



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

Please be advised that an Ordinary Meeting of the Council of the Shire of Jerramungup is to be held on

Wednesday, 21 December 2022
At the Emergency Services Shed,
Bremer Bay
Commencing at 8:30am

Council Meeting Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s Code of Conduct, policies and decisions of the Shire.

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
16 December 2022

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Jerramungup (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Elected Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

The Shire of Jerramungup extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

MEETING FORMALITIES

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting. Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Administrative:** When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
- Review:** When Council reviews a decision made by Officers.
- Information:** Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Assistant prior to the Council meeting.

DECLARATIONS OF INTERESTS

Elected Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the *Local Government Act 1995* states;

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B states;

“a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.”

Regulation 34C (Impartiality) states;

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

2023 MEETING DATES

At its Ordinary Meeting of Council on 26 October 2022, Council adopted the following meeting dates for 2023:

January	-	-	Council in Recess
Wednesday	22 February 2023	10.00am	Council Chambers, Jerramungup
Wednesday	22 March 2023	10.00am	Council Chambers, Jerramungup
Wednesday	26 April 2023	10.00am	Emergency Services Shed, Bremer Bay
Wednesday	24 May 2023	10.00am	Council Chambers, Jerramungup
Wednesday	28 June 2023	10.00am	Council Chambers, Jerramungup
Wednesday	26 July 2023	10.00am	Council Chambers, Jerramungup
Wednesday	23 August 2023	10.00am	Emergency Services Shed, Bremer Bay
Wednesday	27 September 2023	10.00am	Council Chambers, Jerramungup
Wednesday	25 October 2023	10.00am	Council Chambers, Jerramungup
Wednesday	22 November 2023	8.30am	Council Chambers, Jerramungup
Wednesday	20 December 2023	8.30am	Emergency Services Shed, Bremer Bay

Council's Audit Committee meet when required. Details of these meetings are advised as appropriate.

APPLICATION FOR LEAVE OF ABSENCE

In accordance with section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for an Elected Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings. This approval must be by Council resolution and differs from the situation where an Elected Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings.

Shire of Jerramungup
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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atam by the Shire President.

I would like to begin today by acknowledging the Goreng people who are the Traditional Custodians of the land on which we meet today, and the Shire of Jerramungup would like to pay their respect to their Elders both past and present.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

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**2.5.2 DECLARATIONS OF PROXIMITY INTERESTS****2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS****3.0 APPLICATIONS FOR LEAVE OF ABSENCE****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****6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Ordinary Council Meeting held 30 November 2022.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 30 November 2022 be CONFIRMED

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

8.1 AUDIT RESULTS FOR THE YEAR ENDING 30 JUNE 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2022
Attachments:	a) Office of the Auditor General Management Letter and Finding for year ending 30 June 2022
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the Audit Findings for the year ended 30 June 2022 as recommended by the Audit Committee.

BACKGROUND:

The Committee's duties and responsibilities in relation to the Audit Findings are to consider and recommend acceptance of the findings identified during the audit. The focus of the audit was to evaluate the organisations overall control environment, but not for the purpose of expressing an opinion on the effectiveness of internal control, and to obtain an understanding of the key business processes, risks and internal controls.

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 findings were highlighted by Lincolns Accountants and Business Advisors in the Audit Findings for the year ended 30 June 2022;

Fair Value of Infrastructure Assets – Frequency of Valuations

Finding

The Shire has performed an informal assessment to determine whether its infrastructure assets represent fair value.

This assessment has relied on the Shire's internal assessment by management of the current market conditions. This review indicated there were no significant movements or impacts on its infrastructure assets relevant to 30 June 2022

Rating: Significant

Implication

Without a robust assessment of fair value of the Shires Infrastructure Assets there is a risk that the fair value of infrastructure assets may not have been assessed adequately and in compliance with *AASB 13 Fair Value Measurement*, as well as Regulation 17A(4)(b) of the *Local Government (Financial Management) Regulations 1996* (the Regulations).

Recommendation:

The Shire considers implementing as part of the preparation of financial statements a formal robust process to determine whether indicators exist annually, that would trigger a requirement to perform a formal revaluation of Infrastructure Assets. Where indicators exist a robust fair value assessment should be performed capturing the requirements of AASB 13 Fair Value Movements. This process is to ensure that the Shire's infrastructure assets are recorded at fair value in compliance with *AASB 13 Fair Value Measurement* and the Regulations.

