

# SHIRE OF YORK

**MINUTES OF THE  
FINANCE, RISK & AUDIT  
COMMITTEE MEETING  
HELD ON 13 OCTOBER, 2014  
COMMENCING AT 5.09PM  
IN COUNCIL CHAMBER,  
YORK TOWN HALL, YORK**



## Table of Contents

<b>1. OPENING .....</b>	<b>4</b>
1.1 <i>Declaration of Opening .....</i>	4
1.2 <i>Disclaimer .....</i>	4
1.3 <i>Suspension of Standing Orders .....</i>	4
1.4 <i>Announcement of Visitors .....</i>	4
1.5 <i>Declarations of Interest that Might Cause a Conflict .....</i>	4
<i>Financial Interests .....</i>	5
<i>Disclosure of Interest that May Affect Impartiality .....</i>	5
<b>2. ATTENDANCE .....</b>	<b>5</b>
2.1 <i>Committee Members .....</i>	5
2.2 <i>Staff .....</i>	5
2.3 <i>Apologies .....</i>	5
2.4 <i>Leave of Absence Previously Approved .....</i>	5
2.5 <i>Number of People in Gallery at Commencement of Meeting .....</i>	5
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>5</b>
<b>4. PUBLIC QUESTION TIME .....</b>	<b>6</b>
4.1 <i>Written Questions – Current Agenda .....</i>	6
4.2 <i>Public Question Time .....</i>	6
<b>5. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>6</b>
<b>6. PETITIONS / PRESENTATIONS / DEPUTATIONS .....</b>	<b>6</b>
<b>7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>6</b>
<b>7 (a) MATTERS ARISING FROM MINUTES .....</b>	<b>7</b>
<b>8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>7</b>
<b>9. PRESENTATIONS .....</b>	<b>7</b>
<b>REPORTS .....</b>	<b>7</b>
<b>10. PART 1 – FINANCE .....</b>	<b>8</b>
10.1.1 <i>Monthly Financial Reports – September 2014 .....</i>	8
10.1.2 <i>Non Rates Write Off - Various .....</i>	11
10.1.3 <i>York Race Course – Write off Rates .....</i>	13
10.1.4 <i>Budget Amendment – Roads to Recovery .....</i>	22
10.1.5 <i>Budget Amendment – Councillors Fees .....</i>	24
10.1.6 <i>Outstanding Rates &amp; Debtors – September 2014 .....</i>	27
10.1.7 <i>Monthly Financial Reports – YRCC – September 2014 .....</i>	29
10.1.8 <i>Forrest Oval Dam – Failure to Comply With Tender Regulations .....</i>	31
<b>11. PART 2 – RISK .....</b>	<b>33</b>
11.1.1 <i>Close the Meeting .....</i>	33
11.1.2 <i>Employee Matters .....</i>	34
11.1.3 <i>Open the Meeting .....</i>	35
<b>12. PART 3 – AUDIT .....</b>	<b>36</b>
<b>13. PART 4 – CONTINUOUS REVIEW .....</b>	<b>36</b>
<b>14. CLOSURE OF MEETING .....</b>	<b>36</b>



## SHIRE OF YORK

### THE FINANCE, RISK & AUDIT COMMITTEE MEETING OF THE COUNCIL HELD ON MONDAY, 13 OCTOBER, 2014, COMMENCING AT 5.09PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

#### 1. OPENING

##### 1.1 Declaration of Opening

*Cr Matthew Reid, Shire President, declared the meeting open at 5.09pm.*

##### 1.2 Disclaimer

The Committee Chairperson advised the following:

*"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.*

*Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."*

##### 1.3 Suspension of Standing Orders

Clause 3.2 – Order of Business

Moved: Cr Hooper

Seconded: Cr Boyle

Carried: 6/0

##### 1.4 Announcement of Visitors

*Nil*

##### 1.5 Declarations of Interest that Might Cause a Conflict

*Members of the Committee and Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed and also of the requirement to disclose an interest affecting impartiality under the Shire of York's Code of Conduct.*

**Financial Interests**

*Nil*

**Disclosure of Interest that May Affect Impartiality**

*Cr Boyle – Item 10.1.3 – Impartial – Vice Chairman of York Racing INC*

**2. ATTENDANCE****2.1 Committee Members**

*Cr Matthew Reid (Chair), Cr Pat Hooper, Cr Tony Boyle, Cr David Wallace,  
Cr Denese Smythe; Guy Lehmann*

**2.2 Staff**

*Michael Keeble, Chief Executive Officer; Tabitha Bateman, Financial Controller;  
Helen D'Arcy-Walker, Executive Support Officer*

**2.3 Apologies**

*Cr Mark Duperouzel*

**2.4 Leave of Absence Previously Approved**

*Yva Kane*

**2.5 Number of People in Gallery at Commencement of Meeting**

*There was 3 people in the Gallery at the commencement of the meeting.*

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

*Public Question Time commenced at 5.15pm*

Mr Ray Hooper

**Question 1:**

Will Council provide the same extensive media coverage to the report by the auditors clearing me of any wrongdoing in relation to credit card use, as it did in its efforts to smear my reputation on baseless allegations and claims of credit card fraud?

**Response:**

Taken on notice with the view of legal advice being obtained.

**Question 2:**

Has Council obtained or will Council obtain legal advice on the statement made to the media and the community on this issue and the potential consequences?

**Response:**

Taken on notice with the view of legal advice being obtained.

*Advised received from the Insurers Lawyer, Cameron MacLean, was no comment to be made.*

*Cr Pat Hooper asked if we are required to write to Ray Hooper.*

*The CEO stated he would consult the Local Government Act and the Insurance company for legal advice before responding to Ray Hooper. The response to go before Council.*

#### 4. PUBLIC QUESTION TIME

## 4.1 Written Questions – Current Agenda

## 4.2 Public Question Time

## **Mrs Heather Saint**

## Question:

At the last Ordinary Council Meeting on 15 September, 2015 I asked the question - ... "With reference to the Agenda item concerning credit cards, could you please confirm whether the material provided with this report in the form of spreadsheets from Macri & Partners is entirely what was provided to Council following their request for an audit?" The response given was yes, summary only provided in FRAC Agenda and Minutes, entire report tabled at FRAC meeting for consideration." Can you tell me what the entire report entailed.

## Response:

The Shire President stated that everything we have will be tabled at the next Ordinary Council Meeting.

