



TOWN OF
VICTORIA PARK

Special Council Meeting Agenda – 2 May 2023



WE'RE OPEN
VIC PARK

Please be advised that a **Special Council Meeting** will be held at **5:00 PM** on **Tuesday 2 May 2023** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
28 April 2023



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1 Declaration of opening

Acknowledgement of the traditional owners

Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaaditjin, moort, wer boodja ye-ye.

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

In accordance with clause 39 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, as the Presiding Member, I hereby give my permission for the administration to record proceedings of this meeting.

This meeting is also being live streamed on the Town's website. By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to public. Recordings are also made available on the Town's website following the meeting.

2.2 Public question time and public statement time

As this is a Special Council Meeting, any public questions or statements must relate to the business of the agenda.

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

In accordance with clause 40 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

2.3 No adverse reflection

In accordance with clause 56 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

2.4 *Town of Victoria Park Meeting Procedures Local Law 2019*

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Meeting Procedures Local Law 2019*.

3 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Deputy Mayor Claire Anderson

Cr Peter Devereux

Cr Wilfred Hendriks

Cr Luana Lisandro

Jarrah Ward

Cr Jesse Hamer

Cr Bronwyn Ife

Cr Jesvin Karimi

Cr Vicki Potter

Chief Executive Officer

Mr Anthony Vuleta

Chief Operations Officer

Ms Natalie Adams

Chief Financial Officer

Mr Duncan Olde

Chief Community Planner

Ms Natalie Martin Goode

A/Manager Governance and Strategy

Mr Brad Sillence

Secretary

Ms Felicity Higham

Public liaison

Ms Alison Podmore

3.1 Apologies

3.2 Approved leave of absence

4 Declarations of interest

4.1 Declarations of financial interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

4.2 Declarations of proximity interest

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

4.3 Declarations of interest affecting impartiality

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

5 Public question time

6 Public statement time

7 Presentations

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 Method of dealing with agenda business

9 Chief Executive Officer reports

9.1 Independent Audit's Report and Annual Financial Report 2021-2022

Location	Town-wide
Reporting officer	Manager Finance
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Town of Victoria Park - Financial Report - 30 June 2022 [9.1.1 - 52 pages]2. Opinion - Town of Victoria Park - 30 June 2022 [9.1.2 - 3 pages]3. Interim Management Letter Attachment - Town of Victoria Park - 30 June 2022 [9.1.3 - 5 pages]4. Final Management Letter Attachment A - Town of Victoria Park - 30 June 2022 [9.1.4 - 3 pages]

Recommendation from the Audit and Risk Committee:

That Council:

1. Receives the 2021-2022 Audit Completion Report and Independent Auditor's Report.
2. Accepts the Annual Financial Statements for 2021-2022 financial year, as attached.
3. Requests the Chief Executive Officer to present a report to the Audit & Risk Committee by November 2023 on the future process for assessing the need for asset re-evaluations for fair market value to inform future audits.

Purpose

To present the 2021-2022 Audit Completion Report, Independent Auditor's Report, and the Annual Financial Report.

In brief

- As part of Council's committee structure, the Audit and Risk Committee has been established to review areas of an audit or compliance nature. The Audit Completion Report, draft Independent Auditor's Report and the audited Annual Financial Report are presented as attachments to this report.
- The 2021-2022 Annual Financial Report gives a true and fair view of the financial position of the Town of Victoria Park as of 30 June 2022 and of its financial performance for the year ended on that date.
- The Annual Financial Report complies with the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Background

- Each year, as part of Council's audit process, an independent audit is undertaken to assess Council's Annual Financial Report and the legitimacy and accuracy of Council's accounts. An Independent Audit Report is then produced by the Auditor. The Auditor, after completing the audit, is to forward a copy of the audit and/or management report to the –
 - Mayor
 - Chief Executive Officer
 - Minister for Local Government, via the Department of Local Government, Sport and Cultural Industries.
- The Independent Auditor's Report is also required to be included in Council's Annual Report. Any issues arising from the Independent Audit Report are to be investigated and action taken to resolve those issues.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To make available timely and relevant information on the annual financial position and performance of the Town so that Council and public can make informed decisions for the future.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently, and equitably.	Ensure Town meets its legislative responsibility in accordance with Part 7 of the <i>Local Government Act 1995</i> .

Engagement

Internal engagement	
Stakeholder	Comments
Service Area Leaders and Senior Management	Service area leaders were consulted and engaged during the external annual audit to provide information and responses to auditor queries.

Other engagement	
Stakeholder	Comments
Mindarie Regional Council	Mindarie Regional Council was contacted to obtain responses for additional auditor queries.
Tamala Park Regional Council	Tamala Park Regional Council was contacted to obtain responses for additional auditor queries.

Legal compliance

[Local Government Act 1995 - Part 7](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in Annual financial Report.	Major	Unlikely	Moderate	Low	TREAT risk by conducting daily and monthly reconciliations and internal audits, external interim audits and annual report audit.
Financial	Fraud and illegal acts.	Major	Unlikely	Moderate	Low	TREAT risk by strengthening internal controls, internal audits and segregation of duties.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Annual Financial Report not complying with the requirements of the <i>Local Government (Financial Management) Regulations 1996</i> .	Moderate	Unlikely	Moderate	Low	TREAT risk by engaging external auditors to audit the annual financial statement.
Reputation	Council not accepting Independent Auditor's Report.	Moderate	Unlikely	Moderate	Low	TREAT risk by providing reasoning and detailed explanations to Council to enable informed decision making.
Service	Not applicable.				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Acceptance of the Annual Financial Report would confirm the closing financial position for the 2021-2022 financial year which was estimated during the preparation of the 2022-2023 Annual Budget. Once accepted, a report will be forwarded to Council with recommendations on adjustments required to the 2022-2023 Annual Budget to accommodate movements within the opening position and adjustments to Carry Forward Budget.

Analysis

Audited Financial Report 2021-2022

3. The Annual Financial Report was audited by the Office of Auditor General. It is recommended that the Audit and Risk Committee recommend to Council to accept the 2021-2022 Annual Financial Report.
4. In accordance with the *Local Government Act 1995* (Section 7.12A – Duties of local government with respect to audits) a representative(s) who conducted the audit, will also be in attendance at the meeting to speak to the audit and take questions from committee members.
5. The Independent Auditor's Report notes that:

"In my opinion, the financial report of the Town of Victoria Park:

 - is based on proper accounts and records.
 - is presents fairly, in all material respects, the results of the operations of the Town for the year ended 30 June 2022 and its financial position at the end of that period.
 - is in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

Relevant documents

Not applicable.

9.2 Annual Report 2021 - 2022 and Annual Electors Meeting

Location	Town-wide
Reporting officer	Acting Manager Governance and Strategy / Manager Stakeholder Relations
Responsible officer	Chief Executive Officer
Voting requirement	Absolute majority
Attachments	1. TEMPORARY Annual Report 21-22 [9.2.1 - 63 pages]

Recommendation from the Audit and Risk Committee:

That Council:

1. Accept the Town of Victoria Park Annual Report 2021-22 forming Attachment 1 to this Report, as amended.
2. Agree to convene the 2022 Electors' General Meeting on Tuesday 30 May 2023, commencing at 6.30pm in the Council Chamber, Town of Victoria Park Administration Centre, 99 Shepperton Road, Victoria Park.

Purpose

For Council to accept the Town of Victoria Park Annual Report 2021-22 and to set the meeting date of the Annual Electors' General Meeting.

In brief

- The *Local Government Act 1995* requires local governments to accept a prepared annual report for a financial year, which includes the audited financial statements for that financial year.
- Once it is adopted, an Electors' General Meeting (EGM) must be set for the annual report to be presented and any other business to be raised by electors at that meeting.
- Council is to set the date for the EGM.

Background

1. In accordance with section 5.53 of the *Local Government Act 1995*, local governments are to prepare an annual report.
2. The audited accounts for the financial year are incorporated into the annual report following the annual external audit by the Office of the Auditor General.
3. Once the annual report is accepted, it is to be presented to the EGM.
4. The EGM must be advertised by way of 14-day public notice to the community in accordance with the public notice provisions in the *Local Government Act 1995*.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The Annual Report provides a summary of the previous year’s achievements and challenges, and the outlook for the year ahead. It includes specific statutory requirements and demonstrates performance against the Town’s 10-Year Strategic Community Plan
CL2 - Communication and engagement with the community.	<p>The Annual Report details the previous year’s achievements and challenges of the Town, and the outlook for the year ahead. It includes specific statutory requirements and demonstrates performance against the Town’s 10-Year Strategic Community Plan.</p> <p>The EGM provides a forum for the community to receive the Annual Report plus raise any other matters of general business.</p>
CL3 - Accountability and good governance.	The Annual Report demonstrates accountability and good governance to the community and other stakeholders.

Engagement

Internal engagement

Whole of organisation	The whole organisation was consulted in the preparation of the Annual Report.
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Other engagement

Community	<p>As part of the adoption of the Annual Report, the Town must publish it on its website within 14 days of it being adopted by Council.</p> <p>The AGM is also required to be advertised by way of 14 day public notice to the community.</p>
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Legal compliance

Annual Electors’ General Meeting

[Section 5.27 of the Local Government Act 1995](#)

[Section 5.29 of the Local Government Act 1995](#)

[Section 5.30 of the Local Government Act 1995](#)

[Section 5.31 of the Local Government Act 1995](#)

[Section 5.32 of the Local Government Act 1995](#)

[Section 5.33 of the Local Government Act 1995](#)

[Regulation 15 of the Local Government \(Administration\) Regulations 1996](#)

[Annual Reports](#)

[Section 5.53 of the Local Government Act 1995](#)

[Section 5.54 of the Local Government Act 1995](#)

[Section 5.55 of the Local Government Act 1995](#)

[Section 5.55A of the Local Government Act 1995](#)

[Regulation 19B of the Local Government \(Administration\) Regulations 1996](#)

[Local Public Notice requirements](#)

[Section 1.7 of the Local Government Act 1995](#)

[Regulation 3A of the Local Government \(Administration\) Regulations 1996](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial					Low	
Environmental					Medium	
Health and safety					Low	
Infrastructure/ ICT systems/ utilities					Medium	
Legislative compliance	Noncompliance with legislative requirements	Moderate	Unlikely	Medium	Low	Adopt the Annual Report and set AGM date.
Reputation	Town's reputation is affected	Moderate	Unlikely	Medium	Low	Adopt the Annual Report and set AGM Date.
Service delivery					Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation. The achievements and deliverables stated in the annual report have been subject to the adopted budget of Council.
Future budget impact	Not applicable.

Analysis

Annual Report

3. In accordance with section 5.53 of the *Local Government Act 1995*, the Town of Victoria Park Annual Report has been prepared for the 2021-22 financial year.
4. The Annual Report provides a summary of the previous year's achievements and challenges, and the outlook for the year ahead. It includes specific statutory requirements and demonstrates performance against the Town's 10-Year Strategic Community Plan.
5. The Annual Report is seen as a key reporting mechanism of the Town's Integrated Planning and Reporting Framework. In accordance with guidelines from the Department of Local Government, Sport and Cultural Industries, local governments are expected to outline progress towards achieving the objectives of their respective 10-Year Strategic Community Plan and the major projects and priorities of their 5-Year Corporate Business Plan.
6. The Annual Report is also seen as an essential tool to inform the community and key stakeholders about the Town's achievements, challenges and future plans, promote greater community awareness of the Town's programs and services, and illustrate the City's commitment to accountable and transparent government.
7. The Town of Victoria Park Annual Report 2021-22 is provided as Attachment 1. The Annual Report also includes the City's Annual Financial Report for 2021-22 which has been audited by the Office of the Auditor General and is to be presented to the Audit and Risk Committee on 26 April 2023.
8. In accordance with section 5.54 of the *Local Government Act 1995*, the Council is required to accept an Annual Report by an absolute majority and present the Annual Report to the Annual General Meeting of Electors.
9. Section 5.55 of the *Local Government Act 1995* states the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable, following its acceptance by Council. This notice is to apply for at least seven days.

Annual General Meeting of Electors

10. Section 5.27 of the *Local Government Act 1995* requires that the Annual Electors' General Meeting is to be held on a day selected by the local government, but not more than 56 days after the local government accepts the Annual Report.
11. It is anticipated that Council will accept the Annual Report at an upcoming Special Council meeting.
12. Section 5.29 of the *Local Government Act 1995* states the Chief Executive Officer is to convene an electors' meeting by giving at least 14 days public notice.

13. Should Council adopt the Annual Report at its meeting to be held on Monday 1 May 2023, the earliest date to issue local public notice is Wednesday 3 May 2023, meaning that the earliest date the EGM can be held is Thursday 18 May 2023, with the last date being Thursday 13 July 2023.
14. Due to the Council's adopted scheduled meetings and other events that have been programmed, it is considered the most appropriate date for holding the Annual General Meeting of Electors is Wednesday 24 May 2023, commencing at 6.30pm.
15. Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the EGM. They are the contents of the annual report for the previous financial year and then any other general business.

Relevant documents

[Strategic Community Plan 2022-2032](#)

10 Public question time

11 Public statement time

12 Meeting closed to the public

13 Closure