



**Date: Thursday, 15 September 2022**

**Time: 5:00pm**

**Location: Council Chambers  
Cnr Camp & Weddin Streets  
GRENFELL NSW 2810**

# **AGENDA**

## **Late Reports**

# **Ordinary Council Meeting 15 September 2022**

**Noreen Vu  
General Manager**

**Order Of Business**

8 QUESTIONS WITH NOTICE ..... 3

8.1 QUESTIONS WITH NOTICE - CR COOK - REQUEST FOR SUPPORT  
THROUGH SCCF: GROW GRENFELL GROUP ..... 3

8.2 QUESTIONS WITH NOTICE - CR COOK - REQUEST FOR SUPPORT  
THROUGH SCCF: GROW GRENFELL GROUP ..... 6

## 8 QUESTIONS WITH NOTICE

### 8.1 QUESTIONS WITH NOTICE - CR COOK - REQUEST FOR SUPPORT THROUGH SCCF: GROW GRENFELL GROUP

<b>File Number:</b>	<b>C3.1.1</b>
<b>Author:</b>	<b>Director Corporate Services</b>
<b>Authoriser:</b>	<b>General Manager</b>
<b>Attachments:</b>	<b>1. Questions with Notice - Cr Cook</b>
<b>CSP Objective:</b>	<b>Culturally rich, vibrant and inclusive community</b>
<b>Precis:</b>	<b>Cr Cook has submitted questions with notice regarding agenda item 11.1</b>
<b>Budget:</b>	<b>\$ NIL</b>

## QUESTIONS WITH NOTICE

Cr Michelle Cook submitted a Questions with Notice on 12 September 2022. Attachment A provides the request and background information.

I am reading Agenda Item 11.10 that discusses the project does not align with council DMP and community consultation should be required for the scope of the project.

Therefore, I ask questions on

1. When is Community Consultation Scheduled to occur
2. Why the Council Tourism committee has yet to meet, since the election of the new council
3. When will a Tourism Meeting will be scheduled to a "more suitable date?"

## DIRECTOR CORPORATE SERVICES RESPONSE

### ***Question 1: When is Community Consultation Scheduled to occur***

Report 11.10 is not a Council project, Council would not be responsible for community consultation. However, in the instance that the Grow Grenfell Inc wished to work with Council on a community consultation process prior to lodgement of a development application, we will work with them, when the time comes. In the instance that a development application is

lodged and where neighbour notification is required, this will be done in accordance with the *Environmental Planning and Assessment Act 1979* requirements.

**Question 2: Why the Council Tourism committee has yet to meet, since the election of the new council**

The Council Tourism committee does not relate to the Agenda Item. In accordance with Council's Code of Meeting Practice:

"3.13 A Councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the General Manager about the performance or operations of Council.

3.9. A Councillor may give notice of any business they wish to be considered by Council at its next Ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing of the approved form and must be submitted at least eight (8) business days before the meeting is to be held."

**Question 3: When will a Tourism Meeting will be scheduled to a "more suitable date?"**

The Tourism Meeting date does not relate to the Agenda Item. In accordance with Council's Code of Meeting Practice, clauses 3.13 and 3.9 above apply.

**Commentary from the General Manager**

As the Questions with Notice also relate to items not registered in the Agenda Item and/or Business Paper, we can provide a more comprehensive answer at the October Ordinary meeting to comply with the provisions set out in the Code of Meeting Practice.

However, may I remind Council of the Code of Meeting Practice provision 3.14:

*3.14. A Councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the General Manager or a member of staff of Council, or a question that implies wrongdoing by the General Manager or a member of staff of Council.*

## **WEDDIN SHIRE COUNCIL**

### **QUESTIONS WITH NOTICE**

#### **QUESTION on Tourism Committee and Meetings of that Committee:**

I would like to ask a question in regard to the Grenfell Tourism Committee

I was appointed to the Tourism Committee in February 2022

To date, there has not been a meeting of the Tourism Committee, for the time I have been a councillor – from February 2022 to September 2022.

My question then is if there should be scheduled meetings for a council Committee and if there are a minimum number of meetings required in a given year? Or maximum time intervals between such meetings?

#### **SUPPORTING COMMENTS:**

A meeting was suggested by Claire McCain for Thursday 4 August but was cancelled by the Director of Finance, Michael Chalmers by email on 2 August. I was advised and did receive a phone call from Audrey Osbourne on the 4<sup>th</sup> August, that the meeting was cancelled.