*There being no further questions Public Question Time closed at 5.20pm*

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

## 6. PETITIONS / PRESENTATIONS / DEPUTATIONS

*Mr Mike Gill presented a petition with one (1) signature to the Committee with a request for an Audit to be conducted on three safety incidents recorded and reported to the Shire of York by himself.*

*Shire President stated he was not in a position to answer Mr Gill's request and the Shire President will request the Chief Executive Officer to present an Agenda item to the next Council Meeting.*

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

## Minutes of the Finance, Risk & Audit Committee Meetings held September 8, 2014

Moved: Cr Reid

Seconded: Cr Smythe

Carried: 6/0

Corrections – that the confirmation of the minutes of the Finance, Risk & Audit Committee Meeting held September 8, 2014 to be confirmed as a correct record of proceedings should read as follows:

## Confirmation

# RESOLUTION

## FRAC 011014

Moved: Cr Hooper

Seconded: Mr Lehmann

“That the Minutes and the Appendices which are attached to the Agenda of the Finance, Risk & Audit Committee Meeting held September 8, 2014 to be confirmed as a correct record of proceedings.

CARRIED: 6/0

**7 (a) MATTERS ARISING FROM MINUTES**

10.1.2 – Investigate Credit Card Usage

**RESOLUTION**  
**FRAC 030914**

**Moved: Cr Hooper**

**Seconded: Cr Boyle**

***“That the Committee:***

- 1. Investigate the attached summary, which were areas highlighted in the report from the Auditors to ensure that it was Council Business conducted by the former CEO;***
- 2. Determine what action is required; and***
- 3. If further action is required how this will be funded.”***

**CARRIED: 6/0**

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

*Nil*

**9. PRESENTATIONS**

**REPORTS**

**10. PART 1 – FINANCE**

**10.1 Matters for Resolution**

**10.2 Matters for Consideration**

**11. PART 2 – RISK**

**11.1 Matters for Resolution**

**11.2 Matters for Consideration**

**12. PART 3 – AUDIT**

**12.1 Matters for Resolution**

**12.2 Matters for Consideration**

**13. PART 4 – CONTINUOUS**

**13.1 Items for Continuous Review**

**14. Adjournment of Meeting**

## 10. PART 1 – FINANCE

### 10. PART 1 - FINANCE

#### 10.1 MATTERS FOR RESOLUTION

##### 10.1.1 Monthly Financial Reports – September 2014

FILE NO: FI.FRP  
COUNCIL DATE: 20 October 2014  
REPORT DATE: 3 October 2014  
AUTHOR: Tabitha Bateman, Financial Controller  
APPENDICES: Yes – Appendix A as detailed in Summary

REPORT APPROVED BY THE CEO: Michael Keeble

**RESOLUTION**  
**FRAC 021014**

Moved: Cr Hooper

Seconded: Cr Wallace

***“That the Committee recommends that Council:***

1. *Receive the Monthly Financial Report for September and ratify payments drawn from the Municipal and Trust accounts for the period ending 26 September 2014:*

	<u>AMOUNT</u>
<b><u>MUNICIPAL FUND</u></b>	
Cheque Payments	\$ 7,419.82
Electronic Funds Payments	\$ 1,462,957.09
Direct Debits Payroll	\$ 294,294.69
Bank Fees	\$ 2,385.82
Corporate Cards	\$ 905.31
Fire Messaging Service	\$ 82.50
<b>TOTAL</b>	<b><u>\$ 1,768,045.23</u></b>
<b><u>TRUST FUND</u></b>	
Cheque Payments	\$ 0.00
Electronic Funds Payments	\$ 4,673.72
Direct Debits Licensing	\$ 109,719.45
<b>TOTAL</b>	<b><u>\$ 114,393.17</u></b>
<b>TOTAL DISBURSEMENTS</b>	<b><u>\$1,882,438.40”</u></b>

CARRIED: 6/0

**Voting Requirements:**

**Simple Majority Required: Yes**

**Statement by The Chief Executive Officer:**

1. This financial report is properly drawn up to present fairly the financial position of the Shire of York at 26 September 2014, and comply with:
  - \* The Local Government Act 1995
  - \* The Financial Management Regulations under that Act
  - \* The Australian Accounting Standards
2. The Business Activity and PAYG statement has been lodged and paid as and when it has fallen due.
3. Staff superannuation has been paid as and when it has fallen due.
4. The Shire of York is able to pay its accounts as and when they fall due.

5. Grants received are and have been discharged in accordance with their terms and conditions. Where applicable, non-compliant grants are the subject of negotiation with the funding body.

**Summary:**

The Financial Report for the period ending 26 September 2014 is presented for consideration. Appendix A includes the following:

- Monthly Statements for the period ended 26 September 2014
- Bank Account Reconciliations
- List of Creditors Payments
- Corporate Credit Card Transaction Listing
- Business Activity Statement

**Commentary:**

All reports are currently being reviewed and may be modified for following meetings of Council to give greater clarity. It should also be noted that the 2013/14 figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments to the 2013/14 Annual Financial Report. A policy and procedure is being written for the application of journals.

**Pg1. Statement of Financial Position**

- Total Equity in the Shire has increased from \$112,393,342 as estimated at 30 June 2014 to \$112,809,873 which is an increase of \$350,854. At the time of preparing of these reports there were adjustments to retained earnings yet to be resolved being \$65,677.

**Pg2. Income and Expenditure Statement by Programme**

- In previous months efforts were made to keep spending to a minimum where possible due to reduced cashflow resources. This has resulted in an increase in expenditures for September as projects are now underway.
- General Purpose Funding – Rates and interims raised in July totalled \$4,615,270. The full value of Rates raised was removed from the Profit and Loss Statement and relocated to the Statement of Financial Position as a prepayment. In accordance with the Australian Accounting Standards this income will be apportioned over the financial year and drip fed into the Profit and Loss to provide greater meaning to the statements.
- Community Amenities – Rubbish charges raised through rates totalling \$600,815 were removed from the Profit and Loss and relocated to the Statement of Financial Position as a prepayment. This income will be apportioned over the financial year and drip fed into the Profit and Loss to provide greater meaning to the statements. It can also be noted that due to staff reduction under this schedule Council could see savings totalling approximately \$68,000 of which a portion may be required for the use of contract services.
- Recreation and Culture – Lower year to date expenditure on parks, gardens and recreation facilities. Council has employed 2 additional staff members to focus on Parks and Gardens prior to the growing season.
- Transport – Early amendments to the Main Roads works programme meant that progress claims for grant funds could not be made until the final works programme had been confirmed. As a result, revenues are below expected year to date levels and accordingly capital expense has been kept to a minimum. A formal budget variation incorporating the recent amendments to the works programme will be required to cater for the drop in grant funds dependant on new MCA's being approved by Main Roads WA. The funding for Roads to Recovery jobs has been reduced by the Federal government from \$300,000 to \$283,000.
- Other Property and Services – Higher expenditure than expected for this time due to unplanned termination payments which can not be met by the use of leave reserves.

