



AGENDA

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

15 DECEMBER 2022

CITY OF PERTH

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*



CITY OF VINCENT

**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

8 December 2022

Councillors of the Mindarie Regional Council are advised that an Ordinary Meeting of the Council will be held at the City of Perth at 6.30 pm on 15 December 2022.

The agenda pertaining to the meeting follows.

Your attendance is respectfully requested.



**SCOTT CAIRNS
CHIEF EXECUTIVE OFFICER**

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

Cr K Vernon (Karen) - Chair	Town of Victoria Park
Cr A Jacob, JP (Albert) – Deputy Chair	City of Joondalup
Cr C May (Christopher)	City of Joondalup
Cr L Gobbert, JP (Liam)	City of Perth
Cr C Hatton (Chris)	City of Stirling
Cr E Re (Elizabeth)	City of Stirling
Cr L Thornton (Lisa)	City of Stirling
Cr J Ferrante (Joe)	City of Stirling
Cr A Castle (Alex)	City of Vincent
Cr F Cvitan, JP (Frank)	City of Wanneroo
Cr P Miles (Paul)	City of Wanneroo
Cr K Shannon (Keri)	Town of Cambridge

NB: Although some Councils have nominated alternate members, it is a requirement that a Council carries a specific resolution for each occasion that the alternate member is to act.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3 DECLARATION OF INTERESTS

Declaration of Financial/Conflict of Interest to be recorded prior to dealing with each item.

Disclosure of Financial and Proximity Interests

- (a) *Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995).*
- (b) *Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).*

Disclosure of Interest Affecting Impartiality

- (a) *Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.*

4 PUBLIC QUESTION TIME

5 ANNOUNCEMENT BY THE PRESIDING PERSON

6 APPLICATION FOR LEAVE OF ABSENCE

7 PETITIONS/DEPUTATIONS/PRESENTATIONS

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 24 NOVEMBER 2022

The Minutes of the Ordinary Council Meeting held on 24 November 2022 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 24 November 2022 be confirmed as a true record of the proceedings.

9	CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED 31 OCTOBER 2022
Reference:	GF-21-0000196
Appendix(s):	Appendix No. 1 and No. 2
Date:	24 November 2022
Responsible Officer:	FINANCE MANAGER

SUMMARY

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

BACKGROUND

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Investing Activities
- Tonnage Report

DETAIL

The Financial Statements for the month ended 31 October 2022 is attached at **Appendix No. 1** to this Item. The Tonnage Report for 31 October 2022 is attached at **Appendix No. 2**.

The financial statements are pending external auditor approval and are subject to change.

The complete suite of Financial Statements which includes the Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the “air space” remaining and other relevant information.

	YTD Budget	YTD Actual	Variance
	t	t	t
Tonnes – Members	59,663	58,889	(774)
Tonnes – Others	11,467	22,085	10,618
TOTAL TONNES	71,130	80,974	9,844
	\$	\$	\$
Revenue – Members	8,651,135	8,644,586	(6,549)
Revenue – Other	3,676,462	5,169,596	1,493,134
TOTAL REVENUE	12,327,597	13,814,182	1,486,585
Expenses	(11,866,027)	(12,382,844)	516,817
NET SURPLUS/(DEFICIT)	461,570	1,431,338	969,768

Members

Member's tonnages for the financial period ended 31 October 2022 were 774 tonnes below budget.

Trade & Casuals

The Casual and Trade tonnages are 10,618 tonnes higher than forecast for the financial year to date, 16,069 tonnes delivered through the discounted rate waste tender.

Overall tonnages for the financial period ended 31 October 2022 were 9,844 tonnes more than budgeted.

The net result variance against year to date budget \$969,768 is attributable to increased revenue (tonnages) above budgeted forecast, increased landfill levy costs and amortisation for cell development and decrease in depreciation expense.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 October 2022.

9.2	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 31 OCTOBER 2022
File No:	GF-21-0000196
Appendix(s):	Appendix No. 3
Date:	24 November 2022
Responsible Officer:	Finance Manager

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified above. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 31 October 2022 is at **Appendix 3** to this Item and presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 16 September 2021, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

Months Ended	Account	Vouchers	Amount
31 October 2022	General Municipal	Cheques	\$1,633.76
		EFT	\$4,845,265.24
		DP	\$2,407,103.04
		Inter account transfers	\$0.00
		Total	\$7,254,002.04

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 31 October 2022.