Michaels email on 2nd August states “I am making the decision to postpone the meeting to a more suitable date”

As yet, I am not aware the meeting has been rescheduled, and it is now the 12<sup>th</sup> September.

There seems to have been significant developments under the Tourism umbrella, including the new website, logo and rebranding in that time.

I also note, that I requested permission to attend the Regional Tourism Conference, that was held in Orange, but received no response to my request.

I am reading Agenda Item 11.10 that discusses the project does not align with council DMP and community consultation should be required for the scope of the project.

Therefore, I ask questions on

1. When is Community Consultation Scheduled to occur
2. Why the Council Tourism committee has yet to meet, since the election of the new council
3. When will a Tourism Meeting will be scheduled to a “more suitable date?”

Thank you

Clr Michelle Cook

12 September 2022

8.2 **QUESTIONS WITH NOTICE - CR COOK - FINANCIAL STATEMENT**

<b>File Number:</b>	<b>C3.1.1</b>
<b>Author:</b>	<b>Director Corporate Services</b>
<b>Authoriser:</b>	<b>General Manager</b>
<b>Attachments:</b>	<b>1. Attachment A</b>
<b>CSP Objective:</b>	<b>Culturally rich, vibrant and inclusive community</b>
<b>Precis:</b>	<b>Cr Cook has submitted questions with notice regarding agenda item 11.2</b>
<b>Budget:</b>	<b>NIL</b>

**QUESTIONS WITH NOTICE**

Cr Michelle Cook submitted a Questions with Notice on 12 September 2022 at 4:52pm. Attachment A provides the request and background information.

*The Report to councillors' states that the council will be applying for an extension to the 2022 financial year financial statements. The reason for this is cited as the late withdrawal of a contract accountant.*

*Therefore, I ask some further questions in regards to this:*

- 1. Is the Financial Statements the responsibility of the Director of Corporate Services?*
- 2. What is the consequences for not submitting the Financial Statements to Council within 4 months, as required under IP&R obligations?*
- 3. Why is a "contractor" rather than a staff member responsible for the Council Financial Reports?*
- 4. How has that delayed the completion of the financial statements?*
- 5. When will the draft financial statements be presented to Councillors?*
- 6. Under the IP&R guidelines, the QBRS is due within 2 months of the end of each Quarter.*
- 7. The September 2021 QBRS should have been presented in November 2021 but was not presented until February 2022*
- 8. The December 2021 QBRS should have been presented in February 2022 but was not presented until my Notice of Motion in March 2022*
- 9. We have not had any financial reports or updates since March 2022*
- 10. The 2021 Financial Reports were delayed, and an extension requested*
- 11. The Financial Reports were not made available until March 2022 – 9 months into the new financial year.*

12. *“my audit procedures identified a material deficiency in the councils accounting records” and “the accounting records were not maintained in a manner and form that facilitated the preparation and the effective audit of the GPFS” (The Auditor’s Conclusion Page 83)*
13. *It seems we have failed to address the Auditors concerns that accounting records have not been maintained in a manner that facilitates the preparation of the Financial Statements.*

#### **DIRECTOR CORPORATE SERVICES RESPONSE**

##### ***Question 1: Is the Financial Statements the responsibility of the Director of Corporate Services?***

The completion of the financial statements is under the Director Corporate Services portfolio.

##### ***Question 2: What is the consequences for not submitting the Financial Statements to Council within 4 months, as required under IP&R obligations?***

Initial correspondence indicates there will be no “consequences” for requesting an extension.

##### ***Question 3: Why is a “contractor” rather than a staff member responsible for the Council Financial Reports?***

I refer the Councillor to the Workforce Management Plan that was adopted by Council at the Extraordinary Meeting on 30 June 2022 (Resolution 193/22). Under 8.0 Appendix page 21, the Accountant’s position is not part of the organisational structure that is currently funded through our operational budget. The position of Accountant has been included in as a predicted new position that is currently not funded. I would be fully supportive if the role was a fully funded fulltime position and increase the FTE.

To compensate for the lack of such an important position, Council has set aside funding through the operational budget to engage the services of a contractor, as it has done in previous financial years. The use of a contractor is required to assist with the completion but they are not responsible for the financial statements or any other financial reports.

##### ***Question 4: How has that delayed the completion of the financial statements?***

There is not enough adequate work time with Council’s current resourcing to complete the financial statements without the assistance of contract workers.

