



AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

23 FEBRUARY 2023

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of Council will be held on Thursday, 23 February 2023 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5:00PM.

Regards,



S MASTROLEMBO
Chief Executive Officer

17/02/2023

Our Mission

"To deliver affordable and quality Local Government services."

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions in section 5.25 of the *Local Government Act 1995* establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

Should you require this document in an alternative format please contact us.

Councillor Attendance Register										
Councillor		Cr H Tracey	Cr D Male	Cr E Foy	Cr P Matsumoto	Cr C Mitchell	Cr B Rudeforth	Cr P Taylor	Cr N Wevers	Vacant Seat
2021	16 December			A						
2022	24 February			LOA	A					
2022	31 March						LOA			
2022	28 April			A						
2022	26 May			LOA	A					
2022	30 June		A	A						
2022	28 July									
2022	25 August									
2022	29 September									
2022	27 October							LOA		
2022	17 November	E					A			
2022	15 December			LOA						

- **LOA (Leave of Absence)**
- **A (Apologies)**
- **E (Attended Electronically)**
- **NA (Non-Attendance)**
- **R (Resignation)**

2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2-month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2-month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.

SHIRE OF BROOME
ORDINARY MEETING OF COUNCIL
THURSDAY 23 FEBRUARY 2023

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1. OFFICIAL OPENING

2. ATTENDANCE AND APOLOGIES

3. ANNOUNCEMENTS BY PRESIDENT

4. DECLARATIONS OF INTEREST

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. CONFIRMATION OF MINUTES

RECOMMENDATION:
That the Minutes of the Ordinary Council Meeting held 15 December 2022, as published and circulated, be confirmed as a true and accurate record of that meeting, subject to replacement of the Attachment titled “Minutes and Recommendations from the Audit and Risk Committee meeting held on 12 December 2022”, with the minutes as corrected by the Audit and Risk Committee’s resolution on 14 February 2023

RECOMMENDATION:
That the Minutes of the Special Meeting of Council held on 16 December 2022, as published and circulated, be confirmed as a true and accurate record of that meeting.

8. PRESENTATIONS / PETITIONS / DEPUTATIONS

There are no reports in this section.

9. REPORTS FROM OFFICERS

9.1 PEOPLE

There are no reports in this section.

9.2 PLACE

9.2.1 PETITION - BROOME VOLLEYBALL ASSOCIATION - CONSIDERATION OF A MULTI-PURPOSE SAND ARENA WITHIN THE CABLE BEACH REDEVELOPMENT.

LOCATION/ADDRESS:	Cable Beach Foreshore
APPLICANT:	Broome Volleyball Association Inc.
FILE:	GOC33
AUTHOR:	Special Projects Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

A petition requesting that Council “reconsider and support the community proposal to incorporate a multi-purpose beach sand arena within the Cable Beach Redevelopment”, was presented at the 15 December 2022 Ordinary Meeting of Council.

BACKGROUND

A petition was presented by Tom Chapman - President of the Broome Volleyball Association Inc to the 15 December 2022 Ordinary Meeting of Council (**Attachment 1**).

The petition with 219 signatures requested Council to reconsider and support the community proposal to incorporate a multi-purpose sand arena within the Cable Beach Redevelopment for the following reasons:

- Overwhelming local community group support for a permanent beach sand arena close to amenities and without tide and debris limitations; and
- Potential for beach-oriented event-based tourism befitting the iconic Cable Beach and accompanying the spectacular Surf Life Saving Club Facility and associated amenities.

COMMENT

Public Questions and Petition

Members from the Broome Volleyball Association attended the November and December 2022 Ordinary Meetings of Council (OMC), submitting public questions.

At the November 2022 OMC meeting two public questions were submitted and responses were provided by the CEO. Full details can be found [here](#).

At the December 2022 OMC a further four questions were submitted and responded to by the CEO. Full details can be found [here](#).

Response

The Shire would like to acknowledge and thank the Broome Volleyball Association for the petition, letters of support and effort taken in collecting the 219 signatures.

The Cable Beach Foreshore Redevelopment has been a long-held aspiration of the community and Shire. In 2016 the Shire adopted the Cable Beach Development Strategy.

The foreshore was highlighted as a focus area and subsequently Council progressed a master plan for this precinct. The masterplan was developed with significant community input and engagement and included a formal public submission process. This masterplan was endorsed by Council in 2017. Subsequently the Coastal Hazard Risk Management Adaptation Plan was completed in 2017 and a Business Case in 2020.

In September 2021 Josh Byrne and Associates were appointed to develop detailed design documentation for the site, based on previous work completed in the master planning process. Given the extensive community consultation previously carried out, the consultant team were required to use the 2017 master plan as the starting point for the development of concepts for the site. In the first instance, this master plan was reviewed and a site opportunities and constraints mapping exercise was completed.

A [Community Engagement Plan \(CEP\)](#) was developed and endorsed by Council in September 2021. This included the establishment of a Cable Beach Community and Stakeholder Reference Group and prescribed the engagement to be carried out through this detailed design phase.

Public engagement was undertaken during the 50% concept phase of the design process as required by the Council endorsed Community Engagement Plan. Engagement occurred in March 2022 including several community and targeted interest group information sessions, market stalls and community picnics. Members of the community were encouraged to provide feedback on the design to help shape its evolution.

The idea of a sand court arena had not been raised through any of these formal community consultation processes.

The Shire is highly supportive of promoting beach orientated sports such as volleyball on Cable Beach itself. The redevelopment includes access to plug in power in order to facilitate events and activities on the beach. The Shire will also be completing a Place Activation Plan in the near future to actively facilitate usage, this will involve consultation with local sporting groups to ensure opportunities for use of this iconic beach are maximised.

The language used in the petition is broad and does not specifically mention the area east of the Broome Surf Life Saving Club (BSLSC) as the Broome Volleyball Association's preferred location.

All local sporting groups were engaged extensively through the development of the Sport and Recreation Plan 2021 – 2031. There was no formal submission made through the public comment process held most recently in February / March 2022. The Sport and Recreation Plan recommends three sand courts at Broome Recreation and Aquatic Centre in the future.

The Cable Beach project is at the completion of the detailed design phase and tender packages for construction are currently being finalised. The design has evolved over time with consideration from community feedback, there are however many thoughts and ideas that could unfortunately not all be accommodated.

It would undermine the community engagement process that has already occurred and be unfair to those parties that put in the submissions at the appropriate time to be changing elements based on a late submission.

The hardstand design of the Youth hub allows for a range of free and open usage activities that cannot take place on the beach sand. Given the limited availability of foreshore land the Shire supports and encourages sand-based sports to be based on the beach.

For these reasons, the Shire is not supportive of a permanent beach sand area east of BSLSC or elsewhere as part of the Cable Beach Foreshore Redevelopment.

CONSULTATION

Extensive community consultation has been undertaken in all stages of the Cable Beach Foreshore Redevelopment project (as outlined above).

At the September 2021 OMC Council endorsed the [Community Engagement Plan](#) for the Detailed Design part of this project.

This has provided a framework for all aspects of consultation associated with the project.

Shire officers have met with members of the Broome Volleyball Association on several occasions to discuss this matter.

The [Community Engagement Evaluation Report](#) was tabled at the 15 December Council meeting which summaries the engagement that was completed.

STATUTORY ENVIRONMENT

Shire of Broome Meeting Procedures Local Law 2020

Clause 6.10 – Petitions

The petition was signed by 219 electors and five letters of support were submitted by: Broome Volleyball Association, Volleyball Western Australia, Broome Netball Association, Broome Social Soccer Club and the Broome Sailing Club.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Josh Byrne and Associates are currently in the final stages of detailed designs for the Cable Beach Foreshore redevelopment. Any changes to layout would incur significant costs to the Shire of Broome in redesign.

The Shire has secured significant external grant funding for the Cable Beach Foreshore Redevelopment including \$6M from the Building Better Regions Fund. These grants come with timelines that require the funds to be spent and acquitted by a fixed date. Any delays to the start of construction, such as those incurred by re-designing work risk the loss of all or part of these grant funds.

RISK

Public perception risk.

STRATEGIC ASPIRATIONS

People - We will continue to enjoy Broome-time, our special way of life. It's bursting with energy, inclusive, safe and healthy, for everyone

Outcome 3 - A healthy, active community

Objective 3.2 Improve access to sport, leisure and recreation facilities, services and programs.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

- 1. Acknowledges receipt of the petition from the Broome Volleyball Association Inc;*
- 2. Requests the Chief Executive Officer advise the Broome Volleyball Association that Council has undertaken a thorough community engagement process over a 6 year period in regard to the Cable Beach Foreshore and therefore upholds the current design layout in consideration of this consultation and to respect feedback provided through the formal processes over this time; and*
- 3. Requests the Chief Executive Officer to ensure the Cable Beach Place Activation Plan identifies ways to promote sand-based sports on the beach, including volleyball.*

Attachments

There are no attachments for this report.

