



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, 30 April 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 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
24 April 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 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 atpm 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 Mair (however intending to join via audio contact)

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 and Cr Raegan Zacher be granted permission to be present at the Ordinary Council Meeting to be held on 30 April 2025 by audio contact.

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

7.1 ORDINARY COUNCIL MEETING HELD 26 MARCH 2025

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 26 March 2025 be **CONFIRMED**.

7.2 AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD 26 MARCH 2025

That the Minutes of the Audit Committee Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 26 March 2025 be **CONFIRMED**.

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil.

9.0 REPORTS

9.1 TECHNICAL SERVICES

9.1.1 WORKS REPORT FOR MARCH – APRIL 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:	15 April 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 have commenced gravel resheeting and drainage works on Cameron Road from SLK 6.78 to SLK 9.78.

The Crew has also finished a gravel resheet of Swamp Road from SLK 15.96 to SLK 18.96.

They have also been out completing works jobs on Meechi Road, Cuiss Road and Swamp Road with white posts and road signs.

Road Maintenance

The road maintenance grader has been working on Cardininup Road, Stock Road, Needilup North Road, Brown Road South and Nyerilup Road.

The pruning saw is still on Devils Creek Road doing the shoulders and back slopes for the entire length from South Coast Highway to the end.

The contract maintenance grader has graded all the roads in Bremer Bay, as well as Millers Point Road, Ocumup Road and O'Dea Road.

Town Services

Bremer Bay

Town Services staff have completed the following:

- Pruning of vegetation alongside walk trails.
- Maintenance of bollards and fence lines within coastal reserves.
- Fixed damaged estuary fence line.
- Maintenance of playgrounds.
- Removal of vandalised/damaged signage around town and installation of replacement signs.
- Maintenance of gardens.
- Continued weed control.
- Spraying/weed control at the airstrip and around infrastructure.

- Continued watering of the Bremer Bay Cemetery.
- Pruning of vegetation along the fence line near the Men's Shed at the Bremer Bay Waste Transfer Station.
- Rubbish collection within the townsite.
- Rubbish collection from Millers Point.
- Top dressed the lawns at the Skate Park.
- Continued watering of the oval.

Jerramungup

Town Services staff have completed the following:

- Weed spraying throughout the town site.
- Removal of fallen trees around the town site.
- Watering of gardens.
- Top dressed Roe Park and Rootpickers Hall turf.
- Re-did edging around the Rootpickers Hall gardens.
- Removed old mulch and replaced with new mulch.
- Removed old limestone and replaced with new garden edging.
- Weed control around water tanks and airstrip infrastructure.

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 2024/2025 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 March – April 2025.

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – MARCH 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:	9 April 2025
Attachments:	a) List of Accounts Paid to 31 March 2025 b) Credit Card Statement 26 February 2025 – 25 March 2025 c) Fuel Card Statement – February 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 March 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 2024/25 Annual Budget as adopted by Council at its meeting held 24 July 2024 (Minute No. OCM240713 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 March 2025. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	23114 - 23212	\$693,644.60
Direct Deposits		\$41,865.65
Municipal Account Total		\$735,510.25
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$735,510.25

Included within the EFT payments from the Shire's Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$5,514.80.

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 March 2025 totalling \$735,510.25.**
- b) The Credit Card Statement 26 February 2025 – 25 March 2025 as detailed in Attachment 9.2.1 (b).**
- c) The Fuel Card Statement February 2025 as detailed in Attachment 9.2.1 (c).**

9.2.2 MONTHLY FINANCIAL REPORT – MARCH 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:	15 April 2025
Attachments:	a) Monthly Financial Report for the period ending 31 March 2025
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

At its meeting held 24 July 2024 (Minute No. OCM240713 refers), Council adopted the annual budget for the 2024/25 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 March 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 24 July 2024, Council adopted (Minute No. OCM240716 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2024/25 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2024/2025 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 March 2025 has been incurred in accordance with the 2024/25 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 March 2025 in accordance with section 6.4 of the *Local Government Act 1995*.

9.3 DEVELOPMENT SERVICES

Nil.

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN MARCH – APRIL 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:	15 April 2025
Attachments:	a) March – April 2025 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for March – April 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 March 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 March – April 2025.

9.4.2 LOCAL GOVERNMENT ELECTIONS 2025 – WAEC POSTAL VOTING

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	GV.EL.2
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 April 2025
Attachments:	a) Western Australian Electoral Commission Cost Estimate b) Western Australian Electoral Commission Written Agreement
Authority/Discretion:	Information

SUMMARY:

The purpose of this report is to seek Council's endorsement for the Western Australian Electoral Commission (WAEC) to conduct as a postal election, the 2025 local government ordinary elections and any other election or poll that may be required for the Shire of Jerramungup up to but not including the 2027 ordinary election.

BACKGROUND:

The next local government elections will take place on Saturday, 18 October 2025. As part of Council's planning for the election Council must consider the method of conducting the election and the appointment of a returning officer, if other than the Chief Executive Officer.

Council has supported local government elections being conducted by postal vote and managed by the WAEC since 2009, and the Electoral Commission is currently seeking an indication from the Shire of Jerramungup as to its intentions for the October 2025 elections. This is primarily for the Commission's own internal planning but will also assist Council staff in preparing future budgets.

In accordance with the *Local Government Act 1995*, Council can opt to conduct a local government election either as an in-person election or a postal election. Current legislation dictates that if a Council decides to conduct a postal election, the WAEC must conduct the election, with the cost of the election to be recouped by the WAEC on the basis of full cost recovery.