##### ***Question 5: When will the draft financial statements be presented to Councillors?***

The optimistic plan would be by the October 2022 meeting but without contract worker in place there is no confirmed timeline. A meeting with a new contractor scheduled for Thursday 15 September 2022.

**Commentary from the General Manager**

**Questions (points) 6 - 7**

Questions 6 – 7 are points without a question and have been discussed and resolved and prior Council Meetings or do not relate to any agenda item in this business paper.

As the Questions with Notice also relate to items not registered in the Agenda Item and/or Business Paper, we can provide a more comprehensive answer at the October Ordinary meeting to comply with the provisions set out in the Code of Meeting Practice.

However, may I remind Council of the Code of Meeting Practice provision 3.14:

*3.14. A Councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the General Manager or a member of staff of Council, or a question that implies wrongdoing by the General Manager or a member of staff of Council.*

**Question (point) 8: The December QBRS should have been presented in February 2022 but was not presented until my notice of motion in March 2022.**

This Question with Notice/point does not relate specifically to the agenda item. However please note that an excerpt from the Notice of Motion from the 24 March 2022 Ordinary meeting (page. 13) is provided for reference on what occurred for transparency:

**09 MOTIONS/QUESTIONS WITH NOTICE**

**09.01 ANNUAL AUDITED STATEMENTS**

**File Number:** C2.8.1/A1.2.1  
**Mover:** Cr Michelle Cook  
**Attachments:** 01. Question with Notice Annual Financial Statements  
**Budget:** \$ -

**QUESTION**

When will the June 2021 Annual Financial Statements be presented to Council?

**SUPPORTING COMMENTS**

Under the NSW Government’s Integrated Planning and Reporting Legislation for Local Government, Council is required to present the Annual Financial Statements that outline Council’s operating

I refer the Councillor to the Acting General Manager staff comments to the notice of motion:

*“Reference is made to Corporate Services Report 10.07 included in the Agenda for the Ordinary Council meeting held 17 February 2022, whereby Council resolved to adopt the QBRS as at 30 September 2021. The Director – Corporate Services advised Councillors during the relevant Pre-Meeting Briefing Session (PMBS) that the QBRS as at September 2021 was unable to be submitted to the Ordinary Council meeting held in November 2021 due to the extenuating circumstances that*



*delayed the preparation and auditing of its 2020/2021 Financial Statements. Given there was no Ordinary Council meetings held during the months of December 2021 and January 2022, it follows that the next opportunity for Council to consider the QBRs as at September 2021 was during the meeting held 17 February 2022. The DCS advised Councillors as such verbally at both the relevant PMBS and during the Ordinary Council meeting, and explained how this would delay consideration of the QBRs as at December 2021 until the next Ordinary meeting to be held 17 March 2022. Refer to Corporate Services Report 10.08 and the included recommendation that “The Quarterly Budget Review Statement as at 31 December 2021 be adopted as presented.”*

**Question (point) 10: The 2021 Financial Reports were delayed, and extension requested.**

This is a point without a question but to summarise, yes, the 2021 Financial Reports were delayed and the extension as granted. This was publicly reported and the Council were informed along the way as pointed out above.

**Question (point) 11: The 2021 Financial Reports were not made available until March 2022 – 9 months into the new financial year.**

The Financial Statements were initially presented to Council in the January 2022 Extra-Ordinary Council Meeting. It was a report 09.09 page 25, resolution 8/2022, and the Councillor was in attendance. This was the first available meeting after the granted extension due to the Council elections in December.

Extraordinary Council Meeting Minutes

11 January 2022

**09 CORPORATE SERVICES REPORTS**

**09.09 AUDITED FINANCIAL STATEMENTS**

File Number: A1.2.1  
Author: Director Corporate Services  
Authoriser: Director Corporate Services  
Attachments: nil  
Precis: Council’s external auditor has presented the 20/21 Financial Statements  
Budget: \$ -

**RECOMMENDATION**

- i) Council consider any submissions for the audited Financial Statements during the public exhibition period
- ii) Council note the audited Financial Statements for the financial year ending 30 June 2021.

**RESOLUTION 008/2022**

Moved: Cr Diprose  
Seconded: Cr White

- i) Council consider any submissions for the audited Financial Statements during the public exhibition period
- ii) Council note the audited Financial Statements for the financial year ending 30 June 2021.

**CARRIED**

---

The Consultation period ended after the February 2022 and the statements were adopted and present on the 24 March 2022 Ordinary Meeting.

**Commentary from the General Manager**

**Questions (points) 11 - 12**

Questions 11 and 12 are points without a question and have been discussed and resolved and prior Council Meetings. To make a statement the “we a failed to address auditors concerns” is not a relevant statement as the current financial statements have not been presented to Councillors Auditors to form an opinion.

However, may I remind Council of the Code of Meeting Practice provision 3.14:

*3.14. A Councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the General Manager or a member of staff of Council, or a question that implies wrongdoing by the General Manager or a member of staff of Council.*

## **WEDDIN SHIRE COUNCIL**

### **QUESTIONS WITH NOTICE**

#### **QUESTION on Accounting and Audit for 2022:**

I would like to ask a question in regard to Agenda Item 11.2 in the September 2022 Business Papers.

The Director of Corporate Services states Council will be applying for an extension to complete the 2022 Financial Year Financial Statements.

I refer to the 2021 Audit Report (Page 75)

“Councillors responsibility for the Financial Statements” which states “councillors are responsible for the preparation and fair representation of the financial statements in accordance with Australian Accounting Standards and the Local Gov Act 1993, and for such internal control as the councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.”

Under the NSW Government’s Integrated Planning and Reporting Legislation for Local Government, Councils are required to present the Annual Financial Statements, to present the council’s operating results and financial position for the year. Annually, within 4 months of the end of the financial year.

#### **SUPPORTING COMMENTS:**

The CSP Objective stated is – Shire assets and services delivered effectively and efficiently.

The Report to councillors’ states that the council will be applying for an extension to the 2022 financial year financial statements. The reason for this is cited as the late withdrawal of a contract accountant.

Therefore, I ask some further questions in regards to this:

1. Is the Financial Statements the responsibility of the Director of Corporate Services?
2. What is the consequences for not submitting the Financial Statements to Council within 4 months, as required under IP&R obligations?
3. Why is a “contractor” rather than a staff member responsible for the Council Financial Reports?
4. How has that delayed the completion of the financial statements?
5. When will the draft financial statements be presented to Councillors?

I am concerned noting that in my short time as a councillor,

6. Under the IP&R guidelines, the QBRS is due within 2 months of the end of each Quarter.
7. The September 2021 QBRS should have been presented in November 2021 but was not presented until February 2022
8. The December 2021 QBRS should have been presented in February 2022 but was not presented until my Notice of Motion in March 2022
9. We have not had any financial reports or updates since March 2022
10. The 2021 Financial Reports were delayed, and an extension requested
11. The Financial Reports were not made available until March 2022 – 9 months into the new financial year.

**But further concern is the Auditors statement that**

12. **“my audit procedures identified a material deficiency in the councils accounting records” and “the accounting records were not maintained in a manner and form that facilitated the preparation and the effective audit of the GPFS”** (The Auditor’s Conclusion Page 83)
13. It seems we have failed to address the Auditors concerns that accounting records have not been maintained in a manner that facilitates the preparation of the Financial Statements.

In the Auditor General’s Report to Parliament dated August 2022 I note the following statements, that relate to Weddin,

- 41 councils required extensions past the 31 October deadline
- 67 councils had issues with integrity and completeness of asset records
- 68 councils did not record rural firefighting equipment estimated to be \$145 million in their financial statements.
- 65 councils have no cyber security framework or related controls

I also attach a copy of **Councillors Roles and Responsibilities** under the Act:

The mayor and councillors collectively comprise the governing body of a council. The role of the governing body is to:

- direct and control the affairs of the council in consultation with the general manager
- provide effective civic leadership to the local community
- ensure as far as possible the financial sustainability of the council
- ensure as far as possible that the council acts in accordance with the principles prescribed under the Act and the council’s plans, programs, strategies and policies
- develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council
- determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council’s resources to implement the council’s strategic plans and for the benefit of the local area

- keep the performance of the council under review, including service delivery
- make decisions necessary for the proper exercise of the council's regulatory functions
- determine the process for the appointment of the general manager and for monitoring their performance
- determine the senior staff positions within the organisation structure of the council
- consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities, and
- ensure that the council acts honestly, efficiently and appropriately.

Councillors are individually and collectively accountable to the local community for the performance of the council.

Thank you

Cllr Michelle Cook

12 September 2022