9.3 PROSPERITY

There are no reports in this section.

9.4 PERFORMANCE

9.4.1 LOCAL GOVERNMENT ELECTIONS 2023

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	GOE04
AUTHOR:	Manager Governance, Strategy & Risk
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report recommends that Council appoint the Western Australian Electoral Commission (**WAEC**) to conduct the 2023 Ordinary Election on behalf of the Shire and that the election be an 'In-Person' election.

BACKGROUND

The next local government ordinary election is scheduled to be held on Saturday 21 October 2023.

The Chief Executive Officer of a local authority is responsible for the conduct of local government elections unless arrangements are made in accordance with section 4.20 of the *Local Government Act 1995* to appoint another person. This appointment must occur at least 80 days prior to election day.

Section 4.61(1) of the *Local Government Act 1995* provides for an election to be conducted as a:

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

Postal voting legislation currently prohibits early polling. This limits the ability to provide pre-polling opportunities particularly in the remote communities and for this reason has not been considered for the 2023 Ordinary Election.

The WAEC has conducted the in-person elections on behalf of the Shire since 2009.

COMMENT

The WAEC have provided a cost estimate of \$44,000 including GST to conduct the 2023 election (**Attachment 1**). This is based on the appointment of a non-local Returning Officer (**RO**).

Council requested that the WAEC appoint a non-local RO for the 2019 and 2021 elections to eliminate any perception of political or personal influence. This has provided increased

assurance to the candidates and the community that the election process is undertaken in an open and transparent manner. The cost of a non-local RO is estimated at \$6,000 including GST.

To confirm the WAEC engagement for the 2023 election a resolution of Council by absolute majority is required under section 4.20(4) of the Act.

Overseeing local government elections by the WAEC was recommended in the Local Government Act Review Final Report issued in May 2020 which stated:

“The Panel decided that the WAEC was the most appropriate organisation to coordinate local government elections. Having the one body responsible for conducting elections would allow for greater consistency across local governments.”

The Shire has a well-established relationship with the WAEC and their continued appointment is strongly recommended.

CONSULTATION

Western Australian Electoral Commission.

STATUTORY ENVIRONMENT

4.20. CEO to be returning officer unless other arrangements made

(1) Subject to this section the CEO is the returning officer of a local government for each election.

(2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —

(a) an election; or

(b) all elections held while the appointment of the person subsists.

* Absolute majority required.

(3) An appointment under subsection (2) —

(a) is to specify the term of the person's appointment; and

(b) has no effect if it is made after the 80th day before an election day.

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

* Absolute majority required.

4.61. Choice of methods of conducting election

(1) The election can be conducted as a —

postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

(2) The local government may decide* to conduct the election as a postal election.

* Absolute majority required.

POLICY IMPLICATIONS

Election Caretaker Policy

FINANCIAL IMPLICATIONS

The amount of \$44,000 (incl. GST) will be allocated in the 2023/24 municipal budget (GL 20404), subject to Council endorsement.

RISK

Utilising the WAEC resources and expertise reduces the risk of non-compliance and ensures a high level of impartiality and transparency.

STRATEGIC ASPIRATIONS

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 11 - Effective leadership, advocacy and governance

Objective 11.2 Deliver best practice governance and risk management.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 Ordinary Election together with any other elections or polls which may also be required;*
- 2. Determines the Shire of Broome 2023 Ordinary Election be conducted as a voting In- Person election as defined in section 4.61(1) of the Local Government Act 1995; and*
- 3. Requests the Chief Executive Officer to make appropriate allocations for election expenses in the 2023/24 budget.*

Attachments

1. WAEC 2023 Ordinary Election Cost Estimate

LGE 028

Mr Sam Mastrolembro
Chief Executive Officer
Shire of Broome
PO Box 44
BROOME WA 6725

Dear Mr Mastrolembro

Local Government Ordinary Election: 2023

The next local government ordinary elections will be held on 21 October 2023. While this is still some distance in the future, I have enclosed an estimate for your next ordinary election to assist in your 2023/2024 budget preparations.

The estimated cost for a 2023 voting in person election is \$44,000 inc GST which has been based on the following assumptions:.

- 9,400 electors
- response rate of approximately 30%
- 5 vacancies
- count to be conducted at the offices of the Shire of Broome
- appointment of a non-local Returning Officer.

The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis. The price you have been quoted is an estimate only, and the final cost incurred may vary depending on a range of factors.

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns
- the cost of any casual staff to assist the Returning Officer on election day or night
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

179918

9.4.2 MONTHLY PAYMENT LISTING DECEMBER 2022

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Finance Officer - Creditors
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report recommends that Council receives the list of payments made under delegated authority, as per the attachment to this report, for December 2022.

BACKGROUND

The Chief Executive Officer (CEO) has delegated authority to make payments from the Municipal and Trust funds as per the budget allocations.

COMMENT

The Shire provides payments to suppliers by either Electronic Funds Transfer (EFT & BPAY), cheque, credit card or direct debit. Attached is a list of all payments processed under delegated authority during December 2022.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

Reg 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

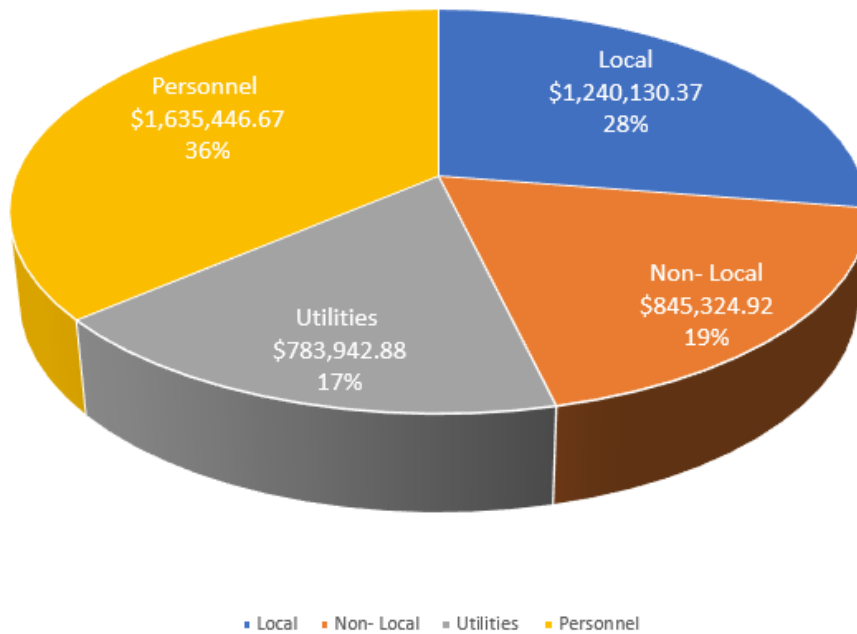
POLICY IMPLICATIONS

Nil.

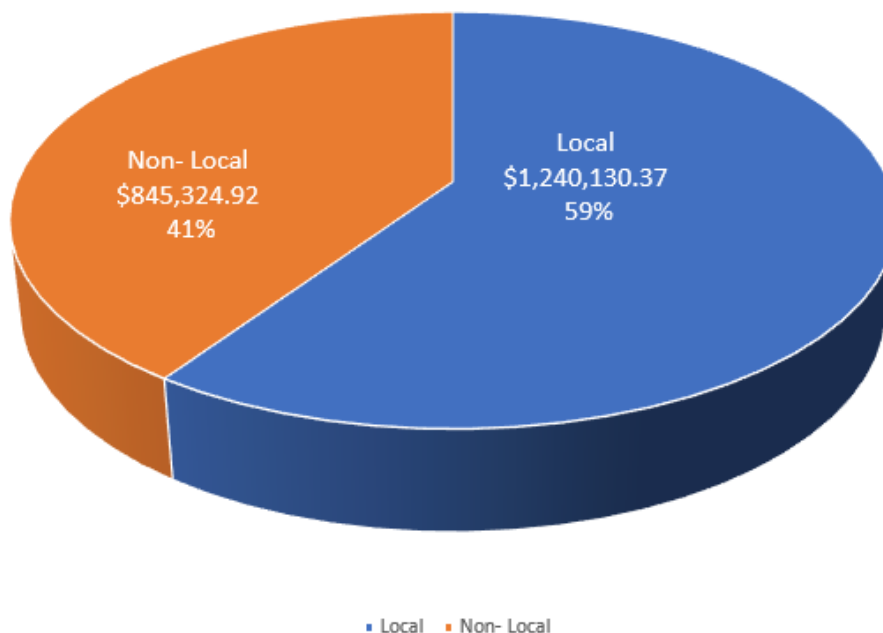
FINANCIAL IMPLICATIONS

List of payments made in accordance with budget and delegated authority. Payments can also be analysed as follows:

SHIRE OF BROOME PAYMENTS DECEMBER 2022



LOCAL VS NON-LOCAL PAYMENTS DECEMBER 2022



The above graph shows the percentage of local spend in comparison to non-local and recoupable spend for December 2022 after \$1,635,446.67 in personnel payments, \$783,942.88 in utilities and other non-local sole suppliers were excluded.

