



# MINUTES

## ORDINARY COUNCIL MEETING

TIME: 6.30 PM

15 DECEMBER 2022

CITY OF PERTH

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



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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chair declared the meeting open at 6.32 pm

**2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

**Councillor Attendance**

Cr K Vernon (Chair)	Town of Victoria Park
Cr A Jacob (Deputy Chair)	City of Joondalup
Cr L Gobbert, JP	City of Perth
Cr C Hatton <i>arrived at 6.36 pm</i>	City of Stirling
Cr E Re <i>arrived at 6.45 pm</i>	City of Stirling
Cr J Ferrante	City of Stirling
Cr Lisa Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr F Cvitan, JP	City of Wanneroo
Cr P Miles	City of Wanneroo
Cr K Shannon <i>arrived 6.35 pm</i>	Town of Cambridge

**MRC Officers**

Mr S Cairns (Chief Executive Officer)  
Ms A Arapovic (Finance Manager)  
Ms S Cherico (Human Resources Officer)  
Ms D Toward (Executive Support)

**Apologies**

Cr C May City of Joondalup

**Approved leave of absence**

Nil

**Member Council Observers**

Mr M MacPherson	City of Joondalup
Mr G Taylor	City of Perth
Mr R Bryant	City of Stirling
Mr P Varris	City of Vincent
Mr H Singh	City of Wanneroo
Mr A Kowero	City of Wanneroo

**Visitors**

Mr Kien Neoh (Director Financial Audit) Office of the Auditor General (*attended electronically*)

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**3 DECLARATION OF INTERESTS**

Nil

**4 PUBLIC QUESTION TIME**

Public question time opened at 6.34 pm  
There were no members of the public present.  
Public question time closed at 6.34 pm

*Cr Shannon entered the Council Chambers at 6.35 pm*  
*Cr Hatton entered the Council Chambers at 6.36 pm*

**5 ANNOUNCEMENT BY THE PRESIDING PERSON**

As 2022 draws to a close, on behalf of Council, I would like to thank the CEO, Executive management and staff for their collective efforts to deliver quality Waste management services to our MRC member communities, and for exploring future waste management options that can benefit our communities well into the future.

The past 12 months have been very challenging for the MRC and all member councils as we have all experienced ongoing staff shortages, reductions in front facing services, and the negative impact of rising costs. Council really appreciates the commitment and enthusiasm shown by the MRC administration even when it seemed hard to keep calm and carry on every day.

Thank you to all of the member council officers who assist MRC councillors to be well informed, and who have worked closely with MRC as we navigated preparations for a WTE tender and a FOGO tender.

Finally, I would like to thank my Council colleagues for your patience and good humour as we worked via a hybrid environment for part of this year, for your contributions to the important decisions of Council, for your respect for each other in discussions and debates, and helping me to perform the role of Chairperson. I wish everyone a peaceful and joyous Christmas and festive season with your family and friends, and look forward to seeing you all refreshed in 2023 for the important work that lies ahead.

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### **Procedural Motion**

To suspend the operation of clause 5.2 – Order of Business - in accordance with clause 10.1(j) of the Mindarie Regional Council Meeting Procedures Local Law 2020.

#### **Reasons:**

For efficiency of the meeting to enable consideration of item 9.5 allowing the representative from the Office Auditor General (OAG), Mr Neoh, to participate in this item and then leave.

**Moved Cr Vernon, seconded Cr Cvitan**

#### **RESOLVED**

**That the procedural motion be put**

**(CARRIED UNANIMOUSLY 10/0)**

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

### **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.

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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

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## 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)*

*Cr Re entered the Council Chambers at 6.45 pm*

The Chair invited Mr Neoh, Director Financial Audit, Office of the Auditor General (OAG), to speak to the item.

Mr Neoh presented to Council the key points of Financial Year 2022 Audit and Final Audit Report and responded to questions from Council. Mr Neoh acknowledged that there had been some complexities in the Audit and congratulated the MRC staff involved in the Audit.

On behalf of the Council, the Chair thanked Mr Neoh for attending the Council meeting and for his work on the MRC Audit.

**Moved Cr Vernon, seconded Cr Jacob**

**RESOLVED**

**That the recommendation be adopted**

**(CARRIED UNANIMOUSLY 11/0)**

<b>6 APPLICATION FOR LEAVE OF ABSENCE</b>
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Nil

<b>7 PETITIONS/DEPUTATIONS/PRESENTATIONS</b>
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Nil

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<b>8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>
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**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.**

**Moved Cr Hatton, seconded Cr Cvitan**

**RESOLVED**

**That the recommendation be adopted**  
**(CARRIED UNANIMOUSLY 11/0)**

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

### **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.

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

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.**

**Moved Cr Re, seconded Cr Vernon**

**RESOLVED**

**That the recommendation be adopted  
(CARRIED UNANIMOUSLY 11/0)**

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

### 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.

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

### 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.**

**Moved Cr Re seconded Cr Cvitan**

**RESOLVED**

**That the recommendation be adopted  
(CARRIED UNANIMOUSLY 11/0)**

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

### **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:

- Statement of Comprehensive Income by Nature and Type
- Income Statement by Program
- Statement of Financial Position
- Statement of Reserves
- Statement of Investing Activities
- Tonnage Report

### **DETAIL**

The Financial Statements for the month ended 30 November 2022 is attached at **Appendix No. 4** to this Item. The Tonnage Report for 30 November 2022 is attached at **Appendix No. 5**.

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.