This may entail obtaining relevant input from an independent valuer as to whether or not they consider there are any prevailing market factors which may indicate that the fair value of relevant assets are likely to have been impacted to any significant/material extent from the prior year. Where a fair value assessment has been performed internally the LG entity may consider having this assessment peer reviewed by an independent valuer to obtain assurance over the valuation methodology applied, inputs and the reasonableness of the valuation model applied.

Management Comment:

In the 21/22 financial year an Independent Valuer was engaged to visit and assess all necessary asset information for the Shires Land and Buildings. The Valuer assessed all assets in the asset register as provided by the Shire and a physical inspection was conducted on the 10 June 2022. The fair values provided for the Shires assets were reported in the Shires financial statements.

The Shire has made a provision in the 22/23 budget to engage an Independent Valuer to visit and assess all necessary asset information for the Shire's parks and Ovals, townscape assets, roads and airstrips and complete a replacement valuation and fair valuation for each item.

Based on the advice recently received the Shire will investigate introducing a formal process to ensure the Shires infrastructure assets are accurately recorded at fair value on an annual basis.

Timesheet Review and Authorisation**Finding**

During testing of payroll procedures there was three instances from thirty where employee timesheets were not signed as reviewed by the works supervisor.

Rating: Minor**Implication**

Review of timesheets ensure employees are only paid for actual hours worked. It is also an important control over the allocation of labour and machine hours to correct job codes. Incorrect allocations will result in potential over or understatement of assets and/or expenditures.

Recommendation

All timesheets should be reviewed and evidenced as such by the appropriate employee supervisor. Timesheets should be evidenced as reviewed prior to entry of the timesheets into the payroll system.

Management Comment

After recommendation received the Payroll Officer is to ensure that all timesheets are signed off by the appropriate supervisor prior to timecards being entered into the payroll system. In the event that the appropriate supervisor is unavailable the DCEO and CEO are authorised to review and sign off on the employee timecards prior to entry into the payroll system.

General Computer Controls**Finding**

We observed through discussions and review of documentation that the shire lacks an overall assessment of cyber risks to systems and information and essential policy and plans to implement essential safeguards.

Rating: Moderate**Implication**

Local Governments rely on information systems to operate and deliver services to their communities. They also store a large amount of sensitive information and are responsible for substantial assets. Systems are increasingly under risk by cyber security threats.

Recommendation

The Shire should undertake an assessment to understand and prioritise cyber security threats. Once these risks have been identified and assessed, a cyber security policy should be developed to implement appropriate plans to address them. The Shire should also consider including within the Shire's business continuity and disaster recovery plans incident responses to manage and recover from security incidents.

Management Comment

The Shire recognises investment in security and resilience to defend against potential attacks is necessary this includes fortifying defences and implementing a disaster recovery strategy to mitigate against the attack.

In October 2021, the Shire requested Integrated ICT to investigate, report and make recommendations based on best practices for the Shire's ICT environment.

The purpose of the audit was to;

- Assess the current ICT infrastructure against best practices
- Provide an overview of the current ICT infrastructure
- Report and issues, concerns, inefficiency of the current ICT infrastructure
- Recommend steps to remediate any concerns
- Initiate discussions on a road map for the future

Following the report finding high priority was given to the tasks listed as critical. To further assist the Shire to continue to proactively improve our cybersecurity position the Shire engaged Integrated ICT to provide security services and implement software. This now allows the Shire to detect new potential vulnerabilities and to act on them proactively.

The Shire is also working with Integrated ICT to develop policies to assist in building the Shire's Cyber Security response capability.

STATUTORY ENVIRONMENT:***Local Government Act 1995******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.*

7.12AD. Reporting on a financial audit

- (1) The auditor must prepare and sign a report on a financial audit.
- (2) The auditor must give the report to —
 - (a) the mayor, president or chairperson of the local government; and
 - (b) the CEO of the local government; and
 - (c) the Minister.