YEAR TO DATE CREDITOR PAYMENTS

The below table summarises the total payments made to creditors year to date:

Month	Cheques	EFT Payments	Direct Debit	Credit Card	Trust	Payroll	Total Creditors
Jul-22	\$ 5,314.00	\$ 3,047,351.62	\$ 171,200.46	\$ 15,398.08	\$ -	\$1,364,058.69	\$ 4,603,322.85
Aug-22	\$ 25,568.89	\$ 2,848,898.04	\$ 174,797.34	\$ 27,115.77	\$ -	\$1,093,335.48	\$ 4,169,715.52
Sep-22	\$ 9,920.50	\$ 3,056,121.57	\$ 173,868.29	\$ 37,681.34	\$ -	\$1,079,117.52	\$ 4,356,709.22
Oct-22	\$ 13,212.10	\$ 2,793,790.64	\$ 170,971.65	\$ 38,481.39	\$ -	\$1,093,182.67	\$ 4,109,638.45
Nov-22	\$ 2,788.50	\$ 3,190,550.76	\$ -	\$ 27,908.69	\$ -	\$1,089,624.00	\$ 4,310,871.95
Dec-22	\$ 719.10	\$ 3,133,956.03	\$ 208,135.90	\$ 21,574.62		\$1,140,459.19	\$ 4,504,844.84
Jan-23							\$ -
Feb-23							\$ -
Mar-23							\$ -
Apr-23							\$ -
May-23							\$ -
Jun-23							\$ -
TOTAL	\$ 57,523.09	\$ 18,070,668.66	\$ 898,973.64	\$ 168,159.89	\$ -	\$6,859,777.55	\$ 26,055,102.83

RISK

There is a minor risk on non-compliance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* as there are well established procedures in place to ensure that payment details are disclosed to Council in a timely manner, as well as Procurement and Purchasing policies which ensure these payments are made in accordance with budget and delegated authority and comply with *Local Government (Financial Management) Regulations 1996*.

STRATEGIC ASPIRATIONS

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 13 - Value for money from rates and long term financial sustainability

Objective 13.2 Improve real and perceived value for money from rates.

VOTING REQUIREMENTS

Simple Majority

<p>REPORT RECOMMENDATION:</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Receives the list of payments made from the Municipal and Trust Accounts in December 2022 totalling in \$4,504,844.84 (Attachment 1) per the requirements of Regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i> covering: <ol style="list-style-type: none"> a) EFT Vouchers EFT68147 - EFT68510 totalling \$3,155,530.65; b) Municipal Cheque Vouchers 57791 - 57792 totalling \$719.10; c) Trust Cheque Vouchers 0000 - 0000 totalling \$0; and d) Municipal Direct Debits DD31655.1 - DD31684.1 including payroll totalling \$1,348,595.09. 2. Notes the local spend of \$1,240,130.37 included in the amount above, equating to 59%. of total payments excluding personnel, utility and other external sole supplier costs

Attachments

1. Monthly Payment Listing December 2022

9.4.3 MONTHLY PAYMENT LISTING JANUARY 2023

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Finance Officer - Creditors
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report recommends that Council receives the list of payments made under delegated authority, as per the attachment to this report, for January 2023.

BACKGROUND

The Chief Executive Officer (CEO) has delegated authority to make payments from the Municipal and Trust funds as per the budget allocations.

COMMENT

The Shire provides payments to suppliers by either Electronic Funds Transfer (EFT & BPAY), cheque, credit card or direct debit. Attached is a list of all payments processed under delegated authority during January 2023.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT**Local Government (Financial Management) Regulations 1996**

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*

- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction; and*

- (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the Council at the next ordinary meeting of the Council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

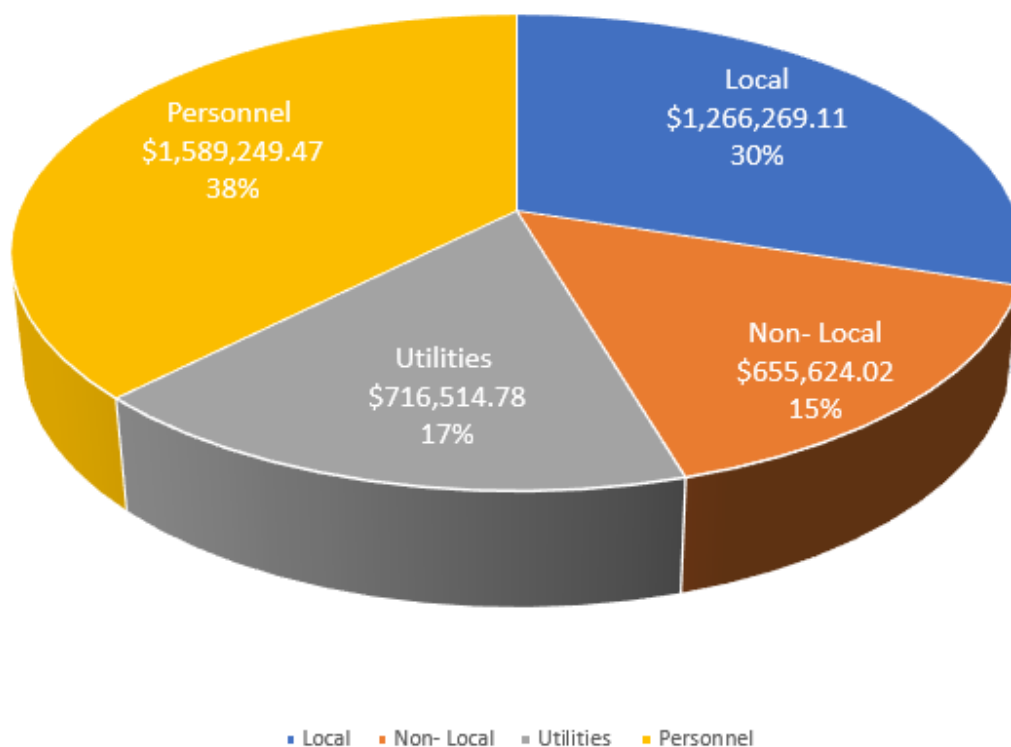
POLICY IMPLICATIONS

Nil.

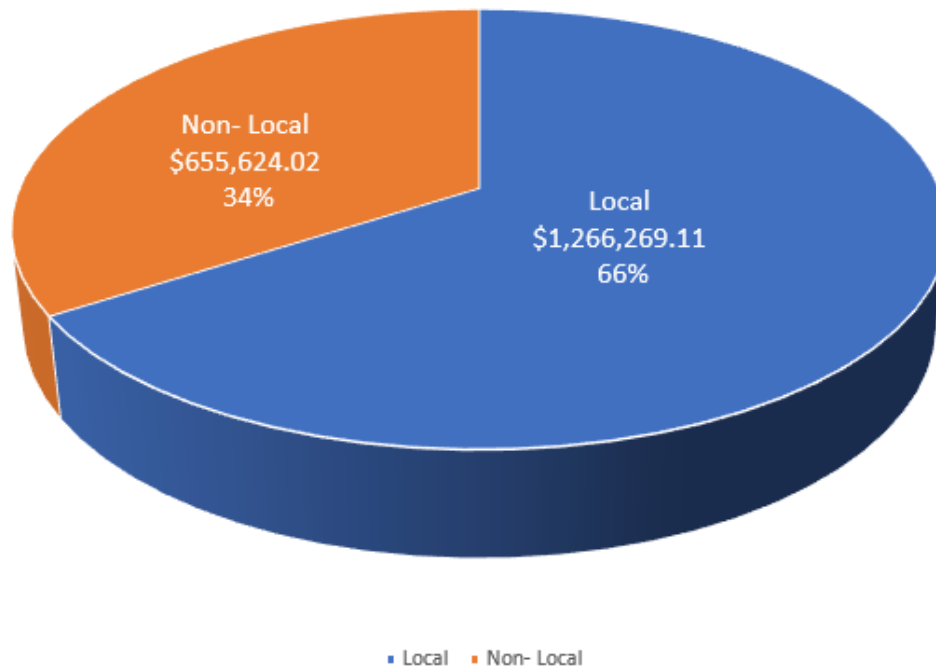
FINANCIAL IMPLICATIONS

List of payments made in accordance with budget and delegated authority. Payments can also be analysed as follows:

**SHIRE OF BROOME PAYMENTS
JANUARY 2023**



**LOCAL Vs NON-LOCAL PAYMENTS
JANUARY 2023**



The above graph shows the percentage of local spend in comparison to non-local and recoupable spend for January 2023 after \$1,589,249.47 in personnel payments, \$716,514.78 in utilities and other non-local sole suppliers were excluded.

