



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

**Held at the Town Hall
Bremer Bay
Wednesday, 15 December 2021**

MINUTES

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Shire of Jerramungup
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Ordinary Meeting of Council
Wednesday 15 December 2021

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ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 8.33am by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

Cr Joanne Iffla	Shire President (Chair)
Cr Julie Leenhouders	Deputy Shire President
Cr Rex Parsons	Councillor
Cr Robert Lester	Councillor
Cr Andrew Price	Councillor
Cr Drew Dawson	Councillor
Cr Neil Foreman	Councillor

STAFF:

Martin Cuthbert	Chief Executive Officer
Charmaine Solomon	Deputy Chief Executive Officer
Noel Myers	Manager of Development
Rachel Smith	Executive Officer

VISITORS:

Miss Chloe Hamilton
Mrs Kirsty Nye
Miss Olivia Goundry

GALLERY:

There were 7 members of the gallery

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Nil

2.4 ABSENT

Nil

2.5 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

Nil

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Nil

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Cr Robert Lester declared an Impartiality Interest in item 10.2 Australia Day Awards 2021. The nature of the interest is that one nominee is a family relative.

Cr Joanne Iffla declared an Impartiality Interest in item 10.2 Australia Day Awards 2021. The nature of the interest is that one nominee is a family relative.

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the *Local Government (Administration) Regulations 1996* Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by Absolute Majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Nil

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Citizenship Ceremony, Miss Chloe Hamilton, Mrs Kirsty Nye and Miss Olivia Goundry

All visitors and gallery left the meeting at 8:48am and did not return.

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 24 November 2021.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 24 November 2021 be CONFIRMED

MOTION: OCM211201

MOVED: Cr Lester

SECONDED: Cr Parsons

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 24 November 2021 be CONFIRMED

CARRIED: 7/0

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

8.1 ACCEPTANCE OF 2020/2021 ANNUAL FINANCIAL REPORT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	8 December 2021
Attachments:	a) 2020/2021 Annual Financial Report – <i>To be provided under separate cover once received from OAG</i> b) 2020/2021 Auditors Management Report – Lincolns – <i>To be provided under separate cover once received from OAG</i> c) 2020/2021 Audit Report – Office of the Auditor General
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the 2020/2021 Annual Financial Report and Auditors Report as recommended by the Audit Committee.

BACKGROUND:

The Audit Committee of the Shire of Jerramungup met on 15 December 2021 to consider the 2020/2021 Annual Financial Report and Auditor's Report. The recommendation from the Audit Committee was for Council to adopt the 2020/2021 Annual Financial Report and Auditors Report.

One of the principle objectives of the Audit Committee is to accept responsibility for the annual external audit and to liaise with the Auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs. The Committee's duties and responsibilities in relation to the Annual Financial Report and the external audit are to consider and recommend adoption of the Annual Financial Report to Council.

The Annual Financial Report for the period ending 30 June 2021 has been prepared in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* and is now presented to Council for consideration and adoption. The audit this year was undertaken by Lincolns Accountants and Business Advisors under direction of the Office of the Auditor General.

CONSULTATION:

Senior Staff

Lincolns Accountants and Business Advisors

Office of the Auditor General

COMMENT:

The following items were highlighted by Lincolns Accountants and Business Advisors in the Audit Findings for the year ended 30 June 2021:

The following presents the audit findings;

