



NOTICE OF SPECIAL MEETING OF COUNCIL

For Council to:

Appoint the Commissioner to the Audit and Risk Management Committee

To be held on

Wednesday 11 January 2023

Commencing at 9.00 am

Shire of Donnybrook Balingup Council Chamber



Kim Dolzadelli
Acting Chief Executive Officer

11 January 2023

Disclaimer

Please note the items and recommendations in this document are not final and are subject to change or withdrawal.

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SHIRE OF DONNYBROOK BALINGUP
SPECIAL COUNCIL MEETING

To be held at the Council Chamber
Wednesday 11 January 2023 at 9.00am

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Commissioner – Acknowledgment of Country

The Commissioner to acknowledge the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present and emerging.

The Commissioner to declare the meeting open and welcome the public gallery.

The Commissioner to advise that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Commissioner to further state the following:

“This meeting is being livestreamed and digitally recorded in accordance with Council Policy.”

“Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.”

“Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”

2 ATTENDANCE

MEMBERS PRESENT

COMMISSIONER	STAFF
Gail McGowan	Kim Dolzadelli – Acting Chief Executive Officer
	Loren Clifford – Acting Manager Executive Services

PUBLIC GALLERY

2.1 APOLOGIES

N/A

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

N/A

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil.

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

5 PUBLIC QUESTION TIME

In accordance with the Clause 7(3) of the Local Government (Administration) Regulations, public questions must relate to the stated purpose of the Special Meeting of Council.

6 REPORTS OF OFFICERS

6.1 ACTING CHIEF EXECUTIVE OFFICER

6.1 APPOINTMENT OF COMMISSIONER TO THE AUDIT AND RISK MANAGEMENT COMMITTEE

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Kim Dolzadelli, Acting Chief Executive Officer
Responsible Manager	Kim Dolzadelli, Acting Chief Executive Officer
Attachments	Nil
Voting Requirements	Simple Majority

Executive Recommendation

That Council appoint Commissioner, Gail McGowan as Member of the Audit and Risk Management Committee, until the ordinary local government election in October 2023 or such time that Councillors are appointed.

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

Outcome	11	Strong, visionary leadership
Objective	11.1	Provide strategically focused, open and accountable governance

Outcome	12	A well respected, professionally run organisation
Objective	11.1	Deliver effective and efficient operations and service provision

EXECUTIVE SUMMARY

The Shire of Donnybrook Balingup Audit and Risk Management Committee (the Committee) normally comprises two independent Committee members (i.e. non-Councillors) and three Councillor members. With all 9 Councillor positions being vacant and a Commissioner being appointed it is necessary for the Commissioner to be appointed to the committee for it to function.

BACKGROUND

Mr Ian Telfer and Mrs Vivienne MacCarthy are the independent Committee members appointed to the Committee.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Not Applicable

STATUTORY COMPLIANCE

Local Government Act 1995:

Division 1A — Audit committee

7.1A. Audit committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required."*

CONSULTATION

Advice has been obtained from the Director Local Government Support and Engagement, Department of Local Government, Sport and Cultural Industries with the following question being posed:

"Noting the provisions of the LGA 1995 Division 1A how are we to proceed to reform the Audit Committee? The current terms of reference states that the Committee will consist of three (3) Elected Members plus two (2) external members and the Shire President as Ex-Officio. All members shall have full voting rights. We still have the 2 Community members and with one Commissioner I can't see how we can meet the provisions of the Act."

The following response was provided by the Director:

“In accordance with section 2.38(2) of the Local Government Act, the Commissioner is regarded as being the council. Our position is that the Commissioner is the council when sitting on the Audit Committee and represents the entire council. On this basis, providing that the Commissioner is a member of the Audit Committee, the entire council is being represented and therefore the provisions of the Local Government Act and the terms of reference are satisfied.”

OFFICER COMMENT / CONCLUSION

It is necessary for the Commissioner to be appointed to the committee for it to function.

7 MEETING CLOSED TO THE PUBLIC

7.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

8 CLOSURE

The Commissioner to advise that the next Ordinary Council Meeting will be held on Wednesday 22 February 2023 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.