YEAR TO DATE CREDITOR PAYMENTS

The below table summarises the total payments made to creditors year to date:

Month	Cheques	EFT Payments	Direct Debit	Credit Card	Trust	Payroll	Total Creditors
Jul-22	\$ 5,314.00	\$ 3,047,351.62	\$ 171,200.46	\$ 15,398.08	\$ -	\$1,364,058.69	\$ 4,603,322.85
Aug-22	\$ 25,568.89	\$ 2,848,898.04	\$ 174,797.34	\$ 27,115.77	\$ -	\$1,093,335.48	\$ 4,169,715.52
Sep-22	\$ 9,920.50	\$ 3,056,121.57	\$ 173,868.29	\$ 37,681.34	\$ -	\$1,079,117.52	\$ 4,356,709.22
Oct-22	\$ 13,212.10	\$ 2,793,790.64	\$ 170,971.65	\$ 38,481.39	\$ -	\$1,093,182.67	\$ 4,109,638.45
Nov-22	\$ 2,788.50	\$ 3,190,550.76	\$ -	\$ 27,908.69	\$ -	\$1,089,624.00	\$ 4,310,871.95
Dec-22	\$ 719.10	\$ 3,133,956.03	\$ 208,135.90	\$ 21,574.62	\$ -	\$1,140,459.19	\$ 4,504,844.84
Jan-23	\$ 995.50	\$ 2,597,431.54	\$ 532,241.63	\$ 14,510.88	\$ -	\$1,082,477.83	\$ 4,227,657.38
Feb-23							\$ -
Mar-23							\$ -
Apr-23							\$ -
May-23							\$ -
Jun-23							\$ -
TOTAL	\$ 58,518.59	\$ 20,668,100.20	\$1,431,215.27	\$ 182,670.77	\$ -	\$7,942,255.38	\$ 30,282,760.21

RISK

The risk of Council not adopting this report is extreme as this will result in non-compliance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

The likelihood of this ever occurring is rare due to the CEO's implementation of procedures to ensure payment details are disclosed to Council in a timely manner, as well as Procurement and Purchasing policies which ensure these payments are made in

accordance with budget and delegated authority and comply with *Local Government (Financial Management) Regulations 1996*.

STRATEGIC ASPIRATIONS

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 13 - Value for money from rates and long term financial sustainability

Objective 13.1 Plan effectively for short- and longterm financial sustainability

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. *Receives the list of payments made from the Municipal and Trust Accounts in January 2023 totalling in \$4,227,657.38 (Attachment 1) per the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996 covering:*
 - a) *EFT Vouchers EFT68439 - EFT68840 including Credit Card payments totalling \$2,948,331.35;*
 - b) *Municipal Cheque Vouchers 57793 - 57793 totalling \$995.50;*
 - c) *Trust Cheque Vouchers 0000 - 0000 totalling \$0.00; and*
 - d) *Municipal Direct Debits DD31773.1 – DD31773.2 including payroll totalling \$ 1,278,330.53.*
2. *Notes the local spend of \$1,266,269.11 included in the amount above, equating to 66% of total payments excluding personnel, utility and other external sole supplier costs.*

Attachments

1. Monthly Payment Listing January 2023

9.4.4 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - DECEMBER 2022

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Senior Finance Officer
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report recommends that Council receives the Monthly Statement of Financial Activity Report for the period ended 31 December 2022, as required by Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996 (FMR)*.

BACKGROUND

Council is provided with the Monthly Financial Activity Report which has been developed in line with statutory reporting standards and provides Council with a holistic overview of the operations of the Shire of Broome.

Supplementary information has been provided in the form of Notes to the Monthly Report and a General Fund Summary of Financial Activity, which discloses Council's Revenue and Expenditure in summary form, by Programme (Function and Activity).

COMMENT

The 2022/23 Annual Budget was adopted at the Special Meeting on 5 July 2022. The following are key indicators supporting the year to-date budget position with respect to the Annual Forecast Budget:

Budget Year elapsed	50.41%
Total Rates Raised Revenue	100% (of which 83.14% has been collected)
Total Other Operating Revenue	62%
Total Operating Expenditure	28%
Total Capital Revenue	43%
Total Capital Expenditure	24%
Total Sale of Assets Revenue	0%

More detailed explanations of variances are contained in Note 2 of the Monthly Statement of Financial Activity. The commentary identifies material variations between the expected year-to-date budget position and the position at the reporting date.

Based on the 2022/23 Annual Budget presented at the Special Meeting on 5 July 2022, Council adopted a balanced budget to 30 June 2023.

The Office of the Auditor General conducted the onsite final audit during October 2022. The audited 2021/22 Annual Financial Statements are being finalised and will be presented to Council in 2023, which will also confirm the opening budget position for 2022/23.

It should be noted that a new payroll system is being implemented across the organisation. While configurations are being finalised, the Employment costs to 31 December 2022 are reflecting overall as below YTD budget, however the January 2023 Financial Statements will incorporate the full employment costs.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.4 – Financial report

Section 6.8 – Expenditure from municipal fund not included in the budget

Local Government (Financial Management) Regulations 1996

Reg 34. Financial activity statement report — s. 6.4

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

RISK

The Financial Activity Report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer (CEO) has implemented internal control measures such as regular Council and management reporting and the quarterly Finance and Costing Review (FACR) process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$5,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

STRATEGIC ASPIRATIONS

Performance – We will deliver excellent governance, service and value, for everyone.**Outcome 11 – Effective leadership, advocacy and governance:**

Objective 11.2 Deliver best practice governance and risk management

Outcome 12 – A well informed and engaged community:

Objective 12.1 Provide the community with relevant, timely information and effective engagement

Outcome 13 - Value for money from rates and long term financial sustainability:

Objective 13.1 Plan effectively for short and long term financial sustainability

13.2 Improve real and perceived value for money from rates

Outcome Fourteen – Excellence in organisational performance and service delivery:

Objective 14.3 Monitor and continuously improve performance levels.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council receives the Monthly Financial Activity Statement Report for the period ended 31 December 2022 as attached.

Attachments

1. Monthly Statement of Activity December 2022

9.4.5 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - JANUARY 2023

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Senior Finance Officer
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report recommends that Council receives the Monthly Statement of Financial Activity Report for the period ended 31 January 2023, as required by Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996 (FMR)*.

BACKGROUND

Council is provided with the Monthly Financial Activity Report which has been developed in line with statutory reporting standards and provides Council with a holistic overview of the operations of the Shire of Broome.

Supplementary information has been provided in the form of Notes to the Monthly Report and a General Fund Summary of Financial Activity, which discloses Council's Revenue and Expenditure in summary form, by Programme (Function and Activity).

COMMENT

The 2022/23 Annual Budget was adopted at the Special Meeting on 5 July 2022. The following are key indicators supporting the year to-date budget position with respect to the Annual Forecast Budget:

Budget Year elapsed	58.90%
Total Rates Raised Revenue	100% (of which 88.35% has been collected)
Total Other Operating Revenue	70%
Total Operating Expenditure	33%
Total Capital Revenue	43%
Total Capital Expenditure	27%
Total Sale of Assets Revenue	0%

More detailed explanations of variances are contained in Note 2 of the Monthly Statement of Financial Activity. The commentary identifies material variations between the expected year-to-date budget position and the position at the reporting date.

Based on the 2022/23 Annual Budget presented at the Special Meeting on 5 July 2022, Council adopted a balanced budget to 30 June 2023.

The Office of the Auditor General conducted the onsite final audit during October 2022. The audited 2021/22 Annual Financial Statements are being finalised and will be presented to Council in 2023, which will also confirm the opening budget position for 2022/23.