Division 4 — General**7.12A. Duties of local government with respect to audits**

- (1) *A local government is to do everything in its power to —*
 - (a) assist the auditor of the local government to conduct an audit and carry out the auditor’s other duties under this Act in respect of the local government; and*
 - (b) ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) *A local government must —*
 - (aa) examine an audit report received by the local government; and*
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - (b) ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must —*
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*

STRATEGIC IMPLICATIONS:

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

Governance and Leadership – 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 findings identified during the Audit for the year ended 30 June 2022 and that:

- 1. The Office of the Auditor General Management Letter and Findings for the year ended 30 June 2022 be received.**
- 2. In accordance with section 7.12A(4)(a) of the *Local Government Act 1995*, the attached report addressing the Fair Value of Infrastructure Assets matter identified as significant by the Shire's Auditor in the 2021/2022 Audit Report, stating what action has and will be taken with respect to those matters, be endorsed.**

8.2 ACCEPTANCE OF 2021/2022 ANNUAL FINANCIAL REPORT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2022
Attachments:	a) 2021/2022 Annual Financial Report b) 2021/2022 Auditors Report – Office of the Auditor General/Lincolns c) Auditors Opinion – Office of the Auditor General
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the 2021/2022 Annual Financial Report as recommended by the Audit Committee.

BACKGROUND:

The Audit Committee of the Shire of Jerramungup met on 21 December 2022 to consider the 2021/2022 Annual Financial Report and Auditor's Report. The recommendation from the Audit Committee was for Council to adopt the 2021/2022 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 2022 has been prepared in accordance with the *Local Government Act 1995* and *Local Government Financial Management Regulations 1996* and is now presented to the Audit Committee for consideration and recommends adoption by Council. 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 2022:

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. • Audit included additional analysis of revenue allocation in accordance with AASB 15 Revenue from Contracts with Customers and AASB 1058 Income for Not For Profit Entities. • 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. <p>Grant Funding and Other Revenue as disclosed in the financial statements is materially correct.</p>
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 for the following:</p> <ul style="list-style-type: none"> • Process for reviewing internal control procedures including evidence of periodic review of policy manual. • 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 undertook revaluation process in the 2022 financial year for land and buildings.</p> <p>Audit Processes were undertaken to:</p> <ul style="list-style-type: none"> • Sample test additions and disposals • Check profit/loss on sale of assets • Confirm ownership and existence of assets • Recalculate Depreciation
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. We reviewed managements monitoring of impairment and determined that adequate processes exist.
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 MFA. <p>Review noted that no arrangements under AASB 1059 that require disclosure.</p>

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.	Nil				

Corrected Audit Misstatements

	Financial Statements Accounts Impacted	Statement of Financial Position Adjustment	Effect on Operating Surplus	Effect on Other Comprehensive Income	Comment
1.	Nil				

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 2022 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. ADOPTS the 2021/2022 Annual Financial Report for the Shire of Jerramungup and the accompanying 2021/2022 Audit Report-Opinion, as attached to this report;**
- 2. ACCEPTS the Auditor’s “Report to the Audit Committee”, as attached to this report, for the year ended 30 June 2022 supplied by Council’s Auditors, Lincolns Accountants and Business Advisors and Office of the Auditor General.**

9.0 REPORTS**9.1 TECHNICAL SERVICES****9.1.1 WORKS REPORT FOR DECEMBER 2022**

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Gordon Capelli, Works Supervisor
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 December 2022
Attachments:	Nil
Authority/Discretion:	Information

SUMMARY:

For Council to note the works completed for the prior month.

BACKGROUND:**Road Construction**

This month the construction crew have completed sealing works on Swamp Road, Bremer Bay Airstrip taxi-way and Swarbrick Road.

The construction crew have now moved on to maintenance until the 21 December. On return on 2023, they will move on to Doubtful Island Road to start a 3km gravel sheeting and drainage program.

Town Services

During the last month of the year, the town services crew are focusing on maintenance of our parks and gardens within both towns as well as the beach reserves within Bremer Bay. With the increased traffic from tourists we have dialled back our spraying and are now mainly focusing on rubbish collection, fixing any damages to our reserves and last-minute preparations for the busy holiday season.

Road Maintenance

The maintenance crew and construction crew are busy repairing gravel roads throughout the Shire which are deteriorating quickly due to the increased traffic from harvest. As we can't be everywhere, we ask farmers and the public to understand we are doing the best we can.