9.3	FINANCIAL STATEMENTS FOR THE MONTH ENDED 30 NOVEMBER 2022
Reference:	GF-21-0000196
Appendix(s):	Appendix No. 4 and No. 5
Date:	24 November 2022
Responsible Officer:	FINANCE MANAGER

THIS REPORT IS A LATE ITEM

9.4	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 30 NOVEMBER 2022
File No:	GF-21-0000196
Appendix(s):	Appendix No. 6
Date:	24 November 2022
Responsible Officer:	Finance Manager

THIS REPORT IS A LATE ITEM

9.5	ANNUAL REPORT 2022
	GF-21-0000035
Appendices:	Appendix 7
Date:	8 December 2022
Responsible Officer:	Chief Executive Officer

BACKGROUND

The *Local Government Act 1995* (the Act) requires every local government to prepare an Annual Report for each financial year and to accept it prior to 31 December following the end of the financial year (section 5.53 and 5.54 of the Local Government Act 1995). The Act also specifies the contents required to be included in the Annual Report. 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 two months after the auditor's report becomes available.

The annual audit of the Mindarie Regional Council (MRC) has been completed and the Financial Report for the financial year ended 30 June 2022 has been considered by the Audit Committee.

DETAIL

The Annual Financial Report for the financial year ended 30 June 2022 is now submitted to Council for adoption. The Annual Report contains the Annual Financial Report of the MRC for 2021/2022. This includes the Statement of Financial Position, Statement of Changes in Equity, Statements of Comprehensive Income, Statement of Cash Flows and notes to and forming part of the accounts. The Auditor, in accordance with the Local Government (Audit) Regulations 1996 Sections 10.2 and 10.3 is required to issue an audit report after the completion of the annual audit that expresses an opinion on the financial position and results of the operations of the local government for each financial year. Under S7.9 of the Local Government Act 1995, the auditor must prepare and sign a report on the financial audit and present the report to the Chairperson, the CEO and the Minister.

The OAG issued an unqualified report and expressed that in their opinion, the financial report of the MRC gives a true and fair view of the financial position as at 30 June 2022 and complies with the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) and the Australian Accounting Standards.

The Auditor has not issued an interim management letter for 2021/2022. In the final Management Letter that was presented to the MRC only one finding, carried over from prior year's audit was raised and relates to the Long Term Financial Plan and Asset Management pPlan not being reviewed and approved since April 2017. This has been addressed by the management, the date for review has been deferred to 30 June 2023 to coincide with the new Strategic Community Plan.

The Audit Committee met on 1 December 2022 to consider the Financial Report for the year ended 30 June 2022 and have recommended that these be accepted by the Council. The unconfirmed minutes of this meeting are included in the Members' Information Bulletin.

A copy of the Annual Report, including the Financial Report, is included at **Appendix 7**.

The MRC, in accordance with the Local Government (Financial Management) Regulations 1996 Section 51.1, is required to include in the annual Financial Report a signed Statement of Declaration by the Chief Executive Officer after this report has been audited in accordance with the Local Government Act 1995. This declaration is included in the Annual Report.

STATUTORY ENVIRONMENT

Relevant Extracts from the Local Government Act 1995

“5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - [(c), (d) deleted]*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report prepared under section 7.9(1) or s7.12AD(1) for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (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.*

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6.]

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.

5.55A *Publication of annual reports*

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

7.9. *Audit to be conducted*

- (1) *An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*
- (a) the mayor or president; and*
 - (b) the CEO of the local government; and*
 - (c) the Minister."*

Relevant Extracts from the Local Government (Audit) Regulations 1996

"10. *Report by auditor*

- (1) *An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.*
- (2) *The report is to give the auditor's opinion on —*
- (a) the financial position of the local government; and*
 - (b) the results of the operations of the local government.*
- (3) *The report is to include —*
- (a) any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and*
 - (b) any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law; and*
 - (c) details of whether information and explanations were obtained by the auditor; and*
 - (d) a report on the conduct of the audit; and*
 - (e) the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —*
-

- (i) *the asset consumption ratio; and*
 - (ii) *the asset renewal funding ratio.*
- (4) *Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report."*

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The MRC has a deficit from operations of \$12,651,628 which will increase the accumulated losses to \$35,597,552.

STATUTORY IMPLICATIONS

The Annual Report for the MRC has been prepared in accordance with the requirements of Local Government Act 1995 and applicable Australian Accounting Standards.