It should be noted that a new payroll system is being implemented across the organisation, and January payroll has been paid but is not reflected in the Employment costs.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.4 – Financial report

Section 6.8 – Expenditure from municipal fund not included in the budget

Local Government (Financial Management) Regulations 1996

Reg 34. Financial activity statement report — s. 6.4

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

RISK

The Financial Activity Report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer (CEO) has implemented internal control measures such as regular Council and management reporting and the quarterly Finance and Costing Review (FACR) process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$5,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

STRATEGIC ASPIRATIONS

Performance – We will deliver excellent governance, service and value, for everyone.**Outcome 11 – Effective leadership, advocacy and governance:**

Objective 11.2 Deliver best practice governance and risk management

Outcome 12 – A well informed and engaged community:

Objective 12.1 Provide the community with relevant, timely information and effective engagement

Outcome 13 - Value for money from rates and long term financial sustainability:

Objective 13.1 Plan effectively for short and long term financial sustainability

13.2 Improve real and perceived value for money from rates

Outcome Fourteen – Excellence in organisational performance and service delivery:

Objective 14.3 Monitor and continuously improve performance levels.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council receives the Monthly Financial Activity Statement Report for the period ended 31 January 2023 as attached.

Attachments

1. Monthly Statement of Activity January 2023

10. REPORTS OF COMMITTEES

10.1 MINUTES AND RECOMMENDATIONS FROM AUDIT AND RISK COMMITTEE MEETING HELD ON 14 FEBRUARY 2023

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FIN001
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report presents for Council consideration the minutes from the Audit and Risk Committee meeting held on 14 February 2023.

BACKGROUND

Previous Considerations

SMC 5 July 2022	Item 5.4.1
ARC December 2022	Item 5.3
OMC 15 December 2022	Item 13.1.4

Item 5.1 2022 Compliance Audit Report

Local governments are required to complete a compliance audit for the previous calendar year by the 31 March. The Department of Local Government Sport and Cultural Industries (DLGSC) provides the questions each year with the compliance audit being an in-house self audit that is undertaken by the appropriate responsible officer.

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* the ARC is to review the CAR and is to report to Council the results of that review. The CAR is to be:

1. presented to an Ordinary Meeting of Council
2. adopted by Council; and
3. recorded in the minutes of the meeting at which it is adopted.

Following the adoption by Council of the CAR, a certified copy of the return, along with the relevant section of the minutes and any additional information detailing the contents of the return are to be submitted to the DLGSC by 31 March 2023.

The return requires the Shire President and the Chief Executive Officer to certify that the statutory obligations of the Shire of Broome have been complied with.

Item 5.2 RFQ22-34 Supply and Delivery of Thirteen Light Vehicles – Confirmation of Contract Awarding

Each year, as a part of the annual budget process the Shire of Broome allocates funds towards plant replacement. The allocations are made in accordance with the Long Term Financial Plan which is informed by the Shire's 10 Year Plant Replacement Program.

The Plant Replacement Program is reviewed annually to ensure plant replacement is optimised based on best practice replacement timeframes, plant utilisation rates and market conditions.

As part of the adopted budget for 2022/23 twelve (12) light vehicles were funded for replacement. Following the budget adoption and before seeking quotes a light vehicle was written off through a road accident and the replacement approved through our insurer.

The final request for quotation therefore included thirteen (13) light fleet vehicles.

Item 5.3 Carry Over Budgets for 2022/23 and Review of Closing Financial Position

The 2021/22 annual financial report is awaiting signoff by the auditor (Office of the Auditor General, OAG) and is anticipated to be received in March. The delay has impacted the adoption of budget amendments to align the carry over income and expenditure budgets to the actual results. Officers require Council approval for all budget amendments.

As prescribed under the *Local Government Act 1995* and following the completion of the financial year to 30 June, the audited annual financial report is presented to the Audit and Risk Committee. Within the report is a breakdown of the items making up the closing position for the financial year, which are summarised as:

- income and expenditure carry overs (grant or reserve-funded projects, or expenditure which has been committed to, but not yet undertaken),
- Commonwealth financial assistance grant (FAGS – a significant portion of the annual grant is regularly paid in advance of the financial year it relates to and while it is "untied", it is already committed to the following year's budget operations), and
- If there is a difference between the closing position and the above commitments, there is either an untied surplus or deficit, and officers will recommend how best to proceed with the difference.

Moore Australia (Moore), an accounting firm specialising in local government, were engaged to update Council's Long Term Financial Plan (LTFP) in November 2022. Based on their findings while assessing prior years financial statements as part of the LTFP review, Moore were engaged to undertake a detailed review of prior year opening and closing positions.

Item 5.4 2nd Quarter Finance and Costing Review

The Shire of Broome has carried out its 2nd Quarter Finance and Costing Review (FACR) for the 2022-23 financial year. This review of the 2022-23 Annual Budget is based on actuals and commitments for the first six months of the year from 1 July 2022 to 31 December 2022, and forecasts for the remainder of the financial year.

This process aims to highlight over and under expenditure of funds and over and under achievement of income targets for the benefit of Executive and Responsible Officers to ensure good fiscal management of their projects and programs.

Once this process is completed, a report is compiled identifying budgets requiring amendments to be adopted by Council. Additionally, a summary provides the financial impact of all proposed budget amendments to the Shire of Broome's adopted end-of-year forecast, to assist Council to make an informed decision.

It should be noted that the 2022-23 annual budget was adopted at the Special Meeting of Council on 5 July 2022 as a balanced budget.

The Quarter 2 FACR commenced on 23 January 2023. At the start of the Q2 FACR, a net deficit of \$111,933 was forecast arising from past budget amendments adopted by Council, including the Q1 FACR.

COMMENT

Item 5.1 2022 Compliance Audit Report

The DLGSC continues to focus on high risk areas of compliance and statutory reporting as prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

The CAR for the period 1 January to 31 December 2022 comprises a total of 94 questions, down from 98 questions the previous year. The majority of questions are similar to the previous year with the removal of four questions relating to the adoption of a mandatory Code of Conduct for elected members, committee members and employees in 2021 and one question in relation to CEO recruitment. A new question has been added in relation to the complaints register.

A compliance rating of 96% has been achieved for 2022 with two minor non compliances identified below, however these are a result of the Office of Auditor General (OAG) not supplying the auditor's report by 31 December 2022. The DLGSC were notified of this on 14 December 2022.

Focus Area	Question	Comments
Finance	Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?	The Office of the Auditor General (OAG) advised that the auditor's report will be completed Feb/March 2023. DLGSC were notified 14 December 2022.
Finance	Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit?	The Office of the Auditor General (OAG) advised that the auditor's report will be completed Feb/March 2023. DLGSC were notified 14 December 2022.

Item 5.2 RFQ22-34 Supply and Delivery of Thirteen Light Vehicles – Confirmation of Contract Awarding

On 3 November 2022 the Shire issued RFQ22-34 Supply and Delivery of Thirteen (13) Light Vehicles. The request was issued using Vendor Panel with a closing date of 30 November 2022.

The request was sent to five reputable Kimberley and Perth based suppliers all deemed to have the capacity to supply and deliver the vehicles.

- Broome Motors
- Maddington Toyota
- City Toyota,
- Avon Valley Toyota and Isuzu

- North West Motor Group Pty Ltd

No clarifications were received during the request period and two quotations were received before the deadline. One from North West Motor Group Pty Ltd and the other from City Toyota.

In accordance with the Request for Quotation document officers assessed the response against the Compliance and Qualitative Criteria.

Compliance Criteria	Pass/ Fail
Respondents are to provide acknowledgement that their organisation has submitted in accordance with the Conditions of this RFQ	Y/N
Compliance with the specification contained in the request	Y/N
Compliance with the delivery dates	Y/N

Qualitative Criteria	Weighting %
Resources, Service and Maintenance	40%
Operator & Mechanical Assessment	30%
Demonstrated Understanding	30%

The formal evaluation process was completed separately by three (3) Shire officers considered to have the relevant qualifications and skills and the evaluation report completed (**Confidential Attachment 1**).

An evaluation report was prepared with a recommendation that North West Motor Group (supplied by Broome Toyota) be selected as the preferred respondent. The evaluation report was approved by the Chief Executive Officer. (CEO)

Delegation Breach

The total purchase price for the 13 vehicles as outlined in the Financial Implications section below amounted to \$690,745 (ex GST).

Following approval of the evaluation report by the CEO, Shire officers incorrectly proceeded to commit the Shire contractually to the purchase by issuing thirteen separate purchase orders to the preferred respondent - North West Motor Group (Purchase order numbers 107434, 107435, 107466, 107467, 107477, 107478, 107479, 107480, 107482, 107484, 107487, 107488 & 107489). Separate orders were thought to be the best approach by officers at the time due to the differing specifications of each vehicle and the fact that several expenditure accounts were used.

Proceeding directly to purchase was in breach of Delegation 1.2.16 Tenders for Goods and Services which limits the CEO's authority to procurements less than \$500,000. Request for Tender (RFT) and Requests for Quotation (RFQ) above this amount require Council endorsement.

