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, 27 August 2025
At the Town Hall,
Bremer Bay
Commencing at 1:00pm

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 annouces 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
21 August 2025

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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RECORDINGS

The Meeting will be recorded. The recording will be made publicly available as soon as is practical following the meeting.

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."

2025 MEETING DATES

At its Ordinary Meeting of Council on 28 August 2024, Council adopted the following meeting dates for 2025.

January	-	-	Council in Recess
Wednesday	26 February 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	26 March 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	30 April 2025	1.00pm	Bremer Bay Hall, Bremer Bay
Wednesday	28 May 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	25 June 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	30 July 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	27 August 2025	1.00pm	Bremer Bay Hall, Bremer Bay
Wednesday	24 September 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	22 October 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	26 November 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	17 December 2025	1.00pm	Bremer Bay Hall, Bremer Bay

Council's Audit, Risk & Improvement 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 Meeting of Council
Wednesday 27 August 2025

ORDINARY COUNCIL MEETING
AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at ……….pm 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

Cr Nathan Brown

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

RECOMMENDATION

That _________________ be granted Leave of Absence from the Ordinary Council Meeting to be held on __________________ 2025.

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.

RECOMMENDATION

That Cr Gavin Mair be granted permission to be present at the Ordinary Council Meeting to be held on 27 August 2025 by audio contact.

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 ORDINARY COUNCIL MEETING HELD 30 JULY 2025

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 30 July 2025 be CONFIRMED.

7.2 CEO REVIEW COMMITTEE MEETING HELD 30 JULY 2025

CONFIDENTIAL Attachment 7.2 a)

That the Minutes of the CEO Review Committee Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 30 July 2025 be CONFIRMED.

7.3 BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD 6 AUGUST 2025

Attachment 7.3 a)

That Council RECEIVE the Minutes of the Bremer Bay Community Development Committee Meeting held on 6 August 2025.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

OFFICER RECOMMENDATION:

That the meeting be closed to the general public to discuss Confidential Item 8.1 pursuant to the *Local Government Act 1995* section 5.23 (2)(a) relating to a matter affecting an employee or employees.

CONFIDENTIAL MATTERS

8.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	Personnel File
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Financial Interest – Relates to author's contract of employment
Date of Report:	12 August 2025
Attachments:	a) Confidential – Chief Executive Officer Annual Performance Review Council Report – John Phillips Consulting
Authority/Discretion:	Legislative

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

1. **NOTES that Mr Martin Cuthbert's Performance Review in his role as Chief Executive Officer for the Shire of Jerramungup for the 2024/25 appraisal period has been undertaken;**
2. **ENDORSES Mr Cuthbert's overall rating of "Meets Performance Requirements";**
3. **SCHEDULES the 2026 review of the Chief Executive Officer's performance to be completed by the August 2026 Ordinary Meeting of Council;**
4. **ENDORSES the Performance Criteria for the 2025/26 review period;**
5. **REVIEWS Mr Cuthbert's Total Reward Package in accordance with contractual requirements, and within the terms of the Determination of the Salaries and Allowances Tribunal of 4 April 2025 (effective 1 July 2025); and**
6. **APPROVE an increase to Mr Cuthbert's salary and superannuation co-contribution allowance effective as of 1 July 2025, as per Option 5 in the confidential attachment.**

OFFICER RECOMMENDATION:

That the meeting again be opened to the general public.

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR JULY-AUGUST 2025

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Gordon Capelli, Works Supervisor
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	18 August 2025
Attachments:	Nil
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

Road Construction

The Road Construction Crew has been out dealing with flood damage and maintenance on all roads in the Shire after the severe weather we have been having. The Crew will start on a full reconstruction and sealing of Cuiss Road from SLK 4.25 to SLK 8.25 during August.

Road Maintenance

The road maintenance grader has been working on flood damage as we have only one grader operator. A contractor is assisting with grading of Devils Creek South Road, Swamp Road, Murray Road, Doubtful Island Road and Millers Point Road.

Town Services

Bremer Bay

Town Services staff have completed the following:

- Revamping Bremer Bay CRC gardens.
- Mowing of parklands.
- Rubbish collection within townsite.
- Removal of weeds within gardens and along streets.
- Contractors have finished installing new bench seats at Pelican Park and the reserve across from the general store.
- Contractors have finished installing new bin stands around town.
- Vic tea tree control within Bremer Bay Airstrip.