Pg3. Income and Expenditure Statement by Nature and Type

- This statement is a re-work of Page 2 from a nature and type perspective comparing actuals against the annual budget.
- Employee costs are up 18% on estimated year to date budget due to a number of termination payments processed to date.
- Materials and Contracts are down on estimated budgets by 19% due to limited funds being available in July and August. Assuming all special projects are completed prior to 30 June 2015 this timing issue will likely correct itself through the year.
- Depreciation is showing nil to date and will be updated following annual audit.
- Interest expenses are down on year to date budget as loans fall due quarterly.
- Insurances are down by 19% on year to date budget however are usually paid in 2 instalments by October each year.

Pg4. Working Capital (Current Assets & Liabilities)

- For the period ending 26 September 2014 there was an estimated surplus of current assets over current liabilities of \$1,423,019.
- Consequently the Shire is able to pay its debts as and when they fall due.

Pg5. Financial Activity Statement

- Capital Programme – Capital works have been kept to a minimum pending the receipt of rates to aid cashflow and confirmation of the amended Roads Programme as approved by Main Roads WA. There will be a spike in expenditure November/December as the road sealing works commence.
- Transfers to/from Reserves – Transfers between council funds are generally held until 30 June in any year.

Pg7. Statement of Cashflows

- A Statement of Cashflows has been provided showing an increase of \$1,957,156 in cash from 30 June 2014 to 26 September 2014.

**Statutory Environment:**

Local Government Act 1995 (As Amended).

Local Government (Financial Management) Regulations 1996 (As Amended).

Australian Accounting Standards.

**Note:**

Cr Matthew Reid, proprietor of York Pharmacy supplies goods to the Shire of York.

Cr Mark Duperouzel, proprietor of MALS Auto supplies goods and services to the Shire of York.

**Appendix Attached**

## 10. PART 1 - FINANCE

### 10.1 MATTERS FOR RESOLUTION

#### 10.1.2 Non Rates Write Off - Various

FILE NO: FI.DRS  
COUNCIL DATE: 20 October 2014  
REPORT DATE: 8 October 2014  
LOCATION/ADDRESS: Not Applicable  
APPLICANT: Pam Law  
SENIOR OFFICER: Tabitha Bateman  
AUTHOR: Pam Law  
DISCLOSURE OF INTEREST: None  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Michael Keeble

#### RESOLUTION FRAC 031014

Moved: Cr Smythe

Seconded: Cr Wallace

*"The Committee recommends that Council, resolve to write off \$631.25 from sundry debtors as per the following:*

Debtor: 1179  
Invoice Date: 04/08/14  
Description: Private Works – Pothole patched – 28/07/14  
Value: \$431.25

Debtor: 1125  
Invoice Date: 24/06/14  
Description: Dog Act Infringement  
Value: \$200.00

CARRIED: 6/0

#### Voting Requirements:

Simple Majority Required: Yes

#### Summary:

Council approval is sought to write off two sundry debtor invoices; one raised without authority from landowner, the other sent to debt collection with no likelihood of payment.

#### Background:

Debtor 1179 was invoiced for private works as a result of a verbal request lodged by a neighbour. The pothole was deemed dangerous by the Works Manager and required urgent action. However the work was not approved prior to contacting the landowner for approval.

As the original request was not made in writing and works were carried out on the basis of a verbal request, the Shire has no recourse in claiming payment of funds from either party.

Debtor 1125 was invoiced for breach in the Dog Act 1976 and fined accordingly. As this invoiced remained unpaid for 60 days the debt was forwarded to AMPAC debt collection services. A series of demands have been forwarded to the debtor with no response.

Due to the cost of pursuing this debt any further, \$135 for the next stage, AMPAC have recommended that this file be closed and the debt written off.

**Consultation:**

AMPAC Collections  
Depot Staff  
CEO

**Statutory Environment:**

Local Government Act, 1995 - Section 6.12 Power to Write Off Debts

**Policy Implications:**

Not Applicable

**Financial Implications:**

Loss of revenue by \$631.25, reduction in Sundry Debtor by \$631.25.

**Strategic Implications:**

Nil

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Council must be seen to be pro-active in debt recovery action as the ultimate burden rests with the ratepayer.

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

Write off is recommended due to the above information:

## 10. PART 1 - FINANCE

### 10.1 MATTERS FOR RESOLUTION

#### 10.1.3 York Race Course – Write off Rates

FILE NO: FI.RTS.PPO.14270  
COUNCIL DATE: 20 October 2014  
REPORT DATE: 9 October 2014  
LOCATION/ADDRESS: N/A  
APPLICANT: York Racing Inc  
SENIOR OFFICER: Michael Keeble  
AUTHOR: Pam Law  
DISCLOSURE OF INTEREST: Cr Boyle – Committee Member –  
York Racing Inc – Impartiality –  
Vice Chair of York Racing  
APPENDICES: Resolution 060614  
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Michael Keeble

#### RESOLUTION FRAC 041014

Moved: Cr Hooper

Seconded: Cr Boyle

*"The Committee Recommends that Council:*

- (1) *Agree to write off 2014/15 rates, arrears rates and interest charges for A14270, currently \$135,877.64, subject to an agreement that conditions of Resolution 011110 are met by York Racing Inc.;*
- (2) *Recommend that York Racing Inc. apply for their annual rates funding through community grant funding applications on an ongoing annual basis, as per the conditions of community grant funding;*
- (3) *Recommend that budget allocation for these write off funds be made and resourced from projects that are not potentially funded through grants ie. Walk Trails.*

LOST: 4/2

#### Voting Requirements:

Absolute Majority Required: Yes (4 votes)

#### Summary:

York Racing Inc is requesting the Shire of York to write off the current and arrears rates and interest due for A14270. Resolution 011110 approved the write off of rates and interest after the certificate of title for this land had been transferred to show York Racing Inc and the Shire of York as tenants in common with equal shares. This condition has not yet been met.

York Racing Inc are to remain liable for all current and outstanding Waste Rubbish bin service fees, Transfer Station fees, Emergency Services Levies and interest accrued on unpaid ESL.

**Background:**

Council Resolution 060614 outlines the very long history of events beginning in 2003.