Officers are seeking retrospective endorsement of the confidential Evaluation Report in **Confidential Attachment 1**.

Governance staff have worked with the relevant staff involved to ensure that they understand the compliance issues surrounding this purchasing process and will continue to roll out purchasing training to staff in an effort to build capability in this area.

Item 5.3 Carry Over Budgets for 2022/23 and Review of Closing Financial Position

Late in 2020 accounting standards changed, affecting the treatment of contract liabilities associated with restricted cash and how they are reflected in municipal and reserve funds. The changes primarily relate to establishing the timing of when income should be recognised where there are obligations tied to the income, and apply mainly to grant funding received by Council. The standards stipulate that should contract obligations exist and income is not spent in the year it is received, that revenue is required to be reflected as a contract liability and treated as income in the financial year in which it is expended.

The changes were required to take effect in the Annual Financial Report for the year ended 30 June 2020. The advice at the time was not clear and professional opinions in the industry were mixed given the late notice of the changes. Officers interpreted the changes with guidance from the auditors; the Shire of Broome is directly audited by OAG. The financials for 2020/21 were treated consistently with the prior year, and both annual financial reports for 2019/20 and 2020/21 were audited and signed off by the OAG.

The 2021/22 financials were positioned to follow the same treatment as prior years which would have presented an untied surplus similar to prior year closing positions, however following the review of the closing position for the last two financial years by Moore it was recognised that this approach was flawed.

Following their review Moore presented the adjusted closing positions as follows, with the amended position reflecting the adjustment to the treatment of contract liabilities over the 3 year period:

	Audited Closing Position	Adjusted Closing Position	Variance
2020 Actual	4,188,392	2,828,740	(1,359,652)
2021 Actual	4,839,446	4,535,688	(303,758)
2022 Actual	* 4,145,052	2,963,867	(1,181,185)

**2022 Budgeted closing position. The Adjusted closing position has been reflected in the current financials presented to OAG.*

It is important to note that the variances identified for each financial year are not cumulative; the new treatment of contract liabilities associated with restricted cash essentially reverse the previous treatments.

The closing position adjustments have effectively identified discrepancies in the Shire's financial position over this period and therefore it has become apparent that recommendations and decisions have been made to allocate surplus funds to Reserve, which were not available. A review of these Reserve transfers has been undertaken and there is the ability to reverse some of these transfers if required.

In the first instance however, and to confirm our 22/23 FY position, there are also adjustments to consider that have occurred between budgeted carry overs and the audited figures.

Maintaining commitments from 2021/22 (income and expenditure budget carry overs) and utilising advanced FAGS supporting the 2022/23 budget results in a closing position deficit of \$715,622. This deficit deals with the impacts of the historic variance in the 2021/22 annual financial report. The breakdown is summarised as follows:

	Budgeted Closing Position 30/06/22	Audited Closing Position 30/06/22	Variance
Expenditure budget carry over	9,706,606	9,682,820	(23,786)
Income budget carry over	(7,099,034)	(7,540,811)	(441,777)
Advanced FAGS carry over	1,537,480	1,537,480	0
Actual deficit		(715,622)	(715,622)
Closing Position	4,145,052	2,963,867	(1,181,185)

The itemised carry over list has been scrutinised by the Executive Management Group to ensure every project is critical to keep. These are either grant or reserve funded projects, committed projects, or asset management plan (AMP) renewal (any expenditure committed through AMP renewal would transfer to the appropriate reserve for use in a future year).

Carry over projects

Carry over income and expenditure are presented in the budget with the best information on hand at the time of adoption, so there is potential for differences between the estimated and final remaining balances of these projects. Once the annual financial report is audited and presented to Council, there is certainty that these will not change further, and Council resolution is required to make the amendments to the adopted budget.

Given that the financial annual report for 2021/22 is currently with the auditors (OAG) and awaiting final signoff, the final carry over list has not previously been presented to Council. Officers have sought advice, and these adjustments can be recommended outside of the presentation of the annual financial report, with the understanding that the OAG may propose amendments which affect the closing position up to the point of signoff. The actual carry over adjustments are presented in Attachment 1. Endorsement of the carryover adjustments will give officers clarity and authorisation to finalise these outstanding projects.

Treatment of Deficit

Decisions that were made in prior financial years were correct to the best of the knowledge on hand at that point in time, and the interpretation of accounting standard changes and subsequent treatment of these funds were appropriate and received OAG sign off in relevant audits. It is not possible for those decisions to be reversed as funds were subsequently allocated to projects and expended in the relevant financial years. Instead, officers have sought the most appropriate resolution without reducing existing service levels.

To immediately reduce the deficit of \$715,622, officers propose to reverse transfers to the Public Open Space (POS) Reserve that were budgeted and actioned in 2021/22. The first proposal is to reverse \$350,830 relating to the 2020/21 net surplus, which was transferred to the POS reserve. Adjusted calculations established that an untied surplus of \$350,830 was not available and as such officers believe that reversing this allocation is a logical step in reducing the revised closing position deficit.

On review of the POS reserve an unspecified transfer of \$46,381 in the 2021-22 budget was not tied to a specific project. It is recommended that these funds are also utilised to further offset the closing position deficit.

These transfers from Reserve will reduce the actual untied deficit of \$715,622 down to \$318,411, as reflected in the table below. This deficit position aligns with the net result of the

2021-22 Quarter 3 FACR, which estimated a projected budget deficit position of \$356,599 to 30 June 2022.

These proposed actions reduce the closing deficit to a more manageable figure that is below the materiality threshold. To further reduce the deficit position officers recommend that organisational savings are identified through the quarter 2 and quarter 3 Finance and Costing Review (FACR) processes. Alternatively, the Audit and Risk Committee could recommend Council fund the deficit from Reserves, using funds allocated to projects through savings identified during FACR processes in 2021-22. This would potentially reduce the funding available for future commitments (specified projects or asset renewal). Officers are confident that through astute management of the budget through to 30 June 2023 savings can be delivered to balance the deficit position by year end.

	Audited Closing Position 30/06/22
Expenditure Budget carry over	9,682,820
Income Budget carry over	(7,540,811)
Advanced FAGS carry over	1,537,480
Reversal of transfer to POS Reserve (Net surplus from FY 2020/21 allocated for future projects)	(350,830)
Reversal of transfer to POS Reserve (Unallocated budget transfer)	(46,381)
Actual deficit	(318,411)
Closing Position	2,963,867

CONSULTATION

Item 5.1 2022 Compliance Audit Report

Department of Local Government, Sport and Cultural Industries

Item 5.2 RFQ22-34 Supply and Delivery of Thirteen Light Vehicles – Confirmation of Contract Awarding

WALGA Governance

Item 5.3 Carry Over Budgets for 2022/23 and Review of Closing Financial Position

Moore Australia

Department of Local Government, Sport and Cultural Industries (DLGSC)

Office of the Auditor General (OAG)

Item 5.4 2nd Quarter Finance and Costing Review

All amendments have been proposed after consultation with Executive and Responsible Officers at the Shire.

STATUTORY ENVIRONMENT

Item 5.1 2022 Compliance Audit Report

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

15. Compliance audit return, certified copy of etc. to be given to Departmental CEO

Item 5.2 RFQ22-34 Supply and Delivery of Thirteen Light Vehicles – Confirmation of Contract Awarding

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

11. *When tenders have to be publicly invited*

Shire of Broome Delegations Register

Delegation 1.2.16 Tenders for Goods and Services

Item 5.3 Carry Over Budgets for 2022/23 and Review of Closing Financial Position

Local Government Act 1995

6.4 *Financial report*

7.9 *Audit to be conducted*

Local Government (Audit) Regulations 1996

Local Government (Financial Management) Regulations 1996

The Office of the Auditor General advised that the audit report would not be received by 31 December 2022 as prescribed. Officers wrote to Department of Local Government, Sport and Cultural Industries to confirm that the timeframe would not be met.

Item 5.4 2nd Quarter Finance and Costing Review

Local Government (Financial Management) Regulation 1996

r33A. *Review of Budget*

Local Government Act 1995

6.8. *Expenditure from municipal fund not included in annual budget*

POLICY IMPLICATIONS

Item 5.1 2022 Compliance Audit Report

Nil.

Item 5.2 RFQ22-34 Supply and Delivery of Thirteen Light Vehicles – Confirmation of Contract Awarding

Purchasing

The Purchasing Policy was complied with in terms of seeking the correct number of quotes etc. An administrative oversight resulted in purchase orders committing the Shire being released in excess of Delegation 1.2.16.

Item 5.3 Carry Over Budgets for 2022/23 and Review of Closing Financial Position

Nil.