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	YTD Budget	YTD Actual	Variance
	t	t	t
Tonnes – Members	74,549	73,741	(808)
Tonnes – Others	14,151	24,933	10,782
<b>TOTAL TONNES</b>	<b>88,700</b>	<b>98,674</b>	<b>9,974</b>
	\$	\$	\$
Revenue – Members	10,809,605	10,799,590	(10,015)
Revenue – Other	4,489,787	6,149,503	1,659,716
<b>TOTAL REVENUE</b>	<b>15,299,392</b>	<b>16,949,093</b>	<b>1,649,701</b>
Expenses	(14,758,792)	(15,263,517)	504,725
<b>NET SURPLUS/(DEFICIT)</b>	<b>540,600</b>	<b>1,685,575</b>	<b>1,144,975</b>

Members

Members tonnages for the financial period ended 30 November 2022 were 808 tonnes below budget.

Trade & Casuals

The Casual and Trade tonnages are 10,782 tonnes higher than forecast for the financial year to date with 10857 tonnes attributed to the discounted rate waste tender.

The financial period ended 30 November 2022 closed with an overall 9,974 tonnes delivered more than budget year to date.

The net surplus against year to date budget variance \$1,144,975 is a result of increased revenue (tonnages) above budgeted forecast, directly impacted landfill levy costs and amortisation for cell development and on the other hand a decrease in depreciation expense.

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

**Receive the Financial Statements set out in Appendix No. 4 for the month ended 30 November 2022.**

**Moved Cr Jacob, seconded Cr Hatton**

**RESOLVED**

**That the recommendation be adopted  
(CARRIED UNANIMOUSLY 11/0)**

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

#### 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 30 November 2022 is at **Appendix 6** 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.

<b>Months Ended</b>	<b>Account</b>	<b>Vouchers</b>	<b>Amount</b>
30 November 2022	General Municipal	Cheques	\$1,678.10
		EFT	\$817,989.48
		DP	\$4,432,699.32
		Inter account transfers	\$0.00
		<b>Total</b>	<b>\$5,252,366.90</b>

#### 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 30 November 2022.**

**Moved Cr Re, seconded Cr Cvitan**

**RESOLVED**

**That the recommendation be adopted  
(CARRIED UNANIMOUSLY 11/0)**

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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.

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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,*
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*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.**

**Moved Cr Re, seconded Cr Jacob**

**Moved Cr Shannon, seconded Cr Re**

#### **AMENDMENT**

To add the following words:

- 3. Requests the CEO to obtain independent legal advice in relation to whether Local Governments have to go out to Tender for Insurance services and whether they are exempt from s3.57 of the Local Government Act.**

#### **REASONS:**

To clarify previous advice so that the MRC understands whether it needs to go to tender every year.

#### **(CARRIED 10/1)**

*For: Crs Castle, Cvitan, Ferrante, Gobbert, Hatton, Miles, Re, Shannon, Thornton, Vernon*

*Against: Cr Jacob*

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**SUBSTANTIVE RECOMMENDATION, AS AMENDED**

**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.**
- 3. Requests the CEO to obtain independent legal advice in relation to whether Local Governments have to go out to Tender for Insurance services and whether they are exempt from *s3.57 of the Local Government Act*.**

(CARRIED UNANIMOUSLY 11/0)

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<b>9.7</b>	<b>MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGY WORKSHOP DATES FOR 2023</b>
<b>File No:</b>	<b>GF-20-0000469</b>
<b>Appendix(s):</b>	<b>Nil</b>
<b>Date:</b>	<b>02 December 2022</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

### 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.

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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.**

**Moved Cr Vernon, seconded Cr Re**

#### **RESOLVED**

**That the recommendation be adopted**  
(CARRIED UNANIMOUSLY 11/0)

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**10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 73**

**RESPONSIBLE OFFICER RECOMMENDATION**

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

**Moved Cr Ferrante, seconded Cr Hatton**

**RESOLVED**

**That the recommendation be adopted**

**(CARRIED UNANIMOUSLY 11/0)**

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12 URGENT BUSINESS**

Nil

**13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

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In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requests the Council to meet “behind closed doors” to allow the Council to consider item 14.1 as the items are of a confidential nature.

No members of the public were present in the gallery.

**Moved Cr Vernon, Seconded Cr Re  
Procedural Motion**

- 1. Closes the meeting to the members of the public at 7.47 pm to consider item 14.1 in accordance with Section 5.23 of the *Local Government Act 1995*.**
- 2. Permits the MRC Chief Executive Officer and MRC staff to remain in the chamber during discussion for these items.**

(CARRIED UNANIMOUSLY 11/0)

Doors closed at 7.47 pm

**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**

**That Council:**

- Notes the Annual Financial Audit Planning Summary Year Ended 30 June 2022
- Notes the Auditor General Independent Auditors Report 2022
- Notes the Annual Financial Audit Exit Brief Year Ended 30 June 2022
- Notes the Representation Letter Year Ended 30 June 2022

**Moved Cr Vernon, seconded Cr Cvitan  
RESOLVED**

**That the recommendation be adopted  
(CARRIED UNANIMOUSLY 11/0)**

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**Moved Cr Vernon, seconded Cr Hatton**

**Procedural Motion:  
That Council:**

- **Reopen the meeting to members of the public at 7.56 pm**

**To re-open the meeting to the public**  
(CARRIED UNANIMOUSLY 11/0)

Doors re-opened at 7.57 pm, the Chair declared the meeting re-opened. As there were no members of the public present, the Chair noted the resolutions passed behind closed doors

**15 NEXT MEETING**

The next Ordinary Council meeting will be held on 23 February 2023 at the City of Joondalup.

**16 CLOSURE**

The Chair closed the meeting at 7.58 pm and thanked the City of Perth for their hospitality and use of their meeting facilities.

Signed .....Chair

Dated.....day of .....2023

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