Jerramungup

Town Services staff have completed the following:

- Weed spraying throughout the townsite.
- Mowing of parklands and cemetery.
- Rubbish collection within townsite.
- Contractors have removed large trees impacting powerlines and removal of stumps within townsite.
- Weed spraying in gardens.

Shire staff also completed a snake handling course.

CONSULTATION:

Internal

COMMENT:

This report is for information only to advise Council on the previous month's 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:

Economy

Advocate for improved road and communication connectivity to support rural and agricultural businesses and environmental tourism.

Environment Built

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

Environment Natural

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

FINANCIAL/BUDGET IMPLICATIONS:

The works completed are included in the 2025/2026 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 July-August 2025.

9.2 CORPORATE SERVICES

9.2.1 ACCOUNTS FOR PAYMENT – JULY 2025

Location/Address: N/A
Name of Applicant: N/A
File Reference: N/A
Author: Sarah Van Elden, Accounts Officer
Responsible Officer: Charmaine Wisewould, Deputy Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 14 July 2025
Attachments:
a) List of Accounts Paid to 31 July 2025
b) Credit Card Statement 28 May 2025 – 1 July 2025
c) Credit Card Statement 1 July 2025 – 31 July 2025
d) Fuel Card Statement – June 2025

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 July 2025.

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 Officer is to be provided to Council.

Since 1 September 2023, Local Governments have been required to report on payments by employees via purchasing cards, under new Regulation 13(A).

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2025/26 Annual Budget as adopted by Council at its meeting held 30 July 2025 (Minute No. OCM250708 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 July 2025. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	23594 - 23696	$636,548.77
Direct Deposits		$86,801.86
Municipal Account Total		**$723,350.63**
Trust Account		
Trust Account Total		**$0.00**
Grand Total		**$723,350.63**

Included within the EFT payments from the Shire's Municipal Account are the Fuel Card Statement required to be reported under Regulation 13(A), totalling $4,689.84.

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.

It is requested that any questions on specific payments are submitted to the Deputy Chief Executive Officer by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the meeting. This allows a detailed response to be given in a timely manner.

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.*

As part of the *Local Government Regulations Amendment Regulations 2023*, additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, is required, as follows:

Local Government (Financial Management) Regulations 1996 – Reg 13A

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment;

(d) sufficient information to identify the payment.

(2) A list prepared under subregulation (1) must 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.

Regulation 13(A) came into operation from 1 September 2023.

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 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 Cards

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 31 July 2025 totalling $723,350.63
b) The Credit Card Statement 25 May 2025 – 1 July 2025 as detailed in attachment 9.2.1 (b).
c) The Credit Card Statement 1 July 2025 – 31 July 2025 as detailed in attachment 9.2.1 (c).
d) The Fuel Card Statement June 2025 as detailed in Attachment 9.2.1 (d).

9.2.2 MONTHLY FINANCIAL REPORT – JULY 2025

Location/Address: N/A
Name of Applicant: N/A
File Reference: N/A
Author: Tamara Pike, Finance Manager
Responsible Officer: Charmaine Wisewould, Deputy Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 20 August 2025
Attachments: a) Monthly Financial Report for the period ending 31 July 2025
Authority/Discretion: Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 July 2025 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 31 July 2025.

BACKGROUND:

At its meeting held 30 July 2025 (Minute No. OCM250708 refers), Council adopted the annual budget for the 2025/26 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 July 2025 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 30 July 2025, Council adopted (Minute No. OCM250711 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2025/26 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum $10,000.00 variance for the 2025/2026 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:

Governance and Leadership

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

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 July 2025 has been incurred in accordance with the 2025/26 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 RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 July 2025 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 AMENDMENT TO 2025/2026 FEES AND CHARGES

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sophie Browning, Asset Manager
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	20 August 2025
Attachments:	a) 2025/2026 Amended Fees and Charges
Authority/Discretion:	Executive

SUMMARY:

This item addresses amending Council's adopted fees and charges for the 2025/2026 financial year. The proposed amendment to fees and charges is provided as an attachment and the recommendation seeks to adopt the amended fees and charges for advertising.

BACKGROUND:

In preparation for the 2025/2026 budget period the proposed 2025/2026 Fees and Charges were adopted by Council at the June 2025 meeting.