Item 5.4 2nd Quarter Finance and Costing Review

Nil.

It should be noted that according to the materiality threshold set at the budget adoption, should a deficit achieve 1% of Shire's operating revenue (\$402,749) the Shire must formulate an action plan to remedy the over expenditure.

FINANCIAL IMPLICATIONS

Item 5.1 2022 Compliance Audit Report

Nil.

Item 5.2 RFQ22-34 Supply and Delivery of Thirteen Light Vehicles – Confirmation of Contract Awarding

The Plant Replacement Program budget for the thirteen light vehicles is spread across five expenditure accounts.

Expenditure Account	Budget Expenditure (excl. GST)	Purchase amounts (excl. GST)
148611	\$120,000	\$107,763
148611 (Write off)	\$42,272	\$51,289
106184	\$165,000	\$151,791
148021	\$60,000	\$52,143
143610	\$110,000	\$106,544
1042510	\$58,000	\$70,042
148004	\$165,000	\$151,171
TOTAL	\$720,272	\$690,745

The overall budgeted expenditure for the replacement of the thirteen light vehicles is \$720,272 excluding GST. The quotation from North West Motor Group Pty Ltd for the thirteen vehicles was \$690,745 excluding GST or \$29,527 excluding GST under budget.

Item 5.3 Carry Over Budgets for 2022/23 and Review of Closing Financial Position

The report presenting the 2022/23 annual budget (adopted at the Special Meeting of Council on 5 July 2022) identified the tolerable organisational deficit as 1% of operating revenues, or a deficit of \$402,749 which is more than twice the risk matrix financial impact threshold of \$150K, placing it beyond the extreme level. As per the risk matrix, the remedial outcome requires immediate intervention when the overall deficit is expected to exceed the \$150K risk matrix threshold.

To immediately reduce the deficit of \$715,622, officers propose to reverse transfers to the Public Open Space (POS) Reserve that were budgeted and actioned in 2021/22.

The first proposal is to reverse \$350,830 relating to the 2020/21 net surplus which was transferred to the POS reserve. Adjusted calculations established that an untied surplus of \$350,830 was not available and as such officers believe that reversing this allocation is a logical step in reducing the revised closing position deficit.

On review of the POS reserve an unspecified transfer of \$46,381 in the original budget was not tied to a specific project. It is recommended to utilise these funds to further offset the closing position deficit.

These transfers from Reserve will reduce the actual untied deficit of \$715,622 down to \$318,411, as reflected in the table below.

	Audited Closing Position 30/06/22
Expenditure Budget carry over	9,682,820
Income Budget carry over	(7,540,811)
Advanced FAGS carry over	1,537,480
Reversal of transfer to POS Reserve (Net surplus from FY 2020/21 allocated for future projects)	(350,830)

Reversal of transfer to POS Reserve (Unallocated budget transfer)	(46,381)
Actual deficit	(318,411)
Closing Position	2,963,867

Item 5.4 2nd Quarter Finance and Costing Review

The overall result of the Quarter 2 FACR estimates a total budget deficit position of **\$277,233** to 30 June 2023.

RISK

Item 5.1 2022 Compliance Audit Report

There is a reputational risk with the DLGSC should the CAR not be completed on time or if significant non compliances are reported.

The likelihood of this occurring is rare.

Item 5.2 RFQ22-34 Supply and Delivery of Thirteen Light Vehicles – Confirmation of Contract Awarding

Risk	Type	Rank	Mitigation
Non compliance	Compliance Reputation	Moderate	Obtain retrospective Council approval of the Evaluation Report Highlight the non-compliance with Auditors to evidence complete transparency.
Breach of Contract	Financial	Moderate	Purchase orders commit the Shire to purchase under contract law. Attempting to void the contract would potentially expose the Shire to Breach of Contract claim

Item 5.3 Carry Over Budgets for 2022/23 and Review of Closing Financial Position

Should Council not endorse the officer recommendation there is a high risk of non-compliance and action by the OAG and DLGSC.

Additional risk is associated with officer compliance; officers are required to keep within adopted budgets, so delaying the adjustments to carry over budgets has the potential for further issues and non-compliance until the actual budgets are adopted, including:

- Officers spending in line with original budgets; where carry over budgets are less than expected, could lead to erroneously overspending,
- Officer spending in line with the know actual carry over budgets; where carry overs are larger than expected, could lead to non-compliance as Council have not authorised the amended budget,
- Officers delay the carry over project until Council have adopted the budget amendments, and the timing results in the project being a carry over into the next financial year,
- Where carry over projects have been completed, and there is overspend or savings to resolve, allowing Officers time to make appropriate recommendations within quarter 3 FACR.

Officers have assessed these risks, and the outcomes associated with delaying a Council resolution outweigh other risks. The risk matrix requires immediate action to reduce the

deficit; delaying remediation potentially creates further and future issues, and there is a greater likelihood that audit suggested changes will be tabled as misstatements rather than actual adjustments within the annual financial report. Resolving these issues now also provides clarity for officers while preparing the 2023/24 annual budget.

There is a risk that the carryover adjustment figures change as a result of the finalisation of the 2021-22 audit. Should this risk eventuate officers will inform Council and update the relevant accounts. This is considered a low risk.

Item 5.4 2nd Quarter Finance and Costing Review

The Finance and Costing Review (FACR) seeks to provide a best estimate of the end-of-year position for the Shire of Broome at 30 June 2023. Contained within the report are recommendations of amendments to budgets which have financial implications on the estimate of the end-of-year position.

The review does not, however, seek to make amendments below the materiality threshold unless strictly necessary. The materiality thresholds are set at \$10,000 for operating budgets and \$20,000 for capital budgets. Should a number of accounts exceed their budget within these thresholds, it poses a risk that the predicted final end-of-year position may be understated.

In order to mitigate this risk, the CEO enacted the FACRs to run quarterly, and Executive examine each job and account to ensure compliance. In addition, the monthly report provides variance reporting highlighting any discrepancies against budget.

It should also be noted that should Council decide not to adopt the recommendations, it could lead to some initiatives being delayed or cancelled in order to offset the additional expenditure associated with running the Shire's operations.

STRATEGIC ASPIRATIONS

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 11 - Effective leadership, advocacy and governance

Objective 11.2 Deliver best practice governance and risk management.

Outcome 13 - Value for money from rates and long term financial sustainability:

Objective 13.1 Plan effectively for short and long term financial sustainability.

VOTING REQUIREMENTS

Simple Majority

The recommendations from the Audit and Risk Committee meeting held on 14 February 2023 appear below for Council consideration.

10.1.1 COMPLIANCE AUDIT RETURN 2022 (5.1)

Simple Majority

COMMITTEE RECOMMENDATION:

That the Audit and Risk Committee recommends that Council:

1. Adopt the attached 2022 Compliance Audit Return as the official return for the Shire of Broome; and
2. Requests the Chief Executive Officer to submit the certified return and a copy of the minutes relative to this report to the Department of Local Government, Sport and Cultural Industries prior to 31 March 2023.

10.1.2 RFQ22-34 SUPPLY AND DELIVERY OF THIRTEEN LIGHT VEHICLES - CONFIRMATION OF CONTRACT AWARDING (5.2)

Simple Majority

COMMITTEE RECOMMENDATION:

That the Audit and Risk Committee recommends that Council:

1. Note the recommendation in the Evaluation Report for RFQ23-34 Supply and Delivery of Thirteen (13) Light Vehicles presented in Confidential Attachment 1;
2. Endorses retrospectively the Quotation provided by North West Motor Group Pty Ltd for RFQ23-34 Supply and Delivery of Thirteen (13) Light Vehicles to a maximum value of \$690,745 excluding GST as the preferred response; and
3. Notes that Delegation 1.2.16 Tenders for Goods and Services has been breached and endorses retrospectively the issuing of Purchase Orders 107434, 107435, 107466, 107467, 107477, 107478, 107479, 107480, 107482, 107484, 107487, 107488 & 107489.