We have installed the remaining caterpillar strips along Bremer Bay Road from the fish cleaning bay connecting to the previous strips installed along the bicycle path. We have also installed 4 soft rubber speed humps along this part of the road to help control the speed of cars going down to Paperbarks Park and the Wellstead Estuary.

CONSULTATION:

Internal

COMMENT:

This report is for information only to advise Council on the previous months works activities.

STATUTORY ENVIRONMENT:

There are no statutory implications for this report.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031;
Advocate for improved road and communication connectivity to support rural and agricultural businesses and environmental tourism.

Design, construct and maintain infrastructure in a manner that maximise its life, capacity and function.

Deliver a sustainable and progressive approach to natural resource and waste management.

FINANCIAL/BUDGET IMPLICATIONS:

The works completed are included in the 2022/2023 Shire of Jerramungup budget.

WORKFORCE IMPLICATIONS:

This report provides an overview of the outside workforce operations for the previous month.

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 works report for December 2022.

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2022**

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 December 2022
Attachments:	a) List of Accounts Paid to 30 November 2022 b) Credit Card Statement 27 October 2022 – 28 November 2022
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 2022.

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 2022-23 Annual Budget as adopted by Council at its meeting held 27 July 2022 (Minute No. OCM220707 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 2022. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28180	
EFT Payments	20213 – 20295	\$554,529.89
Direct Deposits		\$52,324.16
Municipal Account Total		\$606,854.05
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$606,854.05

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 2022 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 27 October 2022 – 28 November 2022 as detailed in attachment 9.2.1(b).**

9.2.2 MONTHLY FINANCIAL REPORT – NOVEMBER 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	12 December 2022
Attachments:	a) Monthly Financial Report for the period ending 30 November 2022
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 30 November 2022 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 2022.

BACKGROUND:

At its meeting held 27 July 2022 (Minute No. OCM220707 refers), Council adopted the annual budget for the 2022-23 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 31 October 2022 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 27 July 2022, Council adopted (Minute No. OCM220707 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2022-23 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2022/2023 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 2022 has been incurred in accordance with the 2022-23 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 – Debt Recovery

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 2022 in accordance with section 6.4 of the *Local Government Act 1995*.

9.3 DEVELOPMENT SERVICES

9.3.1 MANAGEMENT OPTIONS – WELLSTEAD ESTUARY, BREMER BAY

Location/Address:	Wellstead Estuary Location – Bremer Bay
Name of Applicant:	Shire of Jerramungup and Fitzgerald Biosphere Group
File Reference:	
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 December 2022
Attachments:	a) Location Plan
Authority/Discretion:	Executive

SUMMARY:

The Fitzgerald Biosphere Group (FBG) have approached the Shire seeking approval to reinstate the barrier fencing across the sand bar at the entrance to the Wellstead Estuary.

The purpose and intent of the barrier fencing is to protect the area of estuary that is inhabited by a range of beach-nesting shorebirds that includes species that are listed as being a vulnerable that depend on coastal habitats for survival.

This report recommends that Council provides its support to the proposal.

BACKGROUND:

- The environmental values of the Wellstead Estuary are well established and the area has been the subject of various management practices that have been implemented over an extended period of time;
- Past actions have included the development of the Wellstead Estuary Management Plan, the creation of walk trails, installation of information signage and installation of bollards at select locations to reduce vehicular access points onto the estuary;
- A temporary barrier fence was first erected across the sand bar at the eastern end of the estuary circa 2008 and various iterations of that fencing have been in place since that time;
- The purpose of the barrier fence is to provide a *visual clue* to people visiting the area that they should not proceed and serves to restrict access to the area of the estuary that provides a coastal habitat for shore birds that use the area for resting, feeding and breeding. Particular concerns arise for the Hooded Plover species which has been identified as being a vulnerable species that is threatened by habitat loss because of its small population and limited native range. The bird has been identified as having one of the lowest survival rates of any species in the world that depend on coastal habitats for survival. The bird lays its clutch of eggs between August and March each year which coincides with the peak summer holiday period and its nesting habits means it faces a number of threats, principally human disturbance to nesting birds, crushing or disturbance of eggs and chicks by people, vehicles and animals;
- Council at its Ordinary Meeting held 24 March 2021 Item 9.3.1 considered an item regarding the future development of a Bird Hide on a portion of the Estuary. The motivation for and the aspirations for that project was to create a greater community and visitor understanding of the values of the estuary and the role people can play in protecting it. The decision of the Council in respect to the request by the FBG was:

MOTION: OCM210309**MOVED: Cr Leenhouders****SECONDED: Cr Bailey*****That COUNCIL:***

- 1. Advises the Fitzgerald Biosphere Group that it provides its in-principle support towards the Wellstead Estuary Bird Hide project;**
- 2. Advises the Fitzgerald Biosphere Group that in providing its in-principal support does not bind the Council to the project should issues arise in the opinion of the Council prove to be fatal flaws from an environmental, engineering and financial perspective.**

- The most recent opening of the estuary in June 2021 resulted in the existent barrier fencing being ‘washed out’ and this event, not unreasonably, drew criticism from some sectors of the community. The concern expressed was that the fence would create an environmental hazard for marine life and was a consequence of a lack of management/oversight;
- The loss of the fence was a matter of discussion at the Annual Electors Meeting held 2 February 2022. In response to questions raised as to whether the fence would be reinstated, the meeting was advised *“that no decision had been made regarding the reinstatement of the fence and that the Council would undertake community consultation before a final decision was made”*;
- The estuary has and continues to remain open which has afforded some level of protection to the area from human disturbance, however, the latest request is made to preempt the closing of the bar which will then make the area readily accessible once again and reintroduce the potential for disturbance for the birdlife that are highly dependent upon the habitat;
- The area that is sought to be protected by the barrier fencing is relatively small in the overall context and doesn’t impede people’s ability to access the adjoining beach or ability to cross the sand bar to access the northern side of the estuary.

STRATEGIC IMPLICATIONS:

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

Environment Natural

- Work with relevant stakeholders to promote and manage sustainable tourism within the Fitzgerald Biosphere
- Support and promote the conservation values and the unique attractions in the Shire
- Deliver a sustainable and progressive approach to natural resource and waste management

COMMENT

As detailed above, the purpose and intent of erecting the barrier fence is to afford protection to the habitat upon which a significant number of birds are dependant.

It is acknowledged that the loss of the fence when the estuary opened had the potential to cause a threat to marine life, however, this single event should not preclude the matter of reinstating the fence being reconsidered. There are a number of relatively simple management practices that can be set in place to ensure that the situation does not reoccur. This would extend to the Shire taking responsibility for the oversight of the fence as part of its town services function and modifying the layout of the fence to have it installed in a different configuration (shorter sections). This would make its installation and removal quicker and easier if and when as required.

The Shire has management responsibility of the Estuary surrounds via a Management Order granted in its favour and implementing management practices over the area is consistent with a number of the Council’s key strategic planning documents including; the Community Strategic Plan; Wellstead Estuary Plan; the Shire’s Coastal Management Plan; Local Planning Strategy and Trail Management Plan. The proposal also accords with other strategic planning documents developed for the region and in particular is consistent

with the Fitzgerald Biosphere Action Plan. The protection of environmentally sensitive areas is a practical example of implementing actions that manage the natural environment and how people interact with it.

Having regard to the matters outlined above it is considered that there is merit and sound justification to support the FBG's request to have the fence reinstated, however, it is also recognised that the Shire has given a commitment to undertake consultation with the community prior to making a final decision on the matter.

Whilst acknowledging this commitment, there is also the potential/risk that estuary may close before the Council has completed the consultation process and made a final determination on the matter. If this was to occur it may leave the area exposed to high levels of disturbance over the peak holiday period and possibly even greater impact from higher usage if favourable crabbing and prawning conditions follow the closure of the bar.

In the eventuality that the bar does close in advance of the consultation process and final decision being made on the future of the fence (or any alternative solutions that may arise from the consultation period), Council may wish to consider retaining the option of installing the fence on a temporary basis only. There is clear empirical evidence that the area is vulnerable to disturbance from people and the adverse impacts this has upon the viability of the area as a habitat for shorebirds. Not having a ready solution at hand to prevent access in the event the bar does close earlier may result in unacceptable outcomes for the habitat in the interim period. Should this become necessary it would need to be clearly communicated to the community that the installation was a temporary measure only to address an immediate risk.