Council Resolution 011110 (as below)

**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.1 York Racecourse Titles**

**RESOLUTION**  
**011110**

**Moved:** Cr Randell

**Seconded:** Cr Lawrance

**"That Council:**

**1. Rescind Resolution 220309**

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**OFFICER RECOMMENDATION**

**RESOLUTION**  
**220309**

**MOVED:** Cr Hooper **SECONDED:** Cr Boyle

**"That Council:**

*Agree to the write-off of rates, service charges and interest fees for the land and buildings owned by the York Beverley Turf Club (currently \$53,731.10) when a grant to restore the racetrack to an approved race surface, as defined by Racing & Wagering WA, is received subject to the following matters being agreed and entered into:*

- a. The land titles being transferred to the Shire of York with the current land conditions remaining in place; and*
- b. The York Turf Club and the Shire of York entering into an agreement for the management and operations of all activities and facilities used for racing."*

**CARRIED (5/1)**

***Cr Walters was recorded as voting against the motion.***

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- 2. Approve the transfer of the title for the land and buildings registered in the names of the York Beverley Turf Club Inc (now York Racing Inc) and the Shire of York as tenancy in common in equal shares of the land and improvements with the current Crown Grant in Trust conditions remaining in place.**
- 3. Following the issue of a new title:**
  - (a) authorise the write-off of the existing debt relating to rates and interest**
  - (b) authorise the Shire of York to meet the cost of future rates as an ongoing contribution to the operations of the racecourse land and facilities.**

**Advice Note:**

- **York Racing Inc will manage and operate the racecourse and facilities in the interests of thorough bred racing for as long as the racecourse is accredited by Racing & Wagering WA as an official race track.**
- **Land and improvements cannot be sold or leased without the approval of both parties and the consent of the Minister for Lands and all proceeds must be used for racecourse facilities.”**

**CARRIED: 5/1**

**Consultation:**

**Statutory Environment:**

Section 1.4 (a) of the Local Government Act

**1.4. Terms used**

*In this Act, unless the contrary intention appears —*

**absolute majority —**

(a) *in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;*

Local Government Act 1995 (As amended)

Sections 6.63 – 6.75

**6.63 In this Subdivision —**

“**service charge**” does not include a service charge imposed under section 6.38 (1) (b) on the occupier of land who is not the owner of that land.

**6.64 Actions to be taken**

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —

(a) from time to time lease the land;  
(b) sell the land;  
(c) cause the land to be transferred to the Crown; or  
(d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

**6.65 Power to lease — procedure**

Schedule 6.2 has effect in relation to the exercise of a power under section 6.64 (1) (a) (in this Subdivision and that Schedule referred to as the “**power to lease**”).

## **6.66 Effect of lease**

(1) Where a local government exercises the power to lease in relation to any land that land does not cease to be rateable land because of the exercise of that power.

(2) A lessee from a local government is entitled, during the term of the lease, to possession of the land as against persons who have an estate or interest in the land, but this subsection does not affect —

- (a) the rights of the local government under the lease;
- (b) easements in favour of the public which affect the land; or
- (c) the rights of the Crown in right of the State or Commonwealth or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth.

(3) The exercise by a local government of a power to lease any land does not prejudice or affect the recovery of rates or taxes if any, due to the Crown in right of the State or Commonwealth, or a department or agency of the Crown in right of the State or Commonwealth.

## **6.67 Release of property after payment of arrears**

(1) Where, within 12 years of the taking of possession of any land by a local government under section 6.64, an entitled person pays to the local government all rates and service charges due and payable in respect of the land, the local government is required to give up possession of that land to the person unless it has exercised a power under section 6.64 (1) (b), (c) or (d) in relation to the land.

(2) If the local government has granted a lease of the land referred to in subsection (1) and the term of the lease has not expired, the lease subsists for the balance of the term as if it had been made between the lessee and the entitled person.

(3) In this section —

**“entitled person”** means the person who, if the local government had not taken possession of the land under section 6.64, would be entitled to possession of that land.

## **6.68 Exercise of power to sell land**

(1) Subject to subsection (2), a local government is not to exercise its power under section 6.64 (1) (b) (in this Subdivision and Schedule 6.3 referred to as the **“power of sale”**) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.

(2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land.

(3) Schedule 6.3 has effect in relation to the exercise of the power of sale.

## **6.69 Right to pay rates, service charges and costs, and stay proceedings**

(1) Up to 7 days prior to the time of the actual sale of any land for non-payment of rates or service charges a person having an estate or interest in the land may pay the rates or service charges and the costs and expenses incurred to that time in proceedings relating to the proposed sale.

(2) At any time after the 7 days referred to in subsection (1) but prior to the time of the actual sale of any land the local government may, upon such terms and conditions as are agreed between the parties, accept payment of the outstanding rates or service charges.

(3) On payment being made under subsection (1) or (2) the proceedings relating to the proposed sale are stayed and the local government is required to make such notifications and

take such measures as are prescribed in relation to the payment and the cancellation of the proposed sale.

#### **6.70 Effect of changes in boundaries of local government area**

An alteration in —

- (a) the boundaries of a district of a local government;
- (b) the constitution of the local government or its council; or
- (c) its name or status,

does not preclude the local government from exercising in respect of any land on which rates or service charges were lawfully imposed by it under this Division, the powers conferred by this Subdivision.

#### **6.71 Power to transfer land to Crown or to local government**

(1) If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the *Transfer of Land Act 1893*, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —

- (a) the Crown in right of the State; or
- (b) the local government.

(2) When a local government exercises the power referred to in subsection (1) (a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds, as the case requires, is to give effect to this section.

(3) When exercising the power referred to in subsection (1) (b) the local government is required to pay the sum secured by, or payable under, a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State.

(4) Schedule 6.3 has effect in relation to the exercise of the power referred to in subsection (1).

#### **6.72 Title to land sold or transferred**

Where a transfer or conveyance of an estate in fee simple in land is made in purported exercise of a power under section 6.64 (1) (b), (c) or (d) the title transferred or conveyed is not impeachable on the ground that —

- (a) no case had arisen to authorize the sale;
- (b) the proper procedures were not followed; or
- (c) the power was otherwise improperly or irregularly exercised,

and a person who claims there has been an unauthorized or improper or irregular exercise of the power has a remedy in damages against the relevant local government but not against the Crown or the assurance fund established under the *Transfer of Land Act 1893*.

#### **6.73 Discharge of liability on sale of land**

A sale of land by a local government or a transfer or conveyance of land to the Crown or a local government under this Subdivision discharges —

- (a) the land; and

- (b) the owners (present and past) of the land, from any liability to the local government for rates, service charges or other money due to the local government which were, at the time of the sale, transfer or conveyance —
- (c) secured by a charge over the land; or
- (d) otherwise recoverable, whether under this Act or another written law, by the local government in respect of the land.