Area of Risk	Audit Outcomes
Grant Funding and Other Revenue	<ul style="list-style-type: none"> • Significant grant revenue was agreed to third party documentation. • Analysis of revenue allocation to ensure that revenue is recognised in the correct period and any related liabilities for contracts with customers are recorded. • Risk of fraud in the revenue cycle was also considered including testing of key controls and analytical review Audit procedures undertaken rebutted the risk of fraud to an acceptable level. • We also reviewed related party transactions. The financial statements adequately disclose related party transactions for Councillors and Key Management Personnel.
Rates	<p>Audit work included the following:</p> <ul style="list-style-type: none"> • Rateable values agreed to the Valuer General rates. • We checked control procedures for the transfer of rates from Valuer General to Internal Software system. • Testing of rates notices was undertaken both on a sample basis and analytically. <p>Results supported the rate revenue and financial statement disclosures.</p>
Expenses	<p>Our audit of expenses included testing of key financial controls over the recognition of expenses, vouching significant expenses and analytical reviews.</p> <p>Expenditure as disclosed in the financial statements is materially correct.</p>
Payroll/Provisions	<p>Audit sampling tested payroll records to the following:</p> <ul style="list-style-type: none"> • Employee awards • Employee contracts • Check calculation of superannuation and tax • Check authority to deduct salary sacrifice • Check the control procedures in payroll department in line with internal policies • Our audit of provisions included reviewing the reasonableness of assumptions used to calculate annual leave and long service leave • Analytical review <p>Results of audit procedures indicate employee costs are materially correct and disclosed correctly in the financial statements.</p>
Management's monitoring of the control environment	<p>We reviewed council minutes and made enquiries for the following:</p> <ul style="list-style-type: none"> • Process for reviewing internal control procedures including evidence of periodic review of policy manual.

	<ul style="list-style-type: none"> • Management’s implementation and monitoring of new control procedures. • Management’s implementation and monitoring for amending current control procedures. • Impact of COVID 19 on the control environment <p>We are satisfied that management is applying effective controls and that Council are aware of the control environment.</p>
Management Override of Controls	<p>Audit processes were undertaken to:</p> <ul style="list-style-type: none"> • Sample test and judgementally review general journals • Understand and test the adequacy and effectiveness of division of duties • Controls testing • Substantive procedures <p>Sufficient audit evidence was obtained to support the view that controls are operating effectively.</p>
Fixed Assets	<p>Council did not undertake any revaluation process in the 2021 financial year</p>
Accounting Estimates	<ul style="list-style-type: none"> • We reviewed the method and underlying data that management use when determining critical accounting estimates. This included considering the reasonableness of assumptions and corroborating representations. • For infrastructure, property, plant and equipment we reviewed Management’s assessment of the useful lives and existence of assets. Where reviewed managements monitoring of impairment and determined that such process exists.
AASB 1059 Service Concession Arrangements: Grantors	<ul style="list-style-type: none"> • We reviewed the assessment of contracts undertaken by the Shire. • Reviewed major expenditure items. • Outcome of review discussed with DCEO and SFO.

Accounting misstatements:

Uncorrected Audit Misstatements

	Financial Statements Accounts Impacted	Statement of Financial Position Adjustment	Effect on Operating Surplus	Effect on Other Comprehensive Income	Comment
1.	Land Revaluation Surplus	(\$96,000) (\$96,000)			Land incorrectly brought to account during previous revaluation of land & buildings. Not material to assets

Audit Misstatements

	Financial Statements Accounts Impacted	Statement of Financial Position Adjustment	Effect on Operating Surplus	Effect on Other Comprehensive Income	Comment
1.	Trade & Other Receivables Other Liabilities ATO Liabilities	(\$100,000) (\$90,909) (\$9,091)			Reversal of debtor booked for grant funding that Shire was not owed.

Since 2014 the Shires “Operating Surplus Ratio” has been below the Department of Local Government, Sport and Cultural Industries standards which has been noted as a significant adverse trend in prior annual audit reports.

It is very pleasing to note, and a credit to the Shire’s finance staff, that the Auditors confirmed that there was no significant adverse trends to report on for the financial year ended 30 June 2021.

Once the Council has accepted the Annual Financial Report, the Chief Executive Officer is to give local public notice of its availability and send a copy to the Department of Local Government, Sport and Cultural Industries.

STATUTORY ENVIRONMENT:***Local Government (Financial Management) Regulations 1996******51. Annual financial report to be signed etc, by CEO and given to Department***

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form1.*
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government’s CEO of the auditor’s report on that financial report.*

Local Government Act 1995***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 —*

(f) *the financial report for the financial year; and*

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.*

Division 3 – Reporting on activities and finance

6.4. Financial report

(1) *A local government is to prepare an annual report for the preceding financial year and such other financial reports as are prescribed.*

(2) *The financial report is to*

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.

