



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Agenda

Special Council Meeting

27 November 2024

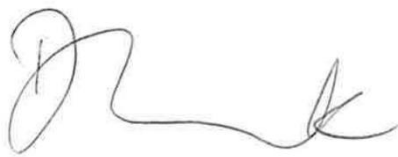


NOTICE PAPER
Special Council Meeting
27 November 2024

President and Councillors

I inform you that a Special Council Meeting will be held in the Council Chambers, located at 395 Fitzgerald Street, Northam on 27 November 2024 at 5:00 pm.

Yours faithfully



Debbie Terelinck
Chief Executive Officer

DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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1 DECLARATION OF OPENING

2 OPENING PROCEDURES

2.1 ACKNOWLEDGEMENT OF COUNTRY

The Shire of Northam would like to acknowledge the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and pay our respects to Elders, past present and emerging.

2.2 RECORDING OF COUNCIL MEETINGS

Members of Council and members of the gallery are advised that this meeting will be livestreamed and audio-recorded and made available on the Shire of Northam's YouTube channel. If members of the public want to access the recording of this meeting, they can do so via the Shire of Northam website.

3 ATTENDANCE

3.1 ATTENDEES

Council:

Shire President

Deputy Shire President

Councillors

C R Antonio

A J Mencshelyi

J E G Williams

M P Ryan

M I Girak

L C Biglin

C M Poulton

H J Appleton

Staff:

Chief Executive Officer

Executive Manager Engineering Services

Executive Manager Development & Community Services

Executive Manager Corporate Services

Manager Governance & Risk

Governance Officer

D Terelinck

P Devcic

C B Hunt

C J Young

A C McCall

T P Van Beek

3.2 APOLOGIES

Nil.

3.3 APPROVED LEAVE OF ABSENCE

Cr D A Hughes was granted leave of absence from 25 November 2024 to 10 December 2024 (inclusive).

3.4 ABSENT

Nil.

4 DISCLOSURE OF INTERESTS

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

*As defined in section 5.60A of the Local Government Act 1995, a **financial interest** occurs where a Councillor / Committee Member, or a person with whom the Councillor / Committee Member is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.*

*As defined in section 5.61 of the Local Government Act 1995, an **indirect financial interest** includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.*

*As defined in section 5.60B of the Local Government Act 1995, a person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.*

*As defined in clause 22 of the Local Government (Model Code of Conduct) Regulations 2021, an **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

Item Name	Item No.	Name	Type of Interest	Nature of Interest

5 PUBLIC QUESTIONS

6 SPECIAL ITEMS

6.1 Delegation to the Audit & Risk Management Committee - Meeting with the Auditors

File Reference:	2.1.3.5
Reporting Officer:	Alysha Mccall (Manager Governance and Risk), Tamika Van Beek (Governance Officer)
Responsible Officer:	Debbie Terelinck (Chief Executive Officer)
Officer Declaration of Interest:	Nil.
Voting Requirement:	Absolute Majority
Press release to be issued:	No

BRIEF

For Council to give delegated authority to the Audit and Risk Management Committee (the Committee) to meet with the external Shire of Northam Auditor at least once per year.

ATTACHMENTS

1. DRAFT Delegated Authority for the Audit and Risk Management Committee [6.1.1 - 1 page]

A. BACKGROUND / DETAILS

The current Delegated Authority Register was adopted by Council on 17 July 2024 which was based on the model template provided by the Western Australian Local Government Association (WALGA), and assistance from a governance consultant engaged by the Shire. Through the adoption of the current register, the delegation previously provided to the Committee to meet with the Shire's auditors was removed. The minutes from the meeting provide the following justification:

“Delegation is recommended to be removed; however the Audit & Risk Management Committee can continue to meet with the Auditor, all that is required is for Council to resolve the Committee to do so.”

Without delegated authority, it does not preclude the Committee from meeting with the Auditor. However, for Council to meet its legislative

obligation, a second meeting would be required with the full Council. This is considered impractical due to auditor availability and inefficient due to more than half of the Council being required to attend two meetings covering the same topics.

The legislation specifies that a local government is required to meet with its external auditor at least once per year. The term 'local government' in this context means the Council. If Council resolved via a formal delegation, a meeting between the Committee and the auditor would satisfy this requirement.

Where a committee is provided with delegated authority, it must have public question time on the agenda to allow questions from the public relating to the matters overseen by the Committee.

The next Committee meeting is proposed for 29 November 2024 and a meeting is proposed to take place with the Shire's Auditor to finalise the 2023/24 audit (being the audit exit meeting).

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Performance Area: Performance. Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

B.2 Financial / Resource Implications

Nil.

B.3 Legislative Compliance

Local Government Act 1995, section 7.12A. Duties of local government with respect to audits

(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.

B.4 Policy Implications

Nil.

B.5 Stakeholder Engagement / Consultation

Nil.

B.6 Risk Implications

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	Nil.		
Health & Safety	Nil		
Reputation	Nil.		
Service Interruption	Nil.		
Compliance	Non-compliance with the <i>Local Government Act 1995</i> .	Possible (3) x Minor (2) = Moderate (6)	Adopt the Officer's Recommendation.
Property	Nil.		
Environment	Nil.		

B.7 Natural Environment Considerations

Nil.

C. OFFICER'S COMMENT

Meeting with the external Auditor has historically been undertaken by the Committee. Officers are of the view that this provides for the most efficient process with respect to meeting its legislative obligations and finalising the audit. Additionally, it is uncommon for there to be confidential business dealt with by the Committee that would cause the Committee to meet behind closed doors. If confidential business was being dealt with by the Committee, the meeting is able to move behind closed doors in the same format as Council under section 5.23 of the *Local Government Act 1995*.

RECOMMENDATION

That Council BY ABSOLUTE MAJORITY, DELEGATE AUTHORITY to the Audit and Risk Management Committee to meet with the external Shire of Northam Auditor in accordance with Attachment 6.1.1.

ABSOLUTE MAJORITY OF 6 REQUIRED

1.1 Council to CEO

1.1 Audit and Risk Management Committee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express Power or Duty Delegated:	Local Government Act 1995: s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Delegate:	Audit and Risk Management Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s.7.12A(2)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.7.1B.
Compliance Links:	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 – The appointment, function and responsibilities of Audit Committees Audit and Risk Management Committee - Terms of Reference
Record Keeping:	The Audit and Risk Management Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	First adopted 27 November 2024.
2	

7 MATTERS BEHIND CLOSED DOORS

Nil.

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

9 URGENT BUSINESS APPROVED BY DECISION

Nil.

10 DECLARATION OF CLOSURE