The annual budget report was presented in July 2025. Council adopted fees and charges for rates for rural and townsite properties, including annual fees for kerbside waste and recycling collection that were higher than in the 2025/2026 Fees and Charges.

The attachment provides a listing of Council's fees and charges and comparatives to the previous financial year.

Council's fees and charges contain clauses that allow fees set by external bodies to override those advertised and published by Council.

CONSULTATION:

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

Fees and Charges as set by external statutory bodies.

COMMENT:

This amendment is to update the 2025/2026 Fees and Charges for kerbside waste and recycling services to be in line with the Adopted Budget.

Amendment to the wording relating to impounding fees has been updated from dogs to animals. This will allow the Shire's Ranger to recover costs for dogs, cats and other animals that may be impounded.

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

STATUTORY ENVIRONMENT:

Local Government Act 1995

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.'*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.17. Setting the level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors

(a) the cost to the local government of providing the service or goods;

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

(a) under section 5.96;

(b) under section 6.16(2)(d); or

(c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.

(4) Regulations may —

(a) prohibit the imposition of a fee or charge in prescribed circumstances; or

(b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

(a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of-

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

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:

Fees and charges make up approximately $1,150,000 of annual income.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Significant Accounting Policies as detailed within the Monthly Financial Report.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

1. **Adopt the Amended 2025/2026 Schedule of Fees and Charges as presented; and**
2. **ENDORSE the adopted Amended 2025/2026 Schedule of Fees and Charges to be implemented and effective from 1 July 2025.**

9.2.4 LONG TERM FINANCIAL PLAN 2025-2040

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Wisewould, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	20 August 2025
Attachments:	a) Long Term Financial Plan 2025-2040
Authority/Discretion:	Legislative

SUMMARY:

To consider the adoption of the Shire of Jerramungup (the Shire) Long Term Financial Plan (LTFP) 2025-2040.

BACKGROUND:

As part of the Integrated Planning and Reporting Framework (IPRF), all local governments in Western Australia are required to have developed and adopted a "plan for the future", comprising as a minimum a Strategic Community Plan (SCP) and Corporate Business Plan (CBP).

The LTFP is also a key component of the Shire's integrated planning framework and identifies how the Shire funds the delivery of the SCP and CBP short, medium and long-term priorities.

CONSULTATION:

Internal consultation was undertaken with Executive Staff regarding the status of budget projects included within their area of responsibility. A workshop was held with Council to go through the core scenarios and assumptions.

COMMENT:

The LTFP is one component of a number of integrated strategic planning practices the Shire has developed. The LTFP considers, and influences, asset management and workforce planning along with other key strategic plans. This LTFP has been prepared to achieve compliance with the *Local Government (Administration) Regulations 1996*. Development of the LTFP has also been influenced by the Department's Integrated Planning Framework and Guidelines.

The Shire is planning for a positive future with strong growth in the district. The Shire seeks to, where possible, improve service levels into the future while ensuring a healthy financial position. Long term maintenance and renewal of the Shire's infrastructure remains a significant challenge and requires external funding to ensure the economic and social benefits of the Shire's infrastructure to the broader region and Western Australia are not impacted.

The continued provision of community infrastructure remains one of the key priorities and major expenditure items for the Shire.

Road maintenance and renewal remain a high priority for the Shire due to the strategic economic benefit the road network provides to the district and broader region. Associated with the road network is the maintenance and renewal of drainage infrastructure.

Adequate maintenance, renewal and upgrading of the road network remains highly dependent on the receipt of external grants and contributions.

Provision of adequate and appropriate housing for staff to continue to supply services is a major issue for the Shire and requires significant expenditure.

Due to development within the district and an increase in rateable assessments, rate revenue is forecast to increase at 5% (CPI 3%+2%) for the length of the LTFP. These increases are to assist in the long term financial stability of the Shire and to increase the level of services to the community. These increases will be reviewed annually when setting future budgets.

Rates are expected to generate $4.8m in 2025/26 increasing at 5% per annum to $9.5m in 2039/40 and comprise 56% of operating revenue over the term of the LTFP. The Shire is reliant on receiving more than $49.6m over the next 15 years in untied operating grants, subsidies and contributions to maintain the current level of operations and services. Capital grants are expected to remain relatively stable for road renewal with significant additional grants required as Council seeks to increase the level of service of community infrastructure.

Expenditure for operating activities is forecast to increase in line with inflation with the exception of insurance which will increase by 5% per annum until 2034/35 thereafter increasing in line with inflation and depreciation which is impacted by the addition of assets over the term of the LTFP.

STATUTORY ENVIRONMENT:

Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. *Local Government (Administration) Regulations 1996* Section 19 outlines what is required of Planning for Future documents.

STRATEGIC IMPLICATIONS:

The budget review has been developed having regard for the Shire of Jerramungup's Integrated Planning and Reporting documents.

FINANCIAL IMPLICATIONS:

Although the adoption of the LTFP does not have any financial implications, annual budgets will be drafted in line with the LTFP. The LTFP also documents the implications of sustainability for the Shire over a 15-year period and the implications from a financial perspective of the assumptions that underpin the plan.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

There are no known policy implications arising from this report.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That, by ABSOLUTE MAJORITY, Council adopt the Shire of Jerramungup Long Term Financial Plan 2025 – 2040.

9.3 DEVELOPMENT SERVICES

Nil.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN JULY-AUGUST 2025

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Glenda Forbes, Executive Administration Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	20 August 2025
Attachments:	a) July-August 2025 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for July-August 2025 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 month of July 2025.

CONSULTATION:

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

COMMENT:

The Council Resolution Register is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council resolution 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 Administration Officer uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire officer 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 months of July-August 2025.

9.4.2 ALTERATION TO COUNCIL MEETING DATES 2025

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Glenda Forbes, Executive Administration Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	14 August 2025
Attachments:	
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this report is for Council to consider altering the dates for the Ordinary Meetings of Council scheduled for September and October 2025.

The *Local Government (Administration) Regulations 1996* requires a local government to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

Subregulation (1) refers to Ordinary Council Meetings.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 August 2024, Council determined its meeting dates up to and including 17 December 2025. The four meetings remaining in 2025 are scheduled as follows:

DAY	DATE	TIME	VENUE
Wednesday	24 September 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	22 October 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	26 November 2025	1.00pm	Council Chamber, Jerramungup
Wednesday	17 December 2025	1.00pm	Bremer Bay Hall, Bremer Bay

It is noted that:

1. The Local Government Convention 2025 runs from Monday, 22 September 2025 to Wednesday, 24 September 2025, inclusive, which clashes with Council's scheduled September meeting.
2. The Local Government Election falls on Saturday, 18 October 2025, which allows very little time for preparation and induction of new Elected Members before the scheduled October Council Meeting.

It is suggested that the September and October 2025 meeting dates both be deferred one week, as below:

SCHEDULED MEETING DATE	PROPOSED MEETING DATE
24 September 2025	1 October 2025
22 October 2025	29 October 2025

Consideration of meeting dates for 2026 will occur in October as per usual practice.

CONSULTATION:

The Administration has agreed that changing the meeting dates as proposed would have no effect on the operations of the Shire.

In the event that Council approves the change of date for the two Ordinary Council Meetings, these will be advertised throughout the Shire in accordance with legislation.

COMMENT:

Significant events and public holidays are usually taken into consideration when adopting Council Meeting dates.

Public Holidays

The only public holiday of relevance in this instance is the King's Birthday Public Holiday, which falls on Monday, 29 September 2025. This would not affect Council.

Significant Events

Significant events to be considered are:

- The Local Government Convention 2025 – 22-24 September 2025; and
- The Local Government Election 2025 – 18 October 2025.

It is proposed to defer the September meeting by one week, from 24 September to 1 October 2025 (five weeks after the August meeting). This will remove the clash with the Local Government Convention.

It is then proposed to defer the October meeting by one week, from 22 October to 29 October. This would allow four weeks from the previous meeting, and seven working days between the Local Government Election and the Council Meeting.

There would be no change to November or December scheduled dates.

STATUTORY ENVIRONMENT:

Division 2 — Council meetings, committees and their meetings and electors' meetings

Subdivision 1 — Council meetings

5.3. Ordinary and special council meetings

(1) A council is to hold ordinary meetings and may hold special meetings.
(2) Ordinary meetings are to be held not more than 3 months apart.
(3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

(a) if called for by either —

(i) the mayor or president; or
(ii) at least 1/3 of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council.

5.5. Convening council meetings

(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
(2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

Local Government (Administration) Regulations 1996–Regulation 12

12. Meetings, public notice of (Act S 5.25(1)(g))

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

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, with respect to the 2025 Ordinary Meeting of Council Schedule:

1. **APPROVE the following rescheduling of Ordinary Meeting of Council dates for September and October 2025:**

DAY	DATE	TIME	VENUE
Wednesday	**1 October 2025 (September meeting)**	**1.00pm**	**Council Chamber, Jerramungup**
Wednesday	**29 October 2025 (October meeting)**	**1.00pm**	**Council Chamber, Jerramungup**

2. **REQUEST that the Chief Executive Officer or his authorised officer advertise the approved dates by Public Notice and on the Shire of Jerramungup website and social media sites.**

9.4.3 DESIGNATION OF SENIOR EMPLOYEES

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 August 2025
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider which employees are designated senior employees for the purposed of the *Local Government Act 1995* (the Act).

BACKGROUND:

The *Local Government Act 1995* provides that the Shire of Jerramungup may designate which employees or persons belong to a class of employees known as senior employees.

It is common for local governments to confirm that only one employee is designated as a senior employee, which is the Chief Executive Officer (CEO). This approach is increasingly adopted by local governments to streamline operations and enhance role clarity.

At present, the CEO and three Executive positions reporting to the CEO – being Deputy Chief Executive Officer, Manager of Development and Manager of Works – are designated as Senior Employees.

CONSULTATION:

Existing Senior Employees have been consulted regarding the proposed changes, and they have expressed their support for the new designation.

COMMENT:

<u>Legislative Provisions</u>

There are two key sections in the Act that govern senior employees, being Sections 5.37 and 5.39.

Section 5.37 of the *Local Government Act 1995* allows a local government to designate certain employees or classes of employees as senior employees. The CEO must inform the council of any proposals to employ or dismiss a senior employee, and the council has the authority to accept or reject the CEO's recommendation. If the council rejects the recommendation, it must provide reasons for doing so. Additionally, if a senior employee position becomes vacant, it must be advertised unless it is proposed to be filled by someone in a prescribed class.

Section 5.39 of the *Local Government Act 1995* specifies that the employment of a CEO or senior employee must be governed by a written contract. This section outlines the terms and conditions of such contracts, including the requirement for the contract to specify an expiry date, performance criteria, and any other prescribed matters. It also allows for the contract to be renewable and varied, but it cannot include clauses that override these requirements. Additionally, the section provides exceptions for acting or temporary positions and clarifies that nothing prevents a contract from being terminated.

<u>Designation of Senior Employee</u>

It is proposed that only the CEO be designated as a Senior Employee in alignment with contemporary local government practices. This approach is increasingly adopted by local governments to streamline operations and enhance role clarity.

The main reasons for this change are as follows:

- **Role Clarity** – Section 5.41 of the Act states that the CEO is responsible for 'the employment, management, supervision, direction, and dismissal of employees' subject to the section in relation to senior employees. By limiting the designation of senior employee to the CEO only, there will be a clear differentiation of roles between the CEO and the Council in managing employees. This clarity can lead to more efficient decision-making and better governance.
- **Council employs the CEO, the CEO manages the business** – Clear role definition between the CEO and Council supports the CEO's responsibility for managing the local government's administration and operations (as per Section 5.41 of the Act). This enables the CEO to make decisions about employees when managing the business. Ultimately, the Council employs the CEO and if the Council is dissatisfied with these decisions, they can hold the CEO accountable.
- **Senior Employee Appointments** – The recruitment process for senior employees must meet the same legislative requirements as recruiting a CEO, such as needing to advertise the vacancy in a statewide newspaper. This places constraints on the ability of the CEO to recruit directly internal candidates identified through talent management and succession planning processes. It also adds additional expense to the process.
- **Senior Employee Roles** – The requirement to advertise and recruit for vacancies could apply to existing Executive roles that change substantively, regardless of whether those changes meet the needs of the organisation or are agreed upon between the CEO and the Executive. While the CEO role is clearly designated in the Local Government Act, other roles will be designed and defined by the CEO according to the needs of the organisation. In a tight labour market, and being in a regional location, it benefits the CEO to have the flexibility to shape Executive roles to suit the skills of individuals, their aspirations, and the needs of the organisation.
- **Inconsistency with State Government and Corporate Standards** – The requirement for the CEO to recommend an Executive's appointment to the Council is inconsistent with the standard applied to Director Generals (CEOs) of State Government Agencies. There is a clear delineation between the administrative layer and the hiring of public servants without political involvement in those environments. Similarly, in large corporate environments, the CEO has the right to employ their team without the Board's influence.

The CEO will maintain open and transparent communication with the Council regarding any changes to key roles and personnel. It is a fundamental aspect of the CEO's responsibilities to keep the Council well-informed about the performance and operational changes within the Shire. By doing so, the CEO ensures that the Council can fulfill its governance role effectively, while the CEO manages the Shire's administration and operations proficiently. This partnership is crucial for the smooth and efficient management of the local government.

The designation of senior employees is an important administrative decision that aligns with the *Local Government Act 1995*. The proposed change to designate only the Chief Executive Officer (CEO) as a senior employee is consistent with contemporary local government practices and aims to enhance role clarity and operational efficiency. This approach supports the CEO's responsibility for managing the local government's administration and operations, while ensuring that the Council can effectively fulfill its governance role. The consultation with existing senior employees has confirmed their support for this change, reflecting their commitment to the organisation's strategic direction.

STATUTORY ENVIRONMENT:

Local Government Act 1995 s.5.37 and 5.39

5.37. Senior employees

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

(4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

5.39. Contracts for CEO and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

(a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which the employee is acting; and

(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section —

(a) in the case of an acting or temporary position, cannot be for a term exceeding one year;

(b) in every other case, cannot be for a term exceeding 5 years.

(3) A contract under this section is of no effect unless —

(a) the expiry date is specified in the contract; and

(b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance;

and

(c) any other matter that has been prescribed as a matter to be included in the contract has been included.

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

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. **APPROVES the designation of the Chief Executive Officer (CEO) as the only senior employee for the purposes of the *Local Government Act 1995*.**
2. **NOTES that existing senior employees have been consulted and support the proposed changes.**
3. **ACKNOWLEDGES that the designation aligns with contemporary local government practices and aims to enhance role clarity and operational efficiency.**

9.4.4 ADOPTION OF AP20 – USE OF ARTIFICIAL INTELLIGENCE (AI) POLICY

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Charmaine Wisewould, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	20 August 2025
Attachments:	a) Draft – AP20 – Use of Artificial Intelligence (AI) Policy b) WA Government – Artificial Intelligence Policy
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is to seek Council endorsement of a new Policy governing the responsible use of Artificial Intelligence (AI) within the Shire of Jerramungup (the Shire) and adopt **AP20 – Use of Artificial Intelligence (AI) Policy** as detailed.

BACKGROUND:

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995* (the Act). Policies cannot be made in relation to those powers and duties given directly to the Chief Executive Officer by the Act.

The objectives of Council's Policies are:

- to provide Council with a formal written record of all Policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council’s general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.
- Policies are to relate to issues of an on-going nature; Policy decisions on single issues are not to be recorded in the manual.

Policies should not be confused with management practices or operational procedures, which are determined by the Chief Executive Officer, as a mechanism for good management and implementation of Council Policies.

Changes to Council Policy shall be made only on:

1. The outcome of the Annual Review; or
2. An agenda item clearly setting out details of the proposed amendment.

Users should be mindful of the fact that, in simple terms:

- Policy provides what can be done;
- Procedures provide for how to do it;
- Delegation provides for who can do it.

It is important to note that the Shire’s adopted Policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

External – The Shire's IT Supplier Integrated ICT has been consulted.

COMMENT:

Artificial Intelligence (AI) technologies are increasingly being adopted across government and industry to improve service delivery, operational efficiency, and data-driven decision-making. The Western Australian Government and the Australian Government have released frameworks to guide the ethical and secure use of AI in public sector operations. The Shire currently does not have a formal Policy addressing the use of AI.

The draft Policy will establish some clear guiding principles that can be applied to ensure that the Shire's use of such technologies is ethical, protects the privacy of individuals and mitigates the risks associated with its use.

It is proposed that Council adopt the Use of Artificial Intelligence (AI) Policy, which outlines principles for ethical AI use, governance structures and requirements for risk assessments and staff training.

STATUTORY ENVIRONMENT:

Local Government Act 1995 s.2.7(2)(b)

2.7. Role of council

1. *The council —*
   - *(a) governs the local government's affairs; and*
   - *(b) is responsible for the performance of the local government's functions.*
2. *Without limiting subsection (1), the council is to —*
   - *(a) oversee the allocation of the local government's finances and resources; and*
   - *(b) determine the local government's policies.*

Freedom of Information Act 1992

State Records Act 2000

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:

The proposed use of AI has been incorporated into the Shire's annual budget when considering software packages. The Shire is proposing to use Microsoft Copilot, and the Shire's Microsoft licence will be upgraded accordingly as Copilot works seamlessly with SharePoint, Outlook, Teams, Word and Excel.

WORKFORCE IMPLICATIONS:

Policies provide direction for all Shire of Jerramungup Councillors and employees.

POLICY IMPLICATIONS:

As detailed in the attached Policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. ADOPTS new Council Policy AP20 – Use of Artificial Intelligence Policy as attached to this Report.

9.4.5 ADOPTION OF CP9 – COUNCIL FORUM POLICY

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:	20 August 2025
Attachments:	a) Draft – CP9 – Council Forum Policy
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider and adopt CP9 - Council Forum Policy as detailed.

BACKGROUND:

Although not a requirement of the *Local Government Act 1995* (the Act), it is considered good practice for Council to review its Policies on a regular basis.

In addition to any annual review, any changes to existing Policies or the need for new Policies identified during the course of the year will be presented through the appropriate meetings for Council consideration.

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995*. Policies cannot be made in relation to those powers and duties given directly to the Chief Executive Officer by the Act.

The objectives of Council's Policies are:

- to provide Council with a formal written record of all Policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.
- Policies are to relate to issues of an on-going nature; Policy decisions on single issues are not to be recorded in the manual.

Policies should not be confused with management practices or operational procedures, which are determined by the Chief Executive Officer, as a mechanism for good management and implementation of Council Policies.

Changes to Council Policy shall be made only on:

1. The outcome of the Annual Review; or
2. An agenda item clearly setting out details of the proposed amendment.

Users should be mindful of the fact that, in simple terms:

- Policy provides what can be done;
- Procedures provide for how to do it;
- Delegation provides for who can do it.

It is important to note that the Shire's adopted Policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

COMMENT:

Part 5 of the *Local Government Act 1995* sets out the framework whereby Elected Members meet as the governing body for the purpose of decision-making on behalf of the local government.

It is an intention of the Act that Councils conduct business and make decisions –

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of elected members.

The Act establishes ordinary, special and committee meetings. Each Council must decide the meeting structure it will adopt within the legal framework for it to achieve the most efficient and effective decision making process. It is a legal requirement that all decisions made on behalf of the local government are to be made at meetings called and convened under the provisions of the Act.

In addition to ordinary and special meetings, elected members can meet as a committee, membership of which may vary in number from three to all members of Council. Committees can discuss matters and make recommendations to the Council or, if given delegated authority by the Council, can make decisions on its behalf. A Council does not need to have committees and can have all matters presented to it directly for decision. A recent trend has been for Councils to abolish the system of standing committees or limit the number and/or range of committees and adopt a Forum approach.

Local government forums range from a once-only event to discuss and explore a particular issue, a number of sessions to address matters such as a specific project or the compilation of a report for internal or external use, through to forums held at regular intervals with a consistent structure and objectives. The Department recommends that Councils adopt specific procedures for Council Forums.

STATUTORY ENVIRONMENT:
Local Government Act 1995 s.2.7(2)(b)

2.7. Role of council

1. *The council —*
   (a) governs the local government’s affairs; and
   (b) is responsible for the performance of the local government’s functions.
2. *Without limiting subsection (1), the council is to —*
   (a) oversee the allocation of the local government’s finances and resources; and
   (b) determine the local government’s policies.

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:

Policies provide direction for all Shire of Jerramungup Councillors and employees.

POLICY IMPLICATIONS:

As detailed in each Policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council ADOPTS new Council Policy CP9 –Council Forum Policy, as attached to this Report.

10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 URGENT BUSINESS INTRODUCED BY DECISION OF THE COUNCIL

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 24 September (or 1 October TBC) 2025, commencing at 1.00pm, in Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at ……….pm

These minutes were confirmed at a meeting held

....

Signed: …………………………………………………...

Presiding Person at the meeting at which these minutes were confirmed

Date: ………………………………