(3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year.

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The Annual Financial Statements set out the operating results for the Shire for the year ended 30 June 2021 and the assets and liabilities as at that date, together with other relevant financial information.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. ACCEPTS the Auditor's Management Report to the Council for the year ended 30 June 2021 supplied by Council's Auditor, Mr Russell Harrison of Lincolns Accountants and Business Advisors.**
- 2. ADOPTS the 2020/2021 Annual Financial Report for the Shire of Jerramungup and the accompanying 2020/2021 Audit Report, as attached to this report;**
- 3. AUTHORISE the Chief Executive Officer to forward the report to the Minister for Local Government.**

MOTION: OCM211202

MOVED: Cr Leenhouders

SECONDED: Cr Foreman

That Council, BY AN ABSOLUTE MAJORITY:

- 1. ACCEPTS the Auditor’s Management Report to the Council for the year ended 30 June 2021 supplied by Council’s Auditor, Mr Russell Harrison of Lincolns Accountants and Business Advisors.**
- 2. ADOPTS the 2020/2021 Annual Financial Report for the Shire of Jerramungup and the accompanying 2020/2021 Audit Report, as attached to this report;**
- 3. AUTHORISE the Chief Executive Officer to forward the report to the Minister for Local Government.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

9.0 REPORTS

9.1 TECHNICAL SERVICES

Nil

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2021**

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Kiara Pittard, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	30 November 2021
Attachments:	a) List of Accounts Paid to 30 November 2021 b) Credit Card Statement 27 October 2021 – 25 November 2021
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer’s delegated authority during the month of November 2021.

BACKGROUND:

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire’s municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2021-22 Annual Budget as adopted by Council at its meeting held 28 July 2021 (Minute No. OCM210706 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of November 2021. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28176	
EFT Payments	18951 - 19050	\$634,587.87
Direct Deposits		\$36,709.83
Municipal Account Total		\$671,297.70
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$671,297.70

CERTIFICATE

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

12(1) A payment may only be made from the municipal fund or a trust fund—

- (a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds—by the CEO: or*
- (b) otherwise, if the payment is authorised in advance by a resolution of the council.*

The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared—

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

(2) A list of accounts for approval to be paid is to be prepared each month showing—

- (a) for each account which requires council authorisation in that month—*
 - (i) the payee's name; and*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction; and*
- (b) the date of the meeting of the council to which the list is to be presented.*

(3) A list prepared under subregulation (1) or (2) is to be—

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Card

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council, pursuant to regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, NOTES the Chief Executive Officer's list of accounts paid under delegated authority being;

- a) The List of Accounts Paid to 30 November 2021 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 October 2021 – 25 November 2021 as detailed in attachment 9.2.1(b).

MOTION: OCM211203**MOVED: Cr Leenhouders****SECONDED: Cr Dawson**

That Council, pursuant to regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, NOTES the Chief Executive Officer's list of accounts paid under delegated authority being;

- a) The List of Accounts Paid to 30 November 2021 as detailed in Attachment 9.2.1(a).
- b) The Credit Card Statement 27 October 2021 – 25 November 2021 as detailed in attachment 9.2.1(b).

CARRIED: 7/0

9.2.2 MONTHLY FINANCIAL REPORT – NOVEMBER 2021

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	7 December 2021
Attachments:	a) Monthly Financial Report for the period ending 30 November 2021
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 November 2021 as required by the *Local Government Act 1995* ('the Act').

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 November 2021.

BACKGROUND:

At its meeting held 28 July 2021 (Minute No. OCM210706 refers), Council adopted the annual budget for the 2021-22 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 30 November 2021 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

- The annual budget estimates.
- The operating revenue, operating income, and all other income and expenses.
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period.
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result.
- Include an operating statement.
- Any other required supporting notes.

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 28 July 2021, Council adopted (Minute No. OCM210706 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2021-22 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2021/2022 financial year for monthly reporting purposes.