10.1.3 CARRY OVER BUDGETS FOR 2022/23 AND REVIEW OF CLOSING FINANCIAL POSITION (5.3)

Absolute Majority

COMMITTEE RECOMMENDATION:

That the Audit and Risk Committee recommends that Council:

1. Adopt the actual carryover income and expenditure budgets for 2022/23 as presented in Attachment 1, and amend the General Ledger budgets accordingly;
2. Recognise the adjusted closing positions for the 2019/20 and 2020/21 financial years as \$2,828,740 and \$4,535,688 respectively, and the closing position for 2021/22 as \$2,963,867;
3. Notes a closing position deficit of \$715,622 for the 2021/22 financial year;
4. Adopts the officer recommendation to immediately reduce the deficit by transferring \$397,211 from the Public Open Space (POS) Reserve, and approving those changes in the 2022/23 annual budget, being:
 - (a) Reversal of the \$350,830 2020/21 net surplus transferred to POS Reserve, accepting that there was no surplus available;
 - (b) Reversal of the \$46,381 transfer to POS Reserve as budgeted in 2021/22 which was not specifically allocated;
5. Request the Chief Executive Officer to remediate the remaining untied deficit of \$318,411 within the Finance and Costing Review (FACR) process; and
6. Note that the audited annual financial report will be presented through the Audit and Risk Committee, and any variances to the outcome will be addressed through the Quarter 3 Finance and Costing Review process.
7. Request the Shire President, the Chair of the Audit and Risk Committee and the Chief Executive Officer seek a meeting with the Director General of the Office of the Auditor General to express concerns with the issues surrounding the closing position in each of

the 2019/20, 2020/21 and 2021/22 Audited Financial Statements and the implications of the changes to Australian Accounting Standards AASB 15 and AASB 1058.

10.1.4 2ND QUARTER FINANCE AND COSTING REVIEW 2022-23 (5.4)

Absolute Majority

COMMITTEE RECOMMENDATION:

That the Audit and Risk Committee recommends that Council:

- 1. Receives the Quarter 2 Finance and Costing Review Report for the period ended 31 December 2022;*
- 2. Adopts the operating and capital budget amendment recommendations for the year ended 30 June 2023 as attached;*
- 3. Notes a forecast end-of-year deficit position to 30 June 2023 of \$277,233.*

Attachments

1. Minutes and Recommendations from Audit and Risk Committee Meeting held on 14 February 2023
2. Confidential Supplement - Minutes and Recommendations from the Audit and Risk Committee Meeting held on 14 February 2023 (*Confidential to Councillors and Directors Only*)

This attachment is confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”, and section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”.

10.2 MINUTES AND RECOMMENDATIONS FROM LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON 14 DECEMBER 2022

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	EMS02
AUTHOR:	Executive Support Officer - Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report presents for Council consideration the minutes from the Local Emergency Management Committee meeting held on 14 December 2022.

BACKGROUND

Previous Considerations

The Local Emergency Management Committee (**LEMC**) is established by Council under section 38 of the *Emergency Management Act 2005 (Act)*. In accordance with section 39 of the Act, the functions of the LEMC are:

- (a) to advise and assist the local government in assuring that local emergency management arrangements are established for its district.
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the *Emergency Management Regulations 2006*.

COMMENT

LEMC meeting on 14 December 2022

The minutes of the LEMC meeting held 14 December 2022 are included as **Attachment 1** of this report.

At the meeting, the LEMC discussed the following:

Item 5.1 LEMC Status Report

The 2022 Status Report was discussed – there are currently no items outstanding on the Status Report

Item 5.2 LEMC Document Updates

Members were reminded to send any changes/additions to the LEMC Secretariat for the following documents:

- Resource Register
- Incident Report (None to report)
- Training Schedule

The Contact list was sent with the request for Agenda items, and an updated list was sent with the Minutes. Members were reminded to send any further updates as required, to the Secretariat.

Item 5.3 LEMC Meeting Dates for 2023

The proposed meeting dates for 2023 were discussed, and members were advised that the meeting dates may be adjusted depending on availability of members. Meeting invites will be sent at least one month prior to the meeting date.

The current proposed meeting dates are:

Wednesday, 15 March 2023

Tuesday, 20 June 2023

Tuesday, 5 September 2023

Tuesday, 5 December 2023

Item 5.4 WA MEE State Exercise 2023 – Broome 16-20 October

Glen McDermott from the Department of Transport provided an overview of the proposed exercise. Members of the LEMC are encouraged to sign up as participants or observers.

Item 5.5 Oil Spill Exercise – Department of Transport

This item was a duplication of Item 5.4 and was not discussed.

Item 5.6 Updates from LEMC Members

A round table discussion was conducted allowing Committee members to give an update on their agencies, and any relevant matters.

CONSULTATION

Local Emergency Management Committee members.

STATUTORY ENVIRONMENT

Emergency Management Act 2005

Section 36. Functions of local government

Section 38. Local emergency management committees

Section 39. Functions of local emergency management committees

Section 41. Emergency management arrangements in local government district

Section 42. Reviewing and renewing local emergency management arrangements

Section 43. Local emergency management arrangements to be available for inspection

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

RISK

Nil.

STRATEGIC ASPIRATIONS

Place - We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.

Outcome 5 - Responsible management of natural resources

Objective 5.2 Manage and conserve the natural environment, lands and water.

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 11 - Effective leadership, advocacy and governance

Objective 11.2 Deliver best practice governance and risk management.

VOTING REQUIREMENTS

Simple Majority

That Council receives the Minutes from the Local Emergency Management Committee meeting held on 14 December 2022.

Attachments

1. Minutes and Recommendations from Local Emergency Management Committee Meeting held on 14 December 2022

10.3 MINUTES AND RECOMMENDATIONS FROM BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON 14 DECEMBER 2022

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	EMM06
AUTHOR:	Executive Support Officer - Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report presents for Council consideration the minutes from the Bush Fire Advisory Committee meeting held on 14 December 2022.

BACKGROUND

Previous Considerations

The Bush Fire Advisory Committee (**BFAC**) meets quarterly to provide advice to the Shire of Broome on:

1. All matters relating to the prevention, controlling and extinguishing of bushfires.
2. The planning and layout of fire breaks in the district.
3. Prosecutions for breaches of the *Bush Fires Act 1956*.
4. The formation of Bush Fire Brigades.
5. Coordination and cooperation between agencies within the district.

COMMENT

The minutes of the BFAC meeting held 14 December 2022 are included as **Attachment 1** of this report.

At the meeting, the BFAC discussed the following items:

Item 5.1 BFAC Meeting dates for 2023

The proposed meeting dates for 2023 were discussed, and members were advised that the meeting dates may be adjusted depending on availability of members. Meeting invites will be sent at least one month prior to the meeting date.

The current proposed meeting dates are:

Wednesday, 15 March 2023
 Tuesday, 20 June 2023
 Tuesday, 5 September 2023
 Tuesday, 5 December 2023

Item 5.2 BFAC Status Report

The Status Report was discussed.

Item 5.3 Questions on Notice

Questions were received on notice from DFES – these were discussed, and answers provided by the Shire of Broome.

Item 5.4 Updates from BFAC Members

A round table discussion was conducted allowing Committee members to give an update on their agencies, and any relevant matters.

CONSULTATION

Bush Fire Advisory Committee

STATUTORY ENVIRONMENT

Bush Fires Act 1956

Section 67. Advisory committees

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

RISK

Nil.

STRATEGIC ASPIRATIONS

Place - We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.

Outcome 5 - Responsible management of natural resources

Objective 5.2 Manage and conserve the natural environment, lands and water.

Performance - We will deliver excellent governance, service & value for everyone.

Outcome 11 - Effective leadership, advocacy and governance

Objective 11.2 Deliver best practice governance and risk management.

VOTING REQUIREMENTS

Simple Majority

That Council receives the minutes from the Bush Fire Advisory Committee meeting held on 14 December 2022.

Attachments

1. Minutes and Recommendations from Bush Fire Advisory Committee Meeting held on 14 December 2022

11. NOTICES OF MOTION WITH NOTICE

12. NOTICES OF MOTION WITHOUT NOTICE

13. BUSINESS OF AN URGENT NATURE

14. MEETING CLOSED TO PUBLIC

This item and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”.

14.1 RFT22-10 PORT DRIVE GUY STREET INTERSECTION UPGRADE AND FREDERICK ST CARPARK

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	RFT22-10
AUTHOR:	Manager Engineering
CONTRIBUTOR/S:	Project Engineer Director Infrastructure
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report considers the submissions received for Request for Tender (RFT) 22/10 and seeks Council's adoption of the recommendation contained within the attached confidential Evaluation Report.

This item and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”.

14.2 LEASE DISPOSAL FOR EXPRESSIONS OF INTEREST - TOWN BEACH CAFE

LOCATION/ADDRESS:	Portion of Reserve 31340
APPLICANT:	Nil
FILE:	LSS034
AUTHOR:	Senior Property and Leasing Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report requests Council to consider entering into a short term lease arrangement for the Portion of Reserve 31340, Town Beach Café.

This item and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

14.3 RFT22/11 - MULCHING OF GREEN WASTE

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	RFT22/11
AUTHOR:	Manager Waste Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report considers the submissions received for RFT 22 -11 Mulching of Green Waste and seeks Council's adoption of the recommendation contained within the attached confidential Evaluation Report.

15. MEETING CLOSURE