify all internal control deficiencies that may require management attention. The matters being reported are limited to those deficiencies that have been identified during the audit that are of sufficient importance to warrant being reported. It is possible that other irregularities and deficiencies may have occurred and not been identified as a result of our audit.

This letter has been provided for the purposes of the Shire and the Minister for Local Government and may not be suitable for other purposes.

We would like to take this opportunity to thank you, the management and the staff of the Shire for their cooperation with the audit team during our audit.

Feel free to contact the undersigned on 6557 7521 if you would like to discuss these matters further.

Yours faithfully

Mark Ambrose

Mark Ambrose
Senior Director
Financial Audit
22 December 2021

Attach

SHIRE OF CUBALLING

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE FINAL AUDIT

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Excessive annual leave			✓

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating may be reported as a matter of non-compliance in the audit report in the current year, or in a subsequent reporting period if not addressed. However, even if the issue is not likely to impact the audit report, it should be addressed promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

SHIRE OF CUBALLING
PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2021
FINDINGS IDENTIFIED DURING THE FINAL AUDIT

1. Excessive Annual Leave

Finding

We noted two employees have accrued in excess of eight weeks annual leave at year end.

Rating: Minor

Implication

Excessive annual leave balances may have adverse effects on the Council including:

- increase the Council's costs given salary rises and increments over time.
- health and safety concerns with staff members not taking their annual leave entitlements.
- Key staff not being rotated is a preventative control against fraud.

Recommendation

The council should ensure that employees take leave in a timely manner through ongoing management of leave scheduling and leave liabilities. Excessive leave balances should be cleared in accordance with the Council's policy.

Management Comment

In 2019 staff identified 2 staff members with excessive annual leave. Since that time those staff members have made an effort to reduce their overall annual leave as per the table below.

<i>Staff Member</i>	<i>Standard Hours per week</i>	<i>Accrued hours at 30/06/2019</i>	<i>Accrued hours at 30/06/2020</i>	<i>Accrued hours at 30/06/2021</i>
<i>SHERRY GARY ALLAN</i>	<i>38</i>	<i>555</i>	<i>472</i>	<i>464</i>
<i>ATWELL MICHELLE</i>	<i>15</i>	<i>220</i>	<i>164</i>	<i>128</i>

Leave balances are monitored and staff are encouraged to clear leave on a regular basis.

Responsible Officer: Bronwyn Dew
Completion Date: Ongoing

9.2 CHIEF EXECUTIVE OFFICER:

Nil

9.3 MANAGER OF WORKS AND SERVICES:

Nil

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil

12. CONFIDENTIAL MATTERS:

12.1.1 Appointment of Chief Executive Officer

COUNCIL DECISION 2022/03:

That Council:

- 1. Appoints Mr Stan Scott to the position of Chief Executive Officer with the Shire of Cuballing for a period of three (3) years commencing on 14th February 2022 and concluding on 14th February 2025;**
- 2. Is of the belief that Mr Stan Scott is suitably qualified for the position of Chief Executive Officer;**
- 3. Is satisfied with the provisions of the proposed employment contract to be entered into with Mr Stan Scott with a total reward package as advertised in line with the Salaries and Allowances Act 1975 Section 7A Band 4; and**
- 4. Authorises the Shire President to endorse and affix the common seal to the Chief Executive Officer Contract of Employment.**

Moved: Cr Bradford

Seconded: Cr Dowdell

Carried 6/0

Ms Bronwyn Dew declared a Direct Financial Interest in 12.1.2 in that she is the Officer being considered for appointment as Temporary CEO and left the Meeting at 10.31am.

12.1.2 Appointment of Temporary Chief Executive Officer

COUNCIL DECISION 2022/04:

That Council:

- 1. appoint Ms Bronwyn Dew as Temporary Chief Executive Officer from Sunday 30th January 2022 until Sunday 13th February 2022 remunerated at the cash component only of the substantive CEO's total reward package; and**
- 2. authorise the Shire President, Cr Eliza Dowling, to amend conditions of employment in negotiation with the Temporary Chief Executive Officer.**

Moved: Cr Kowald

Seconded: Cr Harris

Carried 6/0

Ms Dew entered the Meeting at 10.33am

Ms Bronwyn Dew an Impartiality Interest in 12.1.3 in that she is the incumbent in the position of Deputy CEO.

12.1.3 Deputy CEO Recruitment Process

COUNCIL DECISION 2022/05:

That Council endorse the amended Deputy Chief Executive Officer Employment Package as included at Attachment 12.1.3A.

Moved: Cr Bradford

Seconded: Cr Christensen

Carried 6/0

13. NEXT MEETING:

Ordinary Council Meeting, 2.00pm, Wednesday 16th February 2022 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

Annual Electors Meeting, 6.30pm, Wednesday 16th February 2022 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

14. CLOSURE OF MEETING:

There being no further business, the Shire President, Cr Dowling, closed the meeting at 10.58am.