CONSULTATION:

Internal consultation within the Finance Department and Council's financial records.

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

COMMENT:

The financial report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

All expenditure included in the financial statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

STATUTORY ENVIRONMENT:

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

34. Financial activity statement required each month (Act s. 6.4)

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail—*

- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) *budget estimates to the end of the month to which the statement relates;*

and

- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing—*

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown—*

- (a) *according to nature and type classification; or*
- (b) *by program; or*
- (c) *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) *recorded in the minutes of the meeting at which it is presented.*

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 30 November 2021 has been incurred in accordance with the 2021-22 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$10,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Rates and Accounts Collection

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 November 2021 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM211204

MOVED: Cr Lester

SECONDED: Cr Dawson

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 30 November 2021 in accordance with section 6.4 of the *Local Government Act 1995*.

CARRIED: 7/0

9.3 DEVELOPMENT SERVICES

Nil

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN NOVEMBER/DECEMBER 2021

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2021
Attachments:	a) November/December 2021 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for November/December 2021 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the months of November/December 2021.

CONSULTATION:

Internal, all officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

COMMENT:

The Status of Council Decisions report is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been completed, the Executive Assistant uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire office for actioning and comment. The spreadsheet is accessible by all relevant Shire officers.

The Shire enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the Shire is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Shire President and the Chief Executive Officer are reported to Council for information on a regular basis.

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- a) how the person exercised the power or discharged the duty; and*
- b) when the person exercised the power or discharged the duty; and*
- c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031;

Provide informed and transparent decision making that meets our legal obligations and the needs of our diverse community

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of November/December 2021.

MOTION: OCM211205

MOVED: Cr Leenhouders

SECONDED: Cr Dawson

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of November/December 2021.

CARRIED: 7/0

9.4.2 ANNUAL REPORT 2020/2021

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2021
Attachments:	a) 2020/2021 Annual Report (under separate cover)
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the Shire of Jerramungup's 2020/2021 Annual Report.

BACKGROUND:

In accordance with section 5.53 of the *Local Government Act 1995* the 2020/2021 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Shire's external auditor, in conjunction with the Office of the Auditor General, has completed the audit of Council's Annual Financial Statements for the 2020/2021 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2020/2021 Annual Report.

The 2020/2021 Annual Report forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. The Annual Report contains statements from the Shire President, Chief Executive Officer, and the Annual Financial Statements for the 2020/2021 financial year.

CONSULTATION:

Senior Staff

Lincolns Accountants and Business Advisors

Office of the Auditor General

COMMENT:

The Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework sets out the requirements for local governments to undertake planning and reporting on their activities. This includes the annual reporting to the community on achievements and the financial statements. The Annual Report is also seen as an essential tool to inform the community and key stakeholders about its performance and future plans.

The *Local Government Act 1995* requires every local government to prepare an Annual Report. The Annual Report provides progress on the performance, highlights and achievements of the previous financial year to the community. The Annual Report also contains the audited Financial Statements from the previous financial year. It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

The 2020/2021 Annual Report has been prepared addressing the highlights and achievements of the year. The Annual Report also includes measurements against the Shire of Jerramungup Corporate Business Plan. Reports against statutory requirements are also included in the Annual Report.

Once adopted by Council the Annual Report, incorporating the Annual Financial Report, will be made available on the Shire’s website. A minimal number of printed, bound colour copies will be available for viewing at Libraries and Customer Services Areas of the Shire.

In order for the Shire of Jerramungup to meet its legislative requirements, it is recommended that Council accepts the Annual Report for the financial year 2020/2021.