#### **6.74 Power to have land re vested in the Crown if rates in arrears 3 years**

(1) If land is —

- (a) rateable land;
- (b) vacant land; and
- (c) land in respect of which any rates or service charges have been unpaid for a period of at least 3 years,

the local government in whose district the land is situated may apply in the form and manner prescribed to the Minister to have the land re vested in the Crown in right of the State.

(2) The Minister is to consider the application and the circumstances surrounding the application and may grant or refuse the application.

(3) If the application is granted the Minister is to execute a transfer or conveyance of the land to the Crown and is to deliver the transfer or conveyance to the Registrar of Titles or the Registrar of Deeds, as the case requires, for registration.

(4) Upon the delivery of the transfer or conveyance Schedule 6.3 applies, as if it were a transfer or conveyance, as the case may be, expressed to be in exercise of the power of sale.

#### **6.75 Land to be vested in the local government**

(1) Where, at the expiration of 12 years from the taking of possession of any rateable land by a local government under section 6.64 —

- (a) all rates and service charges due and payable in respect of the land have not been paid; and
- (b) the land has not, under the provisions of this Subdivision, been —
  - (i) sold by the local government;
  - (ii) transferred to the local government; or
  - (iii) transferred to the Crown,

by operation of this section the fee simple in the land is to be transferred to the local government subject to —

- (c) easements in favour of the public which affect the land;
- (d) the rights of the Crown in right of the State or Commonwealth or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth; and
- (e) rates and taxes (other than local government rates and service charges) due on the land,

but free from other encumbrances.

(2) Schedule 6.3 has effect in relation to a transfer under this section.

#### **6.26 Rateable land**

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

- (i) is being used or held for a public purpose; or
- (ii) is unoccupied, except —

(I) where any person is, under paragraph (e) of the definition of ``owner'' in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of ``owner'' in section 1.4 occupies or makes use of the land;

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

(e) land used exclusively by a religious body as a school for the religious instruction of children;

(f) land used exclusively as a private school which is registered under section 32A (1) of the *Education Act 1928*;

(g) land used exclusively for charitable purposes;

(h) land vested in trustees for agricultural or horticultural show purposes;

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2) (i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2) (k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

#### **6.12 Power to defer, grant discounts, waive or write off debts**

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
- (b) waive\* or grant concessions in relation to any amount of money; or
- (c) write off\* any amount of money,

which is owed to the local government.

*\* Absolute majority required.*

(2) Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

#### **6.13 Interest on money owing to local governments**

(1) Subject to any other written law, a local government may resolve\* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —

- (a) that person owes to the local government; and
- (b) has been owed for the period of time referred to in subsection (6).

*\* Absolute majority required.*

(2) A resolution under subsection (1) is to be included in the annual budget.

(3) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

(4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.

(5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.

(6) A local government is not to impose interest on any amount of money under subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.

(7) Regulations may provide for the method of calculation of interest.

#### **Policy Implications:**

## Recover of Rates & Service Charges

### **Financial Implications:**

Outstanding rates debtors will be reduced by \$136,337.26 (as at 08/10/14) if this amount is to be written off. This amount will need to be allocated from already budgeted projects. Potentially, projects will lose funding due to this funding allocation.

Current outstanding service charges, ESL and ESL interest total \$8,230.05 (as at 08/10/14), these funds would be received as income from York Racing Inc.

### **Strategic Implications:**

History and Heritage

### **Site Inspection:**

**Site Inspection Undertaken:** Not applicable

### **Triple bottom Line Assessment:**

#### **Economic Implications:**

Budget does not currently allow for this funding. Funds would need to be drawn from budgets of other projects such as Walk Trails.

Having a financially viable race club in York has flow on economic benefits for local employment and visitor servicing.

#### **Social Implications:**

The York Racecourse has significant social impacts through its heritage (1843 to date) and as a social feature for race events and for other community events.

#### **Environmental Implications:**

N/A

#### **Comment:**

York Racing Inc is requesting the Shire of York to write off the 2014/15, arrears rates and rates interest charges, the balance of which is \$136,337.26 as at 8 October 2014. The service charges for rubbish bins, waste transfer fees, ESL and ESL interest are to remain the responsibility of York Racing Inc.

York Racing Inc is still to meet the conditions required as outlined in Resolution 011110.

As part of the conditions in Resolution 011110;

“3 (b) authorise the Shire of York to meet the cost of future rates as an ongoing contribution to the operations of the racecourse land and facilities”.

As rates and ESL can not be billed separately, York Racing Inc. would receive the total bill due for payment and would need to apply for funding on an annual basis for the rates portion of their assessment. This funding application would be through Community funding grants and would need to be completed prior to the advertised deadline in the previous financial year. This would then be treated in the same way as all other applications and assessed on its merits.

#### **Appendix Attached**

## 10. MATTERS FOR RESOLUTION

## 10.1 FINANCE REPORTS

#### **10.1.4 Budget Amendment – Roads to Recovery**

**FILE NO:** FI.FAG.2.2  
**COUNCIL DATE:** 20 October 2014  
**REPORT DATE:** 8 October 2014  
**AUTHOR:** Tabitha Bateman, Financial Controller  
**APPENDICES:** Nil

**REPORT APPROVED BY THE CEO:** Michael Keeble

# RESOLUTION

## FRAC 051014

Moved: Cr Hooper

Seconded: Cr Boyle

***“The Committee Recommends to Council the following:***

*Reduce the budgeted expenditure on Roads to Recovery projects from \$300,000 to \$283,202 to match the reduction in funding provided.”*

**CARRIED:** 6/0

At Grants Commission briefing it was noted that a Shire of our size should be \$2.1 million.

## **Voting Requirements:**

**Absolute Majority Required:** Yes – 4 votes

## Summary:

Each year Roads to Recovery funding is provided by the federal government for the purpose of upgrading local and regional roads. Funding programmes span over a five year period in which Council manages the use of these funds.

## Commentary:

In the 2009-2014 funding period the Shire of York was granted \$1,494,293. Advice was received that funding would continue on a similar basis and consequently the 2014/15 Roads to Recovery budget was adopted at \$300,000.

Council has received correspondence confirming the new round of funding has been set at \$1,699,212 for the 2014-2019 period based on the following;

<u>Financial Year</u>	<u>Allocation</u>
2014/15	\$283,202
2015/16	\$566,404
2016/17	\$283,202
2017/18	\$283,202
2018/19	\$283,202

A variation to the adopted budget is required to reduce the expenditure in line with the available funding from Roads to Recovery.