AMENDMENTS

There have been no amendments made to the Financial Statements presented to the Audit Committee.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council resolve to:

1. **Notes the recommendation of the Audit Committee meeting held on 1 December 2022 to adopt the Financial Report for the year ended 30 June 2022; and**
2. **Adopts the Annual Report for the year ended 30 June 2022, which includes the Financial Report detailed in point 1 above.**

(Absolute Majority Required)

9.6 GENERAL INSURANCE RENEWAL 2022/23	
File No:	GF-21-0000495
Appendices:	Nil
Date:	8 December 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

This report seeks to update Council on the progress of an investigation in to the advantages and disadvantages of undertaking a regular cyclic process of publishing public tenders for general insurance services, as per previous council resolution.

BACKGROUND

At the 30 July 2020 Audit Committee Meeting, a query was raised as to why the Mindarie Regional Council (MRC) had not gone out to tender for its general insurance renewals.

At that time, the MRC sought advice from WALGA, which held the view that local governments do not need to go out to tender for insurance services purchased from LGIS.

Accordingly, the MRC has continued to access general insurance services through LGIS. These practices have continued since.

On 24 March 2022 a report was presented to Council that highlighted the results of a review undertaken on the experiences of other Western Australian local governments with respect to accessing adequate insurance provision in the current market, and sought endorsement of the recommendation to renew general insurances for 2022/23, Council resolved:

That the Council:

- 1. Notes the information contained in this report.*
- 2. Recommends that the MRC does not undertake a public tender process for the provision of insurance services, and continues to remain within the LGIS WA local government group self-insurance scheme.*
- 3. Requests the CEO to investigate the advantages and disadvantages of undertaking a regular cyclic process for undertaking a public tender process for insurance services, and if necessary to seek independent expert advice, and bring a report back to Council by December 2022, including a recommendation for the procurement of insurances services in 2023.*

DETAIL

On 16 August 2022 the administration sent out a request for quotation to risk advisory consultants, seeking independent expert advice to review the MRC's current insurance arrangements, develop a tender, assist in the evaluation of responses and provide an assessment report.

At the time of close two proposals were received:

- *Risk Advisory Services* provided a short proposal, with minimal information, stating a service fee of circa \$25k.
- *Procurement Australia* provided a detailed proposal, stating a service fee of \$15k.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2022/23 budget approved by Council at the 7 July 2022, has been made in respect of risk advisory services.

VOTING REQUIREMENT

Absolute majority

COMMENTS

Given the level of detail provided, Procurement Australia's response was considered to be the highest value proposal when compared to that received from Risk Advisory Services.

Accordingly, the MRC engaged Procurement Australia's services on 16 September 2022. It is expected that a tender for the provision of insurance services shall be released in late January 2023, and an evaluation report finalised by March/April 2023. The Administration intends to present a report to the 27 April 2023 Ordinary Council meeting with the outcome of the review and evaluation of the insurance tender.

LGIS were formally advised that the MRC had resolved to release a formal tender for the 2022/23 insurances on 28 November 2022, and asked to provide an initial response to this decision. Their response is provided, below:

- *"The Scheme will not be in a position to respond to an 'insurance broking / insurer' tender as the mutual is neither an insurer nor an insurance broker. MRC would need to ensure the tender is crafted in a manner that would allow the mutual to respond.*
 - *Members may only withdraw membership from the Scheme at the expiry of a fund year (30 June) provided that at least 60 days' notice is given (please refer to Section 35.1 of the LGISWA Scheme Rules available from the Members Section of the LGIS website). The email below does not suffice as formal notification of exit.*
 - *We note the timing of the tender (early in January/ February) will limit our ability to respond. LGIS does not respond to speculative pricing and would be reluctant to provide terms outside our usual renewal cycle.*
 - *Membership of the Scheme provides MRC with a whole of risk approach to protection and LGIS provides a single membership and cost. Exit of any one protection would result in MRC existing all protection policies offered by LGISWA.*
 - *We would also like to add that MRC, along with all Cities, Towns and other Shires across the State, was gazetted by the Minister as an "exempt employer" under the Act. This has placed it as part of a self-insured group (WA Local Government Sector,*
-

through the LGIS WorkCare Scheme) for workers compensation. Withdrawing from this arrangement in favour of a return to the workers compensation system through insurance arrangements, would require application to, the Minister and publication of his approval of the change in the Government Gazette. Please note there are regulatory requirements under WorkCover to apply for exit. We are happy to provide MRC with copies of same if this has not been considered by PA. I believe the period of notice is 90 days

- *Exit of the Scheme would obviously lead to a loss of access to a range of complimentary risk services across Injury Management, LGIS Health and Wellbeing, Liability Risk Management, Organisation Risk Management, Occupational Safety and Health and HR Risk Management.”*

The administration is currently assessing these responses, and will work with Procurement Australia to ensure that all necessary steps are taken to undertake a compliant tender process that takes account of the apparent prerequisites and timelines highlighted by LGIS.