STATUTORY ENVIRONMENT:

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the Annual Report:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report each financial year.*
- (2) *The annual report is to contain:*
 - (a) *a report from the Mayor or President;*
 - (b) *a report from the Chief Executive Officer;*
 - (c) *deleted;*
 - (d) *deleted;*
 - (e) *an overview of the Plan for the Future of the District made in accordance with Section 5.56 including major initiatives 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*
 - hb. *details of entries made under Section 5.121 during the financial year in the register of complaints, including –*
 - I. *the number of complaints recorded in the register of complaints;*
 - II. *how the recorded complaints were dealt with; and*
 - III. *any other details that the regulations may require; and*
 - (i) *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

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 the 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 the following in regard to the notice regarding the availability of the Annual Report:

5.55 Notice of Annual Reports

The Chief Executive Officer 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.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the Annual Report for the previous financial year and then any other general business.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Governance and Leadership

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. Pursuant to section 5.54 of the *Local Government Act 1995*, ACCEPTS the Annual Report for the 2020/2021 financial year, as attached to this report;**
- 2. Pursuant to section 5.55 of the *Local Government Act 1995*, GIVES local public notice of the availability of the 2020/2021 Annual Report.**

MOTION: OCM211206

MOVED: Cr Dawson

SECONDED: Cr Parsons

That Council, BY AN ABSOLUTE MAJORITY:

- 1. Pursuant to section 5.54 of the *Local Government Act 1995*, ACCEPTS the Annual Report for the 2020/2021 financial year, as attached to this report;**
- 2. Pursuant to section 5.55 of the *Local Government Act 1995*, GIVES local public notice of the availability of the 2020/2021 Annual Report.**

CARRIED BY AN ABSOLUTE MAJORITY: 7/0

9.4.3 ANNUAL MEETING OF ELECTORS

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	7 December 2021
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

For Council to determine the meeting date and time for the Annual General Meeting of Electors.

BACKGROUND:

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. It is anticipated that Council will accept the Annual Report at its meeting to be held Wednesday, 15 December 2021.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an Electors Meeting by giving at least 14 days public notice.

Should Council adopt the Annual Report at its meeting to be held 15 December 2021, the earliest date to issue local public notice is Monday 20 December 2021, meaning that the earliest date the Annual General Meeting of Electors can be held is Monday 3 January 2022, with the last date being Monday 14 February 2022.

It is proposed to hold the Annual General Meeting of Electors on Wednesday 2 February 2022.

CONSULTATION:

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the Annual Report to be made publicly available.

While the Shire advertises the meeting in accordance with the *Local Government Act 1995*, the Shire will promote the scheduled meeting date as soon as possible and will publicise the Annual Report through the Shire's website and Facebook page once it is adopted by Council.

COMMENT:

The audited Annual Financial Statements for 2020/2021 are the subject of a separate report to the Audit Committee and then Council. Once these statements are adopted by Council, they are inserted into the 2020/2021 Annual Report which is also adopted by Council as a separate item.

In order for the Shire of Jerramungup to meet its legislative requirements, it is recommended that Council convenes the Annual General Meeting of Electors at 11.00am on Wednesday 2 February 2022 at the Bremer Bay Town Hall, Bremer Bay.

STATUTORY ENVIRONMENT:

Section 5.27 of the *Local Government Act 1995* states the following in regard to Annual General Meeting of Electors:

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.*

Section 5.29 states the following in respect to convening Electors Meetings:

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving:*
- (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under Section 1.7(1)(a) and is to continue by way of exhibition under Section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

- Attendance and Apologies
- Contents of the 2020/2021 Annual Report
- General Business

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Governance and Leadership

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications resulting from the recommendations of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Wednesday 2 February, 2022 commencing at 11.00am at the Bremer Bay Town Hall, Bremer Bay; and
2. ADVERTISE the Annual General Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.