This preventative action would be entirely within the discretion of the Council and within its powers and obligations to implement appropriate management practices over land within its management control.

SUMMARY:

In order to progress the matter it will be necessary for the Administration to prepare information materials to consult with the community before making a final determination on the proposal to reinstate the fence.

It is proposed that information regarding the project would be distributed via the Shire's electronic media platforms and by way of information sheets posted in strategic locations. It is not proposed that workshops would be held or necessary to garner community feedback on this issue.

It is further recommended that Council retain the option of installing the barrier fencing on a temporary basis in the event that the bar to the estuary closes prematurely to prevent damage occurring to the environment before a final decision is made as to whether the reinstatement of the fencing or alternative measures are determined.

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS:

Costs to replace the fence with similar like for like material (plastic stakes and wire) with limited basic signage identifying the area as a nesting site or similar is estimated to be \$700.00

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That COUNCIL:

- 1. Authorises staff to prepare information on the proposed installation of the barrier fencing across the bar to the Wellstead Estuary and for such information to be circulated for community feedback for a period of no less than 28 days;**
- 2. Instructs that the matter be brought back to Council at the next available Council Meeting following the close of the consultation period for final determination as to whether to proceed with the retention of the fencing insitu on a semi-permanent basis or to adopt alternative solutions that may arise from the community consultation process;**
- 3. Reserves the right to erect the barrier fencing as a temporary measure to preserve the integrity of the habitat in the eventuality that the bar to the Wellstead Estuary closes prior to Council making a final determination as to whether the barrier fence or alternative solution is to be reinstalled on a semi-permanent basis;**
- 4. Advises the Fitzgerald Biosphere Group that in providing its in-principal support does not bind the Council to the project should issues arise in the opinion of the Council prove to be fatal flaws from an environmental, engineering and financial perspective.**

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN DECEMBER 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Rachel Smith, Executive Assistant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 December 2022
Attachments:	a) November/December 2022 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for November/December 2022 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 2022.

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 2022.

9.4.2 PROPOSED WALGA BEST PRACTICE GOVERNANCE REVIEW

Location/Address:	Shire of Jerramungup
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:	24 November 2022
Attachments:	a) WALGA Consultation Paper b) WALGA Background Paper
Authority/Discretion:	Executive

SUMMARY:

The Western Australian Local Government Association (WALGA) is seeking feedback from local governments on its Best Practice Governance Review. This an opportunity to review and reshape the governance model, where necessary, so that WALGA is well-placed to represent, respond and deliver outcomes for their members.

BACKGROUND:

WALGA was formed on 6 December 2001 to provide a representative and united voice for Local Government in WA.

WALGA has, as a part of its Corporate Strategy 2020-25, identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review include:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments;
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to "deal with matters related to State Councillors' Candidature for State and Federal elections";
- Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995* (WA); and
- Constitutional requirements for WALGA to become a registered organisation under the *Industrial Relations Act 1979* (WA), which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission.

In March 2022 WALGA's State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review. The BPGR Steering Committee had its first meeting on 5 May 2022. There was wide-ranging discussions regarding WALGA's current governance model, better membership engagement, and opportunities for change. At the meeting, five (5) comparator organisations were identified to be used as part of the comparative analysis. The subsequent Steering Committee meetings focused on the development of governance model principles.

WALGA has presented 5 governance model options:

- Option 1 – Two tier model, existing zones;
- Option 2 – Board, regional bodies;
- Option 3 – Board, amalgamated zones;
- Option 4 – Member elected board, regional groups; and
- Option 5 – current model

CONSULTATION:

WALGA are seeking feedback from all Western Australian local governments.

COMMENT:

WALGA’s Corporate Strategy 2020-2025 identifies its governance model as a key enabler of performance, with the following description: “We have contemporary governance and engagement models.” Member and stakeholder feedback from a range of sources over several years has highlighted dissatisfaction with the current governance model. Specifically:

- Structure – WALGA’s governance structure is seen by members and stakeholders as creating roadblocks, hindering decision-making, and holding WALGA back;
- Responsiveness – there is a perception among members and stakeholders that WALGA’s governance model is slow and bureaucratic in an environment that requires agility;
- Prioritisation and Focus – members and stakeholders acknowledge the challenges of developing unified Local Government policy positions and advocacy priorities given the diversity of Local Government sector interests;
- Transparency and Accountability – feedback from members and stakeholders suggests that WALGA should be more transparent about its decision-making processes; and
- Zones – Feedback from members and stakeholders in relation to Zones and Zone meetings is mixed. A proportion of WALGA’s membership believes that Zones are not as representative, strategic nor effective as they potentially could be.
