## Financial Implications:

This amendment will reduce budgeted expenditure on Council roads in 2014/15 by \$16,798 however if the expenditure is reduced to match the available funding it will have a nil effect on the budget.

Part 1 Section 1.4

**1.4. Terms used**

In this Act, unless the contrary intention appears —

***absolute majority* —**

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council.

## 10. MATTERS FOR RESOLUTION

### 10.1 FINANCE REPORTS

#### 10.1.5 Budget Amendment – Councillors Fees

FILE NO: FI.FRP  
COUNCIL DATE: 20 October 2014  
REPORT DATE: 1 October 2014  
AUTHOR: Tabitha Bateman, Financial Controller  
APPENDICES: Nil

REPORT APPROVED BY THE CEO: Michael Keeble

#### RESOLUTION FRAC 061014

Moved: Cr Smythe Seconded Cr Wallace

*“The Committee Recommends the following to Council:*

*Reduce the Annual President’s Allowance budgeted to be paid to the Shire President to \$16,340 and reduce the Annual Deputy President’s Allowance to be paid to the Deputy Shire President to \$4,085 in line with the Western Australia Salaries and Allowances Act 1975”*

CARRIED: 6/0

#### Voting Requirements:

Absolute Majority Required: Yes – 4 votes

#### Summary:

In accordance with Section 7B(2) of the Salaries and Allowances Act 1975 the Salaries and Allowances Tribunal determines a minimum and maximum fee, expense or allowance to be paid to elected council members of a local government under the Local Government Act 1995 each year. These fees are paid in recognition of the duties and responsibilities of elected members and to remunerate them for their performance.

#### Commentary:

In preparation of the 2014/15 annual budget it was proposed to increase the annual allowance to be paid to the Shire President and Deputy Shire President to the maximum allowance. Henceforward, the maximum annual fee of \$36,050 for the Shire President and \$9,012 for the Deputy Shire President was adopted to be paid for the 2014/15 financial year as per Table 7 below.

**Table 7: Annual allowance for a mayor or president of a local government**

Band	For a mayor or president	
	Minimum	Maximum
1	\$50,000	\$87,550
2	\$15,000	\$61,800
3	\$1,000	\$36,050
4	\$500	\$19,570

The determination of the Salaries and Allowances Tribunal ruling section 3.2(4) states;

*“The maximum annual local government allowance for a mayor or president of a local government shall not exceed the maximum allowance applicable to that local government in*

*Table 7 or 0.2 per cent of the local government's operating revenue for the 2013-14 financial year, whichever is the lesser."*

In light of the SAT determination it is recommended that Council amend the 2014-2015 budget to comply with the Western Australian Salaries and Allowances Act 1975.

**Statutory Environment :**  
Local Government Act 1995

Part 1 Section 1.4

**1.4. Terms used**

In this Act, unless the contrary intention appears —

***absolute majority* —**

(b) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council.

Part 5 Division 8 Section 5.98 (extract)

The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —

(a) the prescribed minimum annual local government allowance for mayors or presidents  
 (b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.

**Financial Implications:**

Councillor's fees paid to date on a quarterly basis are as follows;

COA	DESCRIPTION	ANNUAL BUDGET	PAID TO DATE	AMENDED BUDGET	BALANCE
<u>41101</u>	<u>ATTENDANCE FEES</u>				
	Elected Members Attendance	\$ 65,500.00	\$ 16,375.00	\$ 65,500.00	\$ 49,125.00
	President's Attendance	\$ 20,270.00	\$ 5,067.50	\$ 20,270.00	\$ 15,202.50
<u>41104</u>	<u>PRESIDENTIAL ALLOWANCE</u>				
	President's Attendance	\$ 36,050.00	\$ 9,012.50	\$ 16,340.00	\$ 7,327.50
	Deputy President's Attendance (25%)	\$ 9,012.00	\$ 2,253.00	\$ 4,085.00	\$ 1,832.00

The remaining balances will be paid in relation to the next 3 quarters and will be reduced as follows;

COA	DESCRIPTION	AMENDED BALANCE	OCT-DEC Q2	JAN-MAR Q3	APR-JUN Q4
<u>41101</u>	<u>ATTENDANCE FEES</u>				
	Elected Members Attendance	\$ 49,125.00	\$ 16,375.00	\$ 16,375.00	\$ 16,375.00
	President's Attendance	\$ 15,202.50	\$ 5,067.50	\$ 5,067.50	\$ 5,067.50
<u>41104</u>	<u>PRESIDENTIAL ALLOWANCE</u>				

	President's Attendance	\$ 7,327.50	\$ 2,442.50	\$ 2,442.50	\$ 2,442.50
	Deputy President's Attendance (25%)	\$ 1,832.00	\$ 610.60	\$ 610.60	\$ 610.60

At present the 2014/15 Adopted Budget includes \$45,062 for the President and Deputy President attendance fees. This would be reduced to \$20,425 creating a saving of \$24,637.

## 10. MATTERS FOR RESOLUTION

### 10.1 FINANCE REPORTS

#### 10.1.6 Outstanding Rates & Debtors – September 2014

FILE NO: FI.FRP  
COUNCIL DATE: 20 October 2014  
REPORT DATE: 3 October 2014  
AUTHOR: Tabitha Bateman, Financial Controller  
APPENDICES: Nil

REPORT APPROVED BY THE CEO: Michael Keeble

#### RESOLUTION FRAC 071014

Moved: Cr Hooper

Seconded: Mr Lehmann

*“That the Committee Recommends that Council:*

*Receive the Outstanding Rates, Services and Sundry Debtors report for the month of September.”*

**CARRIED: 6/0**

**Voting Requirements:**

**Simple Majority Required: Yes**

**Summary:**

A report detailing outstanding Rates, Services and Sundry Debtors for the period ending 26 September 2014 is presented for consideration.

