

Special Council Meeting Minutes

Notice was hereby given that a Special Meeting of the Pilbara Regional Council was held via teleconference at 5pm on 19th August 2014.

Locations for the teleconference were:

- *Pilbara Regional Council*
- *Suite 5, 205 Bulwer Street Perth WA*
- *City of Karratha*
- *Council Chambers, Welcome Rd Karratha WA*
- *Town of Port Hedland*
- *Civic Centre McGregor St Port Hedland WA*
- *Shire of East Pilbara*
- *Cnr Kalgan & Newman Drives, Newman WA*
- *Shire of Ashburton*
- *Onslow Multi-Purpose Centre Cnr McGrath Road and Hooley Avenue, Onslow WA*



Tony Friday
Chief Executive Officer

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Table of Contents

1. Oath(s) Of Office	3
2. Official Opening	3
3. Public Question Time	3
4. Attendance.....	3
4.1 Leave of Absence.....	3
5. Petitions, Deputations and Presentations	4
6. Confirmation of Minutes and Business Arising from Minutes of Previous Meeting held on 19 th August 2014... 4	
7. Adoption of FY14/15 Budget.....	5
8. Appointment of Auditors	7
9. Next Meeting And Closure	8

1. Oath(s) Of Office

Any individuals who have not previously undertaken an Oath of Office must do so before the Chief Executive Officer, Mr Tony Friday prior to the commencement of the Council meeting.

Nil recorded.

2. Official Opening

The Chairperson declared the Ordinary Meeting of Council open at 5pm.

3. Public Question Time

The following questions were received from members of the public prior to the meeting:

Nil recorded

The Chairperson will call for questions from members of the public attending the meeting.

4. Attendance

Councillors	Cr Kerry White Cr Lorraine Thomas Cr Lynne Craigie Cr Gerry Parsons Cr Peter Long Cr Fiona White-Hartig Cr Kelly Howlett Cr George Daccache	Shire of Ashburton Shire of Ashburton Shire of East Pilbara Shire of East Pilbara City of Karratha City of Karratha Town of Port Hedland Town of Port Hedland
PRC Staff	Mr Tony Friday Ms Melody Pia	CEO, Pilbara Regional Council Administrator, Pilbara Regional Council
Guests:	Mr Neil Hartley Mr Allen Cooper Mr Mal Osborne Ms Kylie Hartley Ms Claire Phelan Mr Alexis Guillot	CEO, Shire of Ashburton CEO, Shire of East Pilbara CEO, Town of Port Hedland Shire of Ashburton Town of Port Hedland Pilbara Regional Council
Presenters:	Nil	
Apologies:	Cr Anita Grace Cr Gloria Jacob Mr Chris Adams	Shire of East Pilbara Town of Port Hedland CEO, City of Karratha

4.1 Leave of Absence

The following Councillors have applied for a Leave of Absence:

Nil recorded.

Granted by Chairperson Y/N

The Chairperson will call for any Councillors wishing to apply for a leave of absence

5. Petitions, Deputations and Presentations

Nil recorded.

6. Confirmation of Minutes and Business Arising from Minutes of Previous Meeting held on 6th August 2014

Attachments: 6.1 Minutes of the PRC Meeting
Responsible Officer: Mr Tony Friday, Chief Executive Officer
Action Officer: Mr Tony Friday, Chief Executive Officer
Officer Disclosure of Interest: Nil

Officer Recommendation

That the minutes of the Pilbara Regional Council Ordinary Meeting of Council held on the 6th August 2014 be confirmed as a true and correct record of proceedings.

Voting Requirement: Simple Majority

Council Resolution FY15-012:

Moved: Cr White
Seconded: Cr White-Hartig
Result: 8/0

Chairperson will sign the True Minutes of the previous meeting.

Business Arising and Questions Taken on Notice:

The Chief Executive will present Business Arising and Questions Taken on Notice from the previous Meeting

Item	Subject	Actions
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7. Adoption of FY14/15 Budget

Responsible Officer: Mr Tony Friday, Chief Executive Officer
Author Name: Mr Darren Long, DL Consulting
Attachments: 7.1 Draft FY14/15 Budget
Disclosure of Interest: Nil

Purpose:

To seek for Council's consideration to adopt the FY2014/2015 Draft Budget.