The following principles were endorsed at the State Conference Annual General Meeting which was held on 2 October 2022.

- Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies;
- Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders; and
- Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.

WALGA is now seeking formal feedback by 23 December 2022, via a Council decision, on governance model options as presented in the Consultation Paper.

In addition, WALGA will be undertaking independent consultations from CEOs and Elected Members.

Below are the 5 options, including the current model, with details of each of their key governance bodies.

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
 <p>Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents</p>	 <p>Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents</p>	 <p>Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents</p>	 <p>Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents</p>	 <p>State Council (25 members) 24 State Councillors 1 President</p>
 <p>Policy Council (25 members) 24 members plus President</p>	 <p>Regional Bodies (4 metro, 4 country)</p>	 <p>Zones (6 metro, 6 country)</p>	 <p>Policy Teams / Forums / Committees</p>	 <p>Zones (5 metro, 12 country)</p>
 <p>Zones (5 metro, 12 country)</p>	 <p>Policy Teams / Forums / Committees</p>	 <p>Policy Teams / Forums / Committees</p>	 <p>Regional Groups</p>	 <p>Policy Teams / Forums / Committees</p>

Attachment 1, pages 15-19 illustrates the nuances of each Option.

Obviously Option 5, the status quo, current model provides the clearest reference point upon which to try and best judge the other four (4) options. It is perhaps very subjective therefore how one can assess alternate options or models. However, given WALGA is asking local governments to provide feedback on which Option might suit Jerramungup's needs (as a member) and the needs of the Association moving forwards, the following subjective comments/observations are provided for assisting debate from the sole perspective of the Chief Executive Officer, who has witnessed and participated in WALGA and its predecessors' zones, over numerous years:

- WALGA represents 139 member local governments, whose size, scale, location and diversity is very extreme. For this reason it is often difficult to obtain a view on some issues that is 'acceptable' to all. That is the primary reason WALGA has always had an equal representation from metropolitan based local governments versus non (Country), with the President alternating from year to year. Notwithstanding going against the principles of one vote one value.
- WALGA originally (2001) was formed from the merger of the Western Australian Municipal Association, Country Shire Council's Association and the Local Government Association of WA and Country Urban Councils Association.
- Option 5 is known and whilst cumbersome, represents the best way of the diversity of viewpoints across the State and size and scale of local governments.
- Sometimes there is safety in the known compared to the unknown.
- The existing Option is sometimes frustrating and time consuming and lengthy to get to an agreed perspective, but could be argued can provide a more balanced view given the diversity of members.
- Options 1, 2, 3 and 4 all introduce the concept of a Board (elected still) and between two (2) to three (3) independent Board Members. This might add cost but also add 'value' and professional viewpoints (Accountant, Lawyer etc).
- Options 1 and 5 retain the current zones. That might be relevant as an issue given likely travel times and distance, compared to the other Options, which would probably result in the tendency to use teleconference as opposed to face to face and meet less frequently?
- WALGA Consultation Paper (Attachment 1) notes that the Options meet the Principles as follows (highlighting arguably WALGA's position that there is an argument for change):
 - Option 1 score of 8/10
 - Option 2 score of 8/10
 - Option 3 score of 7/10
 - Option 4 score of 7/10
 - Option 5 score of 4/10.

In summary, it could be argued that local governments don't utilise or see value in zones for many years. Tending to go directly with an issue, given the diversity and clumsiness of the zone and board system of the current model.

What has worked well, from the view of the Chief Executive Officer, is advocacy for a sector for many years, particularly given the complexity and diversity of its members perspectives and needs.

Conversely however if there was no WALGA, would we be the poorer as an industry and individual local government? The Chief Executive Officer is of the view that is the case.

