

SHIRE OF WYNDHAM EAST KIMBERLEY

Special Council Meeting: Minutes

14 DECEMBER 2023



DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council



VERNON LAWRENCE

ACTING CHIEF EXECUTIVE OFFICER

NOTES

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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SHIRE OF WYNDHAM EAST KIMBERLEY
SPECIAL COUNCIL MEETING
MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON THURSDAY 14 DECEMBER 2023 AT 5:00PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within these minutes and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record was made of these proceedings to assist in the taking of minutes.

The Shire President declared the Meeting open at 5:01pm.

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President (via video conference)
Cr M Dear	Councillor
Cr D Hearty	Councillor (via video conference)
Cr B Kyne	Councillor
Cr C McNeil	Councillor (via video conference)
Cr B Robinson	Councillor (via video conference)

V Lawrence	Chief Executive Officer
F Heading	Director Corporate Services
N Bray	Minute Taker

Apology

P Webb	Director Infrastructure
N Kearns	Director Planning and Community Development

Leave of Absence

3. DECLARATION OF INTEREST

- Financial Interest - Nil
- Impartiality Interest - Nil
- Proximity Interest - Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

9. REPORTS

9.1. ANNUAL REPORT 2022/23

DATE	14 December 2023
AUTHOR	Senior Projects Officer
RESPONSIBLE OFFICER	Nick Kearns, Director Planning and Community Development
FILE NO	CM.13.9
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Accepts the 2022/2023 Annual Report (including the Annual Financial Statements and Associated Notes) as presented in Attachment 1.
2. Convenes the Annual General Meeting of Electors to be held on Thursday 1 February 2024 at the Kununurra Council Chambers (commencing at 5pm).
3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2021/2022 Annual Report and the time and date of the Annual General Meeting of Electors.
4. Requests that the Chief Executive Officer invite electors to submit questions and motions in advance of the meeting and to include those questions in the meeting agenda.
5. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days of it being accepted.

AMENDED MOTION

COUNCIL DECISION

Minute Number: 14/12/2023 - 118957

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council:

1. Accepts the 2022/2023 Annual Report (including the Annual Financial Statements and Associated Notes) as presented in Attachment 1.
2. Convenes the Annual General Meeting of Electors to be held on Thursday 1 February 2024 at the Kununurra Council Chambers (commencing at 5pm).
3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2021/2022 Annual Report and the time and date of the Annual General Meeting of Electors.
4. Requests that the Chief Executive Officer invite electors to submit questions and

motions in advance of the meeting and to include those questions in the meeting agenda.

5. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days of it being accepted.
6. Notes that in relation to the audit fee from the Office of the Auditor General, there is no transparency on how the fee is calculated and requests the CEO to seek clarification from the Office of the Auditor General.

Carried / Lost: 7/0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr Kyne, Cr C McNeil

Against: Nil

SUBSTANTIVE MOTION

COUNCIL DECISION

Minute Number: 14/12/2023 - 118958

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council:

1. Accepts the 2022/2023 Annual Report (including the Annual Financial Statements and Associated Notes) as presented in Attachment 1.
2. Convenes the Annual General Meeting of Electors to be held on Thursday 1 February 2024 at the Kununurra Council Chambers (commencing at 5pm).
3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2021/2022 Annual Report and the time and date of the Annual General Meeting of Electors.
4. Requests that the Chief Executive Officer invite electors to submit questions and motions in advance of the meeting and to include those questions in the meeting agenda.
5. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days of it being accepted.
6. Notes that in relation to the audit fee from the Office of the Auditor General, there is no transparency on how the fee is calculated and requests the CEO to seek clarification from the Office of the Auditor General.

Carried / Lost: 7/0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr Kyne, Cr C McNeil

Against: Nil

PURPOSE

For Council to accept the Annual Report for 2022/23 and to set the date for the Annual General Meeting of Electors.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The 2022/2023 Annual Report has been prepared in line with the *Local Government Act 1995* and includes the Audited Annual Financial Report, which has been certified by the Office of the Auditor General.

STATUTORY IMPLICATIONS

The *Local Government Act 1995 section 5.54(1)* requires the Shire to accept the Annual Report for a financial year no later than 31 December after the end of that financial year. The Shire is required to then hold a meeting of electors (Annual General Meeting of Electors) no later than 56 days after acceptance of the Annual Report (*section 5.27(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.

The *Local Government (Audit) Regulations* are relevant to the report of the auditor which is included in the Annual Report.

The *Local Government Amendment (Auditing) Act 2017* gives the Auditor General the mandate to audit the Shire's Annual Financial Statements and Associated Notes. The Annual Financial Statements and associated notes contained within the Annual Report has been audited by the Auditor General.

POLICY IMPLICATIONS

POL-2002 Strategic Rating
POL-2017 Significant Accounting
POL-3000 Community Engagement

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.1: Community engagement - Community is engaged in decision making with opportunities to share their views on things that affect them

Strategy 10.1: The Shire will regularly inform the community about Shire projects, programs and services, and seek community input into decision making

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Failure to manage the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

Control: Report annually to Council and community on the activities undertaken.

Risk: Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Control: Report annually to Council and community on the activities undertaken.

FINANCIAL IMPLICATIONS

A full financial report for the 2022/23 financial year incorporating the Annual Financial Statements and the Auditor General's Independent Auditor's Report is included as a component of the Annual Report.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Community Engagement Guidelines and will include:

- Statutory local public notices in the local paper and notice boards
- A copy of the Report will be made available at Shire facilities and also electronically on the Shire website
- Public meeting (General Meeting of Electors) where community can ask questions and propose motions

COMMENTS

The Annual Report provides a summary of achievement against stated Council actions as well as comprehensive review of its financial performance and is recommended to be accepted by Council. It has also been prepared in line with relevant legislative requirements and the report of the auditor meets the requirements of the *Local Government (Audit) Regulations*.

Council is required to convene the Annual General Meeting of Electors no later than 56 days after the reports acceptance, being no later than 6 February 2024. To allow for statutory notice periods the meeting must be held after 21 December 2024. With 30 January marking the end of the school holidays it is recommended that Council convene the Annual General Meeting of Electors on Thursday 1 February 2024.

ATTACHMENTS

Attachment 1 - Annual Report 2022-23

10. MATTERS BEHIND CLOSED DOORS

Nil

11. CLOSURE

Cr D Menzel declared the meeting closed at 5:10 pm