Background:

- The Council postponed the adoption of the budget for FY14/15 to consider the queries and questions the Councilor(s) will be submitting before 8th August 2014.
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Comment:

In relation to the query about the PRC projected Budget Surplus for 2014/2015 being outside the parameters of the Local Government Act 1995, the provision of the Act that has been referred to is Section 6.34.

The Act applies in relation to funding a Surplus or Deficit from Rates. The intent of the legislation was to prevent Local Governments from generating a large surplus (greater than 10% of rates raised) in any one year, or conversely carrying too a large a deficit in any one year (greater than 10% of rates raised).

6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or*
- (b) be less than 90% of the amount of the budget deficiency.*

The Pilbara Regional Council is a Regional Local Government and has been constituted under Section 3.61 of the Act and is governed by the Act and the provisions within the Establishment Agreement.

Being a formally constituted Regional Local Government, the PRC is also in the position where certain provisions of the Act do NOT apply. Section 3.66(3) of the Act lists the provisions of the Local Government Act 1995 that do not apply to the PRC. See below.

3.66. Application of enabling Acts to regional local government

(1) *Except as otherwise stated in this section, this Act and any other Act under which anything can be done for the regional purpose apply in relation to a regional local government as if —*

- (a) the participants' districts together made up a single district; and*
- (b) the regional local government were the local government established for that district.*

(2) *A regional local government can only do things for the regional purpose, and the application of this Act or any other Act under subsection (1) is limited accordingly.*

(3) *The following provisions of this Act do not apply in relation to a regional local government —*

- (a) Part 2 (other than sections 2.7, 2.26, 2.29 and 2.32(e) and Division 7); and*
- (b) Part 4; and*
- (c) Part 5, Division 2, Subdivision 4; and*
- (d) Part 6, Division 6; and*
- (e) any provision prescribed for the purposes of this subsection.*

Subclause 3(d) details that **Part 6, Division 6** of the Act does not apply in relation to a Regional Local Government. Section 6.34 of the Act falls within Division 6 of Part 6, making it a provision that does not apply to the PRC.

Policy Implications

Nil

Legislative Implications:

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Division 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget.

Section 6.2(1) of the Local Government Act states:

6.2 Local Government to prepare annual budget (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 31 August. *Absolute majority required.*

Financial Implications:

Nil

Voting Requirement: Absolute Majority

Council Resolution FY15-013:

- That the Council revisit the budget presentation for the next financial year to include additional interpretative commentary, and to better explain specific elements of the statutory format.
- That the Council adopt the draft budget as presented.

Moved: Cr Daccache

Seconded: Mayor Howlett

Result: 8/0

8. Appointment of Auditors

Responsible Officer: Mr Tony Friday, Chief Executive Officer
Author Name: Mr Darren Long, DL Consulting
Attachments: 8.1 Grant Thornton RFQ 20140702 Proposal
Disclosure of Interest: Nil

Purpose:

Audit and Risk Committee members have reviewed Grant Thornton's response to the Request for Quotation and recommend that the Council appoint them to conduct audits for the three (3) years ending 30 June 2014 to 30 June 2016.

Grant Thornton's proposed fee for three (3) years is \$28,050 inclusive of GST (\$9,350 per annum incl GST).

Comment

Nil

Policy Implications

Nil

Legislative Implications

7.3 Appointment of Auditors

(1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint * a person, on the recommendation of the audit committee, to be its auditor.

**Absolute majority required*

(2) The local government may appoint one or more persons as its auditor.

(3) The local government's auditor is to be a person who is –

(a) a registered company auditor; or

(b) an approved auditor.

[Section 7.3 amended by No. 49 of 2004 s.6]

Financial Implications

Nil

Conclusion

Nil

Voting Requirement: Absolute Majority

Council Resolution FY15-014:

That the Council appointed Grant Thornton to do audits for the Pilbara Regional Council for three (3) years.

Moved: Cr White-Hartig

Seconded: Cr Long

Result: 7/1

9. Next Meeting And Closure

The Chairperson confirmed the date, time and location of the next ordinary meeting of the Pilbara Regional Council.

1pm on Monday, 6th October 2014 at the State Library of WA.

The Chairperson declared the meeting closed at the conclusion of proceedings.