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

- 1. Notes the information contained in this report.**
 - 2. Requests the CEO to present a report to Council with a recommendation for the procurement of insurance for 2023/24 in April 2023.**
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9.7	MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGY WORKSHOP DATES FOR 2023
File No:	GF-20-0000469
Appendix(s):	Nil
Date:	02 December 2022
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to provide notice of the dates, times and locations for the Mindarie Regional Council's (MRC) Ordinary Council Meetings (OCM) and to provide advice regarding Strategy Workshops (SW) for 2023.

BACKGROUND

In accordance with the *Local Government Act 1995*, the MRC is required to schedule OCM's for the forthcoming calendar year and provide public notice of their dates, times and locations. In addition, the MRC also set two SW dates for the year.

DETAIL

In setting the dates for the 2023 OCM's consideration is given to the following:

- The Tamala Park Regional Council meeting dates for 2023
- The WALGA Metropolitan Zone meeting dates for 2023
- The Australian Local Government Association (ALGA) Annual Conference
- Relevant Waste Conferences
- Availability of Member Councils' Chambers.

To achieve compliance and present financial reports within 2 months after the end of the month to which the statement of financial activity relates in accordance with *s.6.4 of the Local Government Act 1995* and *s.34(4) of the Local Government (Financial Management) Regulations 1996*, the MRC are required to meet 7 times in 2023.

With a view to trying to achieve compliance, and at the same time being mindful of conflicting priorities, the following meeting dates are proposed for consideration:

23 February 2023	6.30pm	City of Joondalup	OCM
27 April 2023	6.30pm	City of Wanneroo	OCM
01 June 2023	6.30pm	Town of Cambridge	OCM
13 July 2023	6.30pm	City of Stirling	OCM
21 September 2023	6.30pm	City of Vincent	OCM
30 November 2023	6.30pm	Town of Victoria Park	OCM
14 December 2023	6.30pm	City of Perth	OCM

Traditionally the MRC also holds two strategic workshops which are usually included in the meeting schedule. These workshops are important as they provide Councillors, member council CEOs and representatives on the Strategic Working Group and MRC management an opportunity to review and discuss the MRC's strategic direction.

The MRC held a SW on 10 September 2022 and a follow up SW is planned for 2 February 2023. The MRC propose to consult with the Chair after the 2 February 2023 SW to decide on the timing of future SWs in 2023.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Act 1996

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The proposed schedule for OCM's for 2023 is submitted for approval.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Adopt the meeting dates as follows:

23 February 2023	6.30pm	City of Joondalup	OCM
27 April 2023	6.30pm	City of Wanneroo	OCM
01 June 2023	6.30pm	Town of Cambridge	OCM
13 July 2023	6.30pm	City of Stirling	OCM
21 September 2023	6.30pm	City of Vincent	OCM
30 November 2023	6.30pm	Town of Victoria Park	OCM
14 December 2023	6.30pm	City of Perth	OCM

2. Issue a Public Notice on the meeting locations, dates and times as detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.

3. Note that a Strategy Workshop has been planned for 2 February 2023. Future workshop dates for 2023 will be determined, in consultation with the Chair, later in 2023.

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 73

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 73 be received.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (c) of *The Local Government Act 1995* as the report deals with a matter where a contract may be entered into

14.1 AUDIT AND RISK COMMITTEE CONFIDENTIAL DOCUMENTS

File No: GF-22-000070

Attachment(s): Nil

Date: 5 December 2022

Responsible Officer: Chief Executive Officer

THIS REPORT IS CONFIDENTIAL AND NOT FOR PUBLIC VIEWING

TO BE SENT UNDER SEPARATE COVER TO MRC COUNCILLORS

15 NEXT MEETING

The next Ordinary Council meeting is proposed for 23 February 2023 at the City of Joondalup.

16 CLOSURE