The only question remains then is what is the preferred model moving forward? Does Jerramungup recommend status quo, which its own Association is indicatively saying is no longer functional or fit for purpose? Does Jerramungup take a risk and vote for change? Can Jerramungup be guaranteed a better

option? Or is it better to vote for what one knows versus what isn't tried and tested? There is perhaps no right answer, without the benefit of hindsight.

The key is which option best suits Jerramungup and its community and interest first and foremost, secondly those of the Great Southern of WA and lastly those of regional WA?

On balance the Chief Executive Officer believes that Option 1, Two Tier Model with existing zones is worth pursuing, noting that allowing up to three (3) independents on a 11 person Board could be potentially dangerous to meeting the needs of members (if those independent Board Members aren't selected carefully). However, there is safety in the status quo, if the Council wishes to go with that preference.

STATUTORY ENVIRONMENT:

Proposed Legislative reforms could also impact WALGA's governance arrangements.

The Minister for Local Government's reforms to the *Local Government Act 1995* proposes to remove WALGA from being constituted under the *Local Government Act 1995*.

A review of WA's *Industrial Relations Act 1979* provides an opportunity for WALGA to be constituted as a registered employer organisation, which would enable WALGA to make applications in its own right on behalf of the sector.

STRATEGIC IMPLICATIONS:

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

1. **SUPPORTS** the Western Australian Local Government Association's best practice governance review consultation paper.
2. **ADVISE WALGA** that their preferred option is Option One.
3. **ADVISE WALGA** that the options are ranked as follows:
 - a. **Option One,**
 - b. **Option Five,**
 - c. **Option Three,**
 - d. **Option Two,**
 - e. **Option Four.**

9.4.3 ANNUAL REPORT 2021/2022

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:	15 December 2022
Attachments:	a) 2021/2022 Annual Report (under separate cover)
Authority/Discretion:	Legislative

SUMMARY:

For Council to accept the Shire of Jerramungup's 2021/2022 Annual Report.

BACKGROUND:

In accordance with section 5.53 of the *Local Government Act 1995* the 2021/2022 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 2021/2022 financial year and these statements are the subject of a separate report to Council. The Annual Financial Statements form part of the 2021/2022 Annual Report.

The 2021/2022 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 2021/2022 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 2021/2022 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 2021/2022.

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 2021/2022 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 2021/2022 Annual Report.**

9.4.4 ANNUAL MEETING OF ELECTORS

Location/Address:	N/A
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:	14 December 2022
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, 21 December 2022.

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 21 December 2022, the earliest date to issue local public notice is Thursday 22 December 2022, meaning that the earliest date the Annual General Meeting of Electors can be held is Thursday 5 January 2023, with the last date being Thursday 16 February 2023.

It is proposed to hold the Annual General Meeting of Electors on Wednesday 8 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 2021/2022 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 2021/2022 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 8.30am on Wednesday 8 February 2022 at the Council Chambers, Jerramungup.

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 8 February, 2022 commencing at 8.30am at the Council Chambers, Jerramungup; and
2. ADVERTISE the Annual General Meeting of Electors in accordance with section 5.29 of the *Local Government Act 1995*.

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 2022

Simple Majority Vote Required

10.2 CONFIDENTIAL – AUSTRALIA DAY AWARDS 2022

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: 15 December 2022
Attachments: a) Award Eligibility and Assessment Criteria
b) CONFIDENTIAL – Award Nominations
Authority/Discretion: Confidential

OFFICER RECOMMENDATION:

- 1) That Council AWARD the 2022 Citizenship Award to _____, with it being presented to the recipient on 26 January 2023 at the Australia Day Breakfast Event.
- 2) That Council AWARD the 2022 Senior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2023 at the Australia Day Breakfast Event.
- 3) That Council AWARD the 2022 Junior Sportsperson Award to _____, with it being presented to the recipient on 26 January 2023 at the Australia Day Breakfast Event.
- 4) DETERMINES there is no recipient for the 2022 Community Group or Event Award category.

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

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 COUNCILLOR REPORTS

13.0 NEW BUSINESS OF AN URGENT NATURE

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 22 February 2023, commencing at 10.00am, in the Council Chambers, Jerramungup.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atam

These minutes were confirmed at a meeting held
.....
Signed:
Presiding Person at the meeting at which these minutes were confirmed
Date: