



AGENDA FOR EXTRA ORDINARY COUNCIL MEETING

Tuesday 10th September 2024

NOTICE IS HEREBY GIVEN pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council will be held on **10th September 2024** commencing at **9:00am** to discuss the items listed in the Agenda.

Please Note: The Council Meetings are visual and audio recorded

Megan Dixon
GENERAL MANAGER

CONFLICT OF INTERESTS

What is a “Conflict of Interests” – A conflict of interests can be two types:

Pecuniary – an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-Pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature.)

Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? – A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below)

Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter

N.B. “Relative”, in relation to a person means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse.

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company of other body, or
- Just because the person is a member of, or is employed by, the Council
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) At any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) At any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge – A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-Pecuniary Interest – Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-Pecuniary conflicts of interest must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosure to be Recorded (S453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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## **Local Government Act 1993**

### **Chapter 3 section 8A**

#### **GUIDING PRINCIPLES FOR COUNCILS**

##### **(1) Exercise of functions generally**

*The following general principles apply to the exercise of functions by councils:*

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.*
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.*
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.*
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.*
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.*
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.*
- (g) Councils should work with others to secure appropriate services for local community needs.*
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.*
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.*

##### **(2) Decision-making**

*The following principles apply to decision-making by councils (subject to any other applicable law):*

- (a) Councils should recognise diverse local community needs and interests.*
- (b) Councils should consider social justice principles.*
- (c) Councils should consider the long term and cumulative effects of actions on future generations.*
- (d) Councils should consider the principles of ecologically sustainable development.*
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.*

##### **(3) Community participation**

*Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.*

## **STATEMENT OF ETHICAL OBLIGATIONS**

### **Oath or Affirmation of Office**

In taking the Oath or Affirmation of Office, each Councillor has made a commitment to undertake the duties of the office of Councillor in the best interests of the people of Walgett Shire Local Government Area and Walgett Shire Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

### **Conflicts of Interest**

A councillor who has a conflict of interest in any matter with which the council is concerned, and who is present at a meeting of the council when the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable. Both the disclosure and the nature of the interest must be recorded in the minutes of the Council meeting where the conflict of interest arises. Councillors should ensure that they are familiar with Parts 4 and 5 of the Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

### **Meeting Recordings**

Council advises that this Meeting will be recorded the purpose of the of webcasting and made available on the Internet. As such, all those present should refrain from making any defamatory statements. It is requested that Councillors within the duration of the Meeting, limit discussions to only the business on the agenda and what is permissible under our Code of Meeting Practice.

## Order of Business

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## 1. MEETING OPEN

## 2. ACKNOWLEDGEMENT OF COUNTRY

### Acknowledgement of Country

In the spirit of reconciliation Walgett Shire Council acknowledges the Traditional Custodians of country in Walgett Shire and their connections to land, water and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today

### Declaration of Webcasting

I inform all those in attendance at this meeting, that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements concerning any person, Councillor or employee, and refrain from discussing those matters subject to Closed Council proceedings as indicated in clause 14.1 of the code of meeting practice.

It is requested that Councillors within the duration of the Meeting, limit discussions to only the business on the agenda and what is permissible under our Code of Meeting Practice. As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

## 3. INTRODUCTION OF MEMBERS PRESENT

### Our Councillors

Mayor Jasen Ramien  
Deputy Mayor Colin Hundy  
Councillor Jane Keir  
Councillor Greg Rummery  
Councillor Michael Cooke  
Councillor Ian Woodcock  
Councillor Sue Currey  
Councillor Alf Seaton  
Councillor Daniel Walford

### Staff

General Manager  
Director Infrastructure and Compliance  
Director People, Places and Liveability  
Chief Financial Officer  
Minute Taker

Megan Dixon  
Kazi Mahmud  
Carisa Wells  
Ernest Mahande  
Sharon Smith

## 4. APOLOGIES

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### Recommendation:

That the apology from ----- be accepted.

Moved:

Seconded:

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## **5. DECLARATION OF PECUNIARY/NON PECUNIARY INTERESTS**

*Councillors and senior staff are reminded of their obligation to declare their interest in any matters listed before them.*

*In considering your interest you are reminded to include pecuniary, non-pecuniary and conflicts of interest as well as any other interest you perceive or may be perceived of you.*

*Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.*

*Councillors must state their reasons in declaring any type of interest.*

| <i>Councillor</i> | <i>Item No.</i> | <i>Pecuniary/Non-Pecuniary</i> | <i>Reason</i> |
|-------------------|-----------------|--------------------------------|---------------|
|                   |                 |                                |               |
|                   |                 |                                |               |

## 6.REPORTS FROM OFFICERS

### 6.1 ANNUAL FINANCIAL STATEMENTS - 30 JUNE 2024

**RESPONSIBLE OFFICER:** Chief Financial Officer  
**REPORT AUTHOR:** Chief Financial Officer – Ernest Mhande  
**FILE NUMBER:**  
**PURPOSE:** Approval

#### RECOMMENDATION

1. That Council's Annual Financial Statements for the year ended 30 June 2024 be referred for audit.
2. That the Mayor, Councillor, General Manager, and the Responsible Accounting Officer be authorised to sign the Statement by Councillors and Management on the Annual Financial Statements for the year ended 30 June 2024.

**Moved:**

**Seconded:**

#### Summary:

The Chief Financial Officer is presenting the draft Financial Statement for the fiscal year 2023/2024, which will be submitted to the auditors for their review. This report provides an overview of the financial position, highlighting key changes in revenue, expenditure, and other financial metrics. As this is a draft document, please be aware that figures may be subject to adjustments based on the auditors' findings.

#### Background:

The purpose of this report is to comply with statutory requirements in relation to the General-Purpose Financial Statements and Special Purpose Financial Statements and Special Schedules for the year ending 30 June 2024. The Financial Statements are to be referred to Council's Auditor, with authorisation from the Mayor, a Councillor, the General Manager, and the Responsible Accounting Officer.

#### Current Position:

As per section 413(1) of the Local Government Act 1993, a Council must prepare annual financial statements for each year and must refer them for audit as soon as practicable (having regard to the requirements of section 416 (1)) after the end of that year.

Under section 416 (1), a Council's financial reports for a year must be prepared and audited within four (4) months after the end of the year concerned, and under section 428 (4) (a) the audited financial report must be included in the Council's annual report. [Section 413, LGA].

**In addition, Sections 418 and 419 of the Local Government Act, provides as follows: Public notice to be given of presentation of financial reports [Section 418, LGA]**

- (1) *As soon as practicable after a Council receives a copy of the auditor's reports:*
  - a) *Council must fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor's reports, to the public, and*
  - b) *Council must give public notice of the date so fixed.*
- (2) *The date fixed for the meeting must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor's reports are given to the Council.*  
*Note. Unless an extension is granted under section 416, the meeting must be held on or before 5 December after the end of the year to which the reports relate.*
- (3) *The public notice must include:*
  - a) *A statement that the business of the meeting will include the presentation of the audited financial reports and the auditor's reports, and*
  - b) *A summary, in the approved form, of the financial reports, and*



c) *A statement to the effect that any person may, in accordance with section 420, make submissions (within the time provided by that section and specified in the statement) to the Council with respect to the Council's audited financial reports or with respect to the auditor's reports.*

*(4) Copies of the Council's audited financial reports, together with the auditor's reports, must be kept available at the office of the Council for inspection by members of the public on and from the date on which public notice of the holding of the meeting is given and until the day after the meeting (or any postponement of the meeting).*

**Presentation of the Council's financial reports [Section 419, LGA]**

*(1) A Council must present its audited financial reports, together with the auditor's reports, at a meeting of the Council held on the date fixed for the meeting.*

**Legal and Regulatory Compliance**

*Local Government Act 1993 – Section 413*

*Local Government Code of Accounting Practice and Financial Reporting – Update.*

**Risk Management Issues**

Compliance with legislative and regulatory obligations.

**Internal/External Consultation**

NSW Audit Office – Client Service Plan.

**Financial Implications**

The Annual Financial Statements reflect Councils financial operations during 2023/2024 and Council's financial position at 30 June 2024. The cost to undertake the audit are included in the budget and no additional costs are anticipated.

**Attachments:**

Draft Financial Statement for 2023-2024

Preliminary Financial commentary

**\*Refer to Attachment Document\***

## Financial Highlights: 2023-24 Accounts

The financial accounts presented are still in draft form and have not yet undergone an audit. As such, the figures and details contained in these draft accounts are preliminary and subject to change.

Until the audit process is completed and the accounts are finalized, these draft figures should not be used for decision-making purposes. The audit will provide a thorough review of the financial statements, and any necessary adjustments or corrections will be made. The final audited accounts will provide the definitive financial position and will be shared with you once the audit is concluded.

In summary, while these draft accounts give us an initial indication of our financial status, they are not yet final and should not influence any decisions until the audit is complete.

### Key aspects of the draft Financial Statement include:

#### 1. Revenue Report:

- a) **Total Revenue:** In 2024, total revenue was \$47,969k, which is \$4,355k less than the \$52,324k reported in 2023. This decrease is mainly due to the completion of one-time flood-related projects in 2023.
- b) **Rates and Charges:** We saw a 5% increase in total rates and annual charges revenue. Of this revenue, 58% came from ordinary rates and 52% from annual charges, with pensioner subsidies making up about 0.9% of this total.
- c) **Grants and Contributions:** Operating grants and contributions fell by 12%, from \$27,355k in 2023 to \$24,179k in 2024, largely due to the reduction in flood-related funding.
- d) **General Financial Assistance:** This decreased from \$5,874k in 2023 to \$5,480k in 2024, see C above.
- e) **Capital Grants:** Grants for capital projects totalled \$4,167k, down by \$3,183k from \$7,350k in 2023.

#### 2. Expenditure Report:

- i. **Total Expenditure:** Total expenditure increased by \$3,447k, primarily due to the completion of flood-related expenditures that were carried into 2024.
- ii. **Salary Costs:** Overall salary expenditure rose by 11%, driven by:
  - A 4.5% salary increase (Enterprise Agreement) for staff.
  - Two termination payments.
  - Increased employee leave entitlements.
  - A \$165k (58%) rise in worker's compensation costs.

#### 3. Balance Sheet Overview:

1. **Liquidity:** The balance sheet reflects a healthy liquidity position, allowing WSC to meet its creditor obligations promptly.
2. **Cash Balance:** As of 30 June 2024, the cash balance improved to \$19,393k from \$16,991k the previous year.
3. **Investments:** Short-term investments increased from \$12k in 2023 to \$17k in 2024, while long-term investments decreased from \$12k to \$6k.

## **7. CLOSE OF MEETING**

**Time: .....**