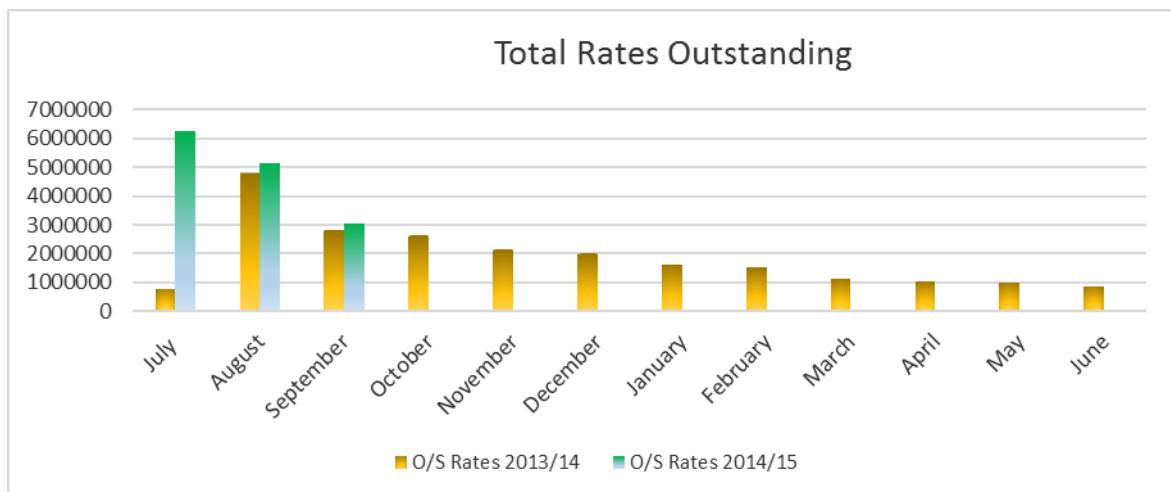
**Commentary:**

All reports are currently being reviewed and may be modified for following meetings of Council to give greater clarity.

**Outstanding Rates and Services**

Total outstanding rates as at 26 September 2014 are \$3,026,262 compared to \$5,130,089 as at 31 August 2014 which is an increase to cash at bank of \$2,103,827.

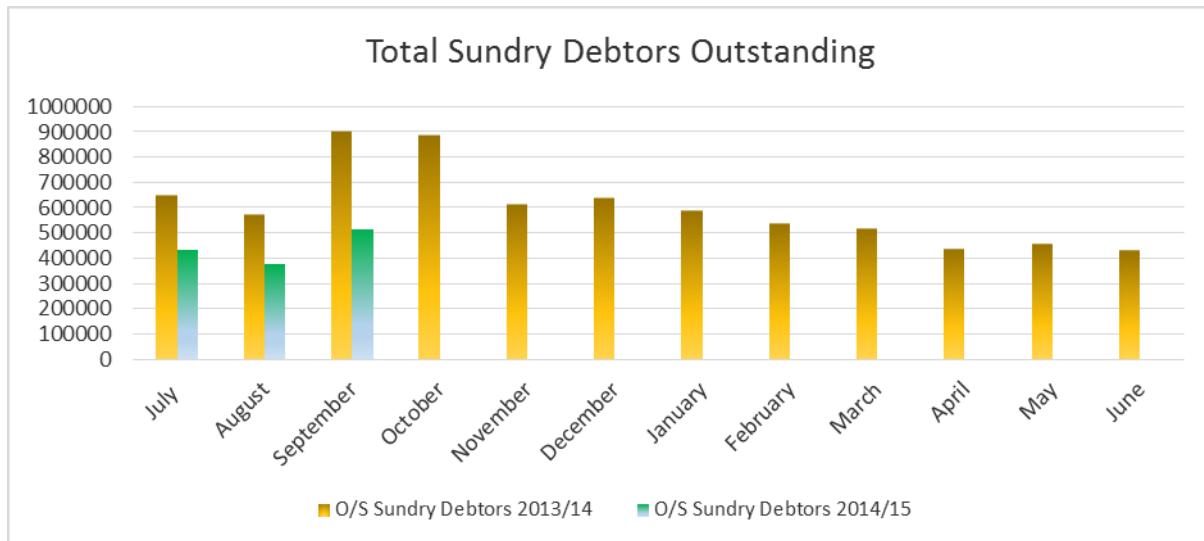
3 Years & over	\$ 355,486	11.75% of rates outstanding
2 Years & over	\$ 211,823	7.00% of rates outstanding
1 Years & over	\$ 268,068	8.86% of rates outstanding
<i>Total Prior Years</i>	<i>\$ 835,376</i>	<i>27.60% of rates outstanding</i>
Current rates	\$2,190,886	72.40% of rates outstanding



### Outstanding Sundry Debtors

Total outstanding sundry debtors as at 26 September 2014 are \$512,670 compared to \$377,092 as at 31 August 2014. A total of \$196,131 (RRG road grants) in revenue was raised during the month and \$60,553 was received from outstanding invoices.

90 days & over	\$286,809	76.06% of sundry debtors outstanding
60 days & over	\$ 49,876	13.23% of sundry debtors outstanding
30 days & over	\$ 16,105	4.27% of sundry debtors outstanding
Current	\$ 24,302	6.44% of sundry debtors outstanding



Council has engaged the services of AMPAC Pty Ltd to collect outstanding rates and sundry debtors. A number of payment plans have been set up which are being closely monitored by staff and over 40 debts are currently with AMPAC Pty Ltd. The remaining debts are current, on instalments or awaiting payment.

### Statutory Environment - This report complies with:

Local Government Act 1995 (As Amended).

Local Government (Financial Management) Regulations 1996 (As Amended).

Australian Accounting Standards.

## 10. MATTERS FOR RESOLUTION

### 10.1 FINANCE REPORTS

#### 10.1.7 Monthly Financial Reports – YRCC – September 2014

FILE NO:

FI.FRP

COUNCIL DATE:

20 October 2014

REPORT DATE:

9 October 2014

AUTHOR:

Tabitha Bateman, Financial Controller

APPENDICES:

Yes – Appendix S as detailed in Summary

REPORT APPROVED BY THE CEO: Michael Keeble

#### RESOLUTION FRAC 081014

Moved: Cr Hooper

Seconded: Cr Boyle

*“That the Committee Recommends that Council:*

*Receive the Monthly Financial Report for the York Recreation and Convention Centre for the month of September 2014.”*

CARRIED: 6/0

#### Voting Requirements:

Simple Majority Required: Yes

#### Summary:

The Financial Report for the York Recreation and Convention Centre for the period ending 30 September 2014 is presented for consideration.

#### Commentary:

All reports are currently being reviewed and may be modified for following meetings of Council to give greater clarity.

In the past, a consolidated set of financials for the Shire of York were presented in accordance with the Financial Management Regulations. To provide greater clarity these reports have been broken down by business division.

It is proposed that further reports will be provided in future months incorporating the Residency Museum, Swimming Pool and Police Licensing.

#### Revenues

Revenues are down 12% on estimated budget for the period ending 30 September 2014.

In particular, income from Bar Sales are down 26% and income from Conferences is down 75%.

#### Cost of Sales

Cost of Sales are down 27% on estimated budget for the period ending 30 September 2014.

It should be noted that a full stocktake was carried out and the YRCC currently holds \$24,595 in stock which has been transferred to the Statement of Financial Position.