MOTION: OCM211207

MOVED: Cr Leenhouders

SECONDED: Cr Lester

That Council:

- 1. Pursuant to section 5.27 of the *Local Government Act 1995*, CONVENES the Annual General Meeting of Electors on Wednesday 2 February, 2022 commencing at 11.00am at the Bremer Bay Town Hall, Bremer Bay; and**
- 2. ADVERTISE the Annual General Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.**

CARRIED: 7/0

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**(CONFIDENTIAL MATTERS)****10.1 CLOSURE OF MEETING TO THE PUBLIC**

Author: Martin Cuthbert, Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil

OFFICER RECOMMENDATION:

That Council closes the meeting to the public under section 5.23 (2) (c) and (e) of the *Local Government Act 1995* so that it can consider the following items:

10.2: CONFIDENTIAL – AUSTRALIA DAY AWARDS 2021

Simple Majority Vote Required

MOTION: OCM211208

MOVED: Cr Leenhouders	SECONDED: Cr Price
That Council closes the meeting to the public under section 5.23 (2) (c) and (e) of the <i>Local Government Act 1995</i> so that it can consider the following items:	
10.2: CONFIDENTIAL – AUSTRALIA DAY AWARDS 2021	
CARRIED: 7/0	

Cr Joanne Iffla declared an impartiality interest in item 10.2. Due to the nature of this interest Cr Joanne Iffla left the meeting at 9:14am.

Cr Robert Lester declared an impartiality interest in item 10.2. Due to the nature of this interest Cr Robert Lester left the meeting at 9:14am.

Cr Julie Leenhouders assumed position of Chair.

10.2 CONFIDENTIAL – AUSTRALIA DAY AWARDS 2021

Location/Address: N/A
Name of Applicant: Shire of Jerramungup
File Reference: CR.AW.1
Author: Rachel Smith, Executive Assistant
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 9 December 2021
Attachments:
a) Selection Criteria
b) CONFIDENTIAL – Award Nominations
Authority/Discretion: Confidential

OFFICER RECOMMENDATION:

- 1) That Council AWARD the 2021 Senior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2022 at the Australia Day Breakfast Event.
- 2) That Council AWARD the 2021 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2022 at the Australia Day Breakfast Event.
- 3) DETERMINES there is no recipient for the 2021 Citizenship Award category.
- 4) DETERMINES there is no recipient for the 2021 Community Group or Event Award category.

MOTION: OCM211209

MOVED: Cr Parsons

SECONDED: Cr Price

- 1) That Council AWARD the 2021 Senior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2022 at the Australia Day Breakfast Event.

CARRIED: 5/0

Cr Joanne Iffla and Cr Robert Lester returned to the meeting at 9:19am

Cr Joanne Iffla resumed position of Chair.

MOTION: OCM211210

MOVED: Cr Price

SECONDED: Cr Dawson

- 1) That Council AWARD the 2021 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2022 at the Australia Day Breakfast Event.
- 2) DETERMINES there is no recipient for the 2021 Citizenship Award category.
- 3) DETERMINES there is no recipient for the 2021 Community Group or Event Award category.

CARRIED: 7/0

10.3 REOPENING OF THE MEETING TO THE PUBLIC

Author: Martin Cuthbert, Chief Executive Officer
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil

OFFICER RECOMMENDATION:

That Council reopens the meeting to the public.

Simple Majority Vote Required

MOTION: OCM211211

MOVED: Cr Lester That Council reopens the meeting to the public.	SECONDED: Cr Parsons
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CARRIED: 7/0

11.0 COUNCILLOR REPORTS

Cr Rex Parsons

Attended Audit Committee Meeting

Cr Andrew Price

Attended Audit Committee Meeting

Cr Robert Lester

Attended South Coast Alliance AGM and Ordinary Meeting

Attended Audit Committee Meeting

Cr Drew Dawson

Attended Audit Committee Meeting

Attended Great Southern Recreational Advisory Group meeting

Cr Julie Leenhouders

Attended South Coast Alliance AGM and Ordinary Meeting

Attended Audit Exit Meeting

Attended Jerramungup District High School Presentation Night

Attended Audit Committee Meeting

Cr Neil Foreman

Attended Audit Committee Meeting

Cr Joanne Iffla

Attended Audit Exit Meeting

Attended South Coast Alliance AGM and Ordinary Meeting

Attended Audit Committee Meeting

12.0 NEW BUSINESS OF AN URGENT NATURE

Nil

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 23 February 2022, commencing at 2.00pm, in the Council Chambers, Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 9:50am

These minutes were confirmed at a meeting held

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: