

9.5.2 LATE ITEM: Annual Report 2013/2014 – Adoption and Annual General Meeting of Electors 2014

Ward:	Both	Date:	12 December 2014
Precinct:	All	File Ref:	SC246 / SC2048
Attachments:	001 – Draft Annual Report 2013-2014		
Tabled Items:			
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2013/2014 Financial Year, included as Attachment 001 and **NOTES** that the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** a General Meeting of Electors of the City of Vincent to be held on Tuesday 27 January 2015 at 6pm in the City’s Council Chambers, to present the City of Vincent Annual Report for the 2013/2014 Financial Year;
3. **NOTES** that in accordance with Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the General Meeting of Electors to be held on Tuesday 27 January 2015 and of the availability of the City of Vincent Annual Report for the 2013/2014 Financial Year, as soon as practicable after the report has been accepted by Council; and
4. Pursuant to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, **PROVIDES** the Director General of the Department of Local Government and Communities with a copy of the City of Vincent Annual Report for the 2013/2014 Financial Year, inclusive of the Annual Financial Report for the same period and the Auditor’s Report on that Financial Report, as included in Attachment 001.

PURPOSE OF REPORT:

The purpose of this report is to accept the 2013-2014 Annual Report and set a date for the Annual General Meeting of Electors.

DETAILS:

The Local Government Act 1995 requires every local government to prepare an Annual Report and hold an Annual General Meeting (AGM) of Electors. The Annual Report must (among other things) incorporate the Financial Report and the Auditor’s Report on the Financial Report, whilst also reporting on the achievements against the Strategic Community Plan (i.e. the Plan for the future). The Annual Report for 2013/14 included as Attachment 001 satisfies these requirements.

Section 5.27 of the Local Government Act 1995 requires the AGM to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government (i.e. 56 days from 16 December 2014, being no later than Tuesday 10 February 2015).

It should be noted that the copy of the Draft Annual Report included as Attachment 001 is only a 'MS Word document' version and does not necessarily reflect the appearance of the final published document. The attached version of the Annual Report will be subject to further formatting and styling changes (but not content changes) to be determined by the CEO prior to publication, once accepted by Council. This approach ensures that any changes required by Council can be readily incorporated in the document with minimal delay and without major re-formatting of a 'non-Word document'.

PROCESS:

Council has in the past expressed a desire to streamline the Annual Reporting and Financial Reporting so that the Annual General Meeting can be held earlier. However, the process timetable is predominantly dictated by the availability of the City's Auditor and receipt of the Auditor's Report.

To ensure there is sufficient time to advertise the Annual General Meeting and finalise the Annual Report, and to allow for the festive season non consultation period, it is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 27 January 2015, commencing at 6pm, prior to the Council Forum on that night. This is consistent with the Audit Committee's recently recommended date for the AGM.

CONSULTATION/ADVERTISING:

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

It is intended to make the Annual Report available in electronic formats and on the City's website, with only limited printed, bound colour copies being produced for viewing at the Library and Local History Centre and the City's Customer Service Centre.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

- (1) *The Local Government is to prepare an annual report for each financial year.*
 - (2) *The annual report is to contain:*
 - a. *a report from the mayor or president;*
 - b. *a report from the CEO;*
 - (c) and (d) deleted*
 - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
 - f. *the financial report for the financial year;*
 - g. *such information as may be prescribed in relation to the payments made to employees;*
 - h. *the auditor's report for the financial year;*
 - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - i. *such other information as may be prescribed.*
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Section 5.54 of the Local Government Act states:

5.54 Acceptance of Annual Reports

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the Local Government no later than 31 December after that financial year.*

** Absolute majority required*

- (2) *If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the Local Government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the Local Government.

Section 5.27 states:

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A 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 for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996* requires every local government to provide a copy of its Annual Financial Report to the Director General of the Department of Local Government and Communities within 30 days of the local government's CEO receiving the Auditor's Report on that Financial Report. Given that the Annual Financial Report and Auditor's Report form part of the City's Annual Report for the 2013/2014 Financial Year, it is appropriate to submit a copy of the complete Annual Report to the Department.

RISK MANAGEMENT IMPLICATIONS:

High: The risk associated with not adopting the 2013-2014 Annual Report and failure to set a date for the 2014 Annual General Meeting of Electors will result in non-compliance with the requirement of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023:

"4.1.2 Manage the organisation in a responsible, efficient and accountable manner."

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of preparing the Annual Report, which contains the Financial Report, will be carried out in-house. This will result in cost savings of approximately \$3,250 for typesetting of the report.

The Auditor's total costs are \$21,560 (GST exclusive).

The Annual Report is prepared by the City's Administration, and as such these costs are contained in the City's Operating Budget.

COMMENTS:

In order for the City to meet its legislative requirements, it is recommended that Council accepts the Annual Report for 2013/2014 and convenes the 2014 Annual General Meeting of Electors on Tuesday 27 January 2015 at 6pm.