#### Gross Profit

Gross Profit is up 102% on estimated budget for the period ending 30 September 2014 and is 28% of total revenues. We will endeavour to find industry standards to use for comparable analysis in future months.

### Overheads

Overheads are down 24% on estimated budget for the period ending 30 September 2014. While expenditure appears to be down on budgets, overheads account for almost 42% of revenues.

### Profit/Loss

The York Recreation and Convention Centre has made a loss of \$15,405 compared to an estimated loss of \$44,290 for the period ending 30 September 2014.

### **Statutory Environment:**

Australian Accounting Standards have been applied to construct this report.

### **Appendix Attached**

## 10 MATTERS FOR CONSIDERATION

### 10.1 RISK REPORTS

#### 10.1.8 Forrest Oval Dam – Failure to Comply With Tender Regulations

FILE NO: FI.FRP  
COUNCIL DATE: 20 October 2014  
REPORT DATE: 1 October 2014  
AUTHOR: Tabitha Bateman, Financial Controller  
APPENDICES: Nil

REPORT APPROVED BY THE CEO: Michael Keeble

#### RESOLUTION 091014

Moved: Cr Wallace

Seconded: Cr Hooper

*“The Committee Recommends the following to Council:*

*To receive the following report for information purposes and instruct the executive to table the tender regulations policy and procedures to the next Finance, Risk & Audit Committee meeting.”*

CARRIED: 6/0

s.p – That this omission occurred to failure of process and multi of levels. Mr keeble is shouldering the responsibility, The Works Manager, financial controller, dceo, ceo, finance audit and risk committee and council. Indicataes significant lack of over sight at multi levels within the organisation and needs thorough inviestiagation.

#### Voting Requirements:

Simple Majority Required: Yes

#### Summary:

The Shire of York received funding from Wheatbelt Natural Resource Management for the construction of a new water supply dam, irrigation pump and associated works.

#### Commentary:

The purpose of this report is to inform the Committee that administration has inadvertently failed to comply with the tender regulations as set by the Local Government Act Section 3.57 where it states;

*“A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.”*

This project has seen a number of different managers over the past few months without a hand over process between each and it was assumed proper process had been followed.

This breach has been reported to the Department of Local Government and to Council's auditors and is to be recorded in Council's Compliance Audit.

**Statutory Environment :**

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

*Division 2 — Tenders for providing goods or services (s. 3.57)*

*“11. When tenders have to be publicly invited*

*(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000 unless subregulation (2) states otherwise.”*

## 11. PART 2 – RISK

### 11. MATTERS FOR RESOLUTION

#### 11.1 CONFIDENTIAL REPORTS

##### 11.1.1 Close the Meeting

FILE NO:

COUNCIL DATE:

13 October 2014

REPORT DATE:

13 October 2014

SENIOR OFFICER:

Michael Keeble, CEO

REPORT APPROVED BY THE CEO:

Michael Keeble

**RESOLUTION**  
**FRAC 101014**

Moved: Cr Hooper

Seconded: Cr Wallace

*"That Council:*

*Close the meeting to members of the public and the press to deal with:*

*Matters relating to an employee."*

**CARRIED: 6/0**

**Voting Requirements:**

**Simple Majority Required:** Yes

**Statutory Environment:**

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*

Note to this Item:

The doors were Closed at 6.48pm

Cr Hooper left the meeting at 6.48pm and returned to the meeting at 6.50pm.

Helen D'Arcy-Walker, Executive Support Officer left the meeting at 7.02pm

## 11. MATTERS FOR RESOLUTION

### 11.1 CONFIDENTIAL REPORTS

#### 11.1.2 Employee Matters

#### RECOMMENDATION

Motion put by Cr Reid:

Moved: Cr Reid

Seconded: Cr Smythe

*"This Committee Recommend to Council:*

*They direct the CEO to seek Industrial Relations Advice concerning this matter."*

#### AMENDMENT

Moved: Cr Wallace

Seconded Cr Smythe

Cr Wallace moved an amendment to the motion:

Part 2 to the original motion –

*"That the Finance, Risk and Audit Committee recommends to Council that, Council instruct the CEO to communicate to all staff that they have the full support of the Finance, Risk and Audit Committee."*

CARRIED 6/0

#### AMENDMENT

Moved: Cr Hooper

Seconded: Cr Smythe

Cr Hooper moved a third amendment to the motion –

*"This committee recommend that the CEO prepare a media statement to be released after the next Council Meeting stating Councils full support of staff and regret any pressures placed on them from external sources."*

CARRIED: 6/0

The amended motion was put as a whole with three (3) parts.

Moved: Cr Smythe

Seconded: Cr Boyle

*"That the Committee Recommend to Council that they:*

1. *Direct the CEO to seek Industrial Relations Advice concerning this matter*
2. *That this committee recommends to Council that they instruct the CEO to communicate to all staff that they have the full support of this Council*
3. *This Committee recommend that the CEO prepare a media statement to be released after the next Council Meeting stating Councils full support of staff and regret any pressures placed on them from external sources."*

CARRIED: 6/0

#### RESOLUTION

#### FRAC 111014

Moved: Cr Smythe

Seconded: Cr Boyle

The amendment became the motion.

CARRIED: 6/0

## 11. MATTERS FOR RESOLUTION

### 11.1 CONFIDENTIAL REPORTS

#### 11.1.3 Open the Meeting

**FILE NO:**

**COUNCIL DATE:**

13 October 2014

**REPORT DATE:**

13 October 2014

**SENIOR OFFICER:**

Michael Keeble, CEO

**REPORT APPROVED BY THE CEO:**

Michael Keeble

**RESOLUTION**

**FRAC 121014**

Moved: Cr Hooper

Seconded: Cr Boyle

*“That Council:*

*Open the meeting to members of the public and the press.”*

**CARRIED: 6/0**

**Voting Requirements:**

**Simple Majority Required:** Yes

**Statutory Environment:**

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person;*

Note to this Item:

The doors were Opened at: 7.30pm

## **12. PART 3 – AUDIT**

*Nil*

## **13. PART 4 – CONTINUOUS REVIEW**

*Nil*

## **14. CLOSURE OF MEETING**

**RESOLUTION  
FRAC 131014**

Moved: Mr Lehmann

Seconded: Cr Smythe

*“That the Committee:*

*hold the next Finance, Risk & Audit Committee Meeting on Monday, 10<sup>th</sup> November, 2014 in Council Chambers, York commencing at 5.00pm.”*

**CARRIED: 6/0**

*Cr Reid thanked everyone for their attendance and declared the meeting closed at 7.31pm*