Local government elections occur on the third Saturday in October every two years. Councillors each serve four-year terms. The Shire of Jerramungup has three Councillors whose terms expire in 2025.

A summary of each voting method is listed below:

Attendance Voting:

- Voters are required to attend a polling place within the municipality on election day.
- Consistent with State and Federal election voting methods.
- Usually lower voter participation rate compared to postal voting.
- Incorrectly enrolled voters are more effectively managed.
- Cost to conduct an attendance election is higher than a postal ballot.

Postal Voting:

- No need for voters to attend a polling place on election day.
- Provides more time for completing the ballot paper.
- Better enables voters with disabilities and those who are aged or infirm to participate in the election.
- Higher voter participation rate compared with attendance voting.

- More difficult to manage incorrectly enrolled voters.
- Cost to run a postal election is less than an attendance election.
- Generally, postal voting has resulted in lower levels of informal votes than attendance voting.

Many local government authorities in Western Australia are moving away from in person (attendance) voting to postal voting for the local elections for a variety of reasons. These include the costs, access and transparency.

While there is little in the way of specific direction on this aspect of electoral administration, international best-practice literature consistently refers to the need for parties and candidates not to interfere with election processes. The handbook of electoral standards of the International Institute for Democracy and Electoral Assistance (International IDEA), while concentrating on polling day behaviour, also refers to the need for parties not to ‘handle any official election material’. The emphasis is on parties observing rather than being involved in the conduct of an election.

It is also widely accepted that, to ensure free and fair elections and to maintain transparency, electoral management bodies should be independent, both of the government of the day and of any political partisan connections. This is also true of local government where the election process must be seen as a transparent process.

Prior to the 2009 election, the Shire conducted its elections in house by attendance voting. This meant that a number of Shire staff were involved in the election process. In order to have a transparent process, the option of the WAEC continuing to conduct the election would remove any possibility of staff being “involved” in the actual process and that the Chief Executive Officer and staff would remain at arms length from potentially contentious aspects of the electoral process.

CONSULTATION:

Efficiencies of costs, reduced impost on staff, accessibility for electors and transparency, with staff being kept at arms length from the election process, were provided as reasons for the majority of these local government authorities continuing with the WAEC conducting the election for both postal and in person methods.

COMMENT:

Council has received written advice from the Electoral Commissioner agreeing to be responsible for the conduct of the 2025 local government ordinary election, as a postal election. This year the process changed whereby the Electoral Commission required the Shire’s Chief Executive Officer to accept the Cost Estimate in writing, following which the WAEC issued the Written Agreement letter for Council consideration, as attached.

Local government elections can be either a postal election, which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day, or a voting in person election.

The Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts voting in person elections on request under extenuating circumstances. By making the Electoral Commissioner responsible for these elections, the local governments concerned ensure that elections are conducted independently and with impartiality.

The WAEC has provided the Shire with an estimated cost of \$14,687 (ex GST) to conduct a postal election for the 2025 ordinary election. This is based on an election being required to fill three vacancies, a total of approximately 900 electors and the count being conducted at the premises of the Shire of Jerramungup.

This estimate includes the following:

- Appointment of a Returning Officer.
- Statutory advertising.
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns.
- A proportion of the total cost of West Australian Electoral Commission staff time and corporate overheads.

Costs not incorporated in this estimate include:

- Non-statutory advertising (ie additional advertisements in community newspapers and promotional advertising).
- The cost of any casual staff to assist the Returning Officer on election day or night.
- Any unanticipated costs arising from public health requirements (as occurred during the COVID-19 pandemic).
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns.

Having regard to the matters outlined above, there are two options available to Council as to how they wish to run the 2025 elections:

1. Postal election – run by the Electoral Commissioner.
2. Voting in person – run by the local government.

It is recommended that Option 1 be adopted, given:

Advantages for Electors:

- Convenience of casting a vote in their own homes – particularly for voters with disability or who are aged or without access to transport.
- Provision of candidate profiles to each elector to assist in their decision-making.
- Time to contact candidates and make an informed decision.
- Reduced costs in time and travel in casting a vote.

Advantages for Candidates:

- Availability of an experienced Returning Officer “at arm’s length” from local government business.
- Detailed candidates’ guides prepared by the Electoral Commission.
- An opportunity to reach all eligible electors at no cost through the candidate profile.
- Confidence that the election is being run by the State’s independent Electoral Commission.
- Elected candidates have an increased support base.

Advantages for the Local Government:

- All eligible electors are given information about the election.
- Electors can vote more easily as there are virtually no barriers to voting.
- Elections are seen to be conducted by the impartial Western Australian Electoral Commission.
- The workload for the Chief Executive Officer is reduced in an area that is not core business.
- The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner.

- Statutory requirements are fulfilled.
- A full election report (including statistics) is prepared by the Electoral Commission for presentation to Council.
- Materials and equipment used in the processes meet contemporary electoral standards.
- Economies of scale can reduce some of the costs.
- Elected Councillors have a high level of support from the local community due to the broader turnout at postal elections.

There is a possibility that an election would not be required, in the event that only three nominations are received for the three vacancies.

STATUTORY ENVIRONMENT:

The principal legislation covering local government elections is:

Part 4 of the *Local Government Act 1995*;

The *Local Government (Elections) Regulations 1997*; and

The *Local Government (Constitution) Regulations 1998*.

4.20. CEO to be returning officer unless other arrangements made

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for— (a) an election; or (b) all elections held while the appointment of the person subsists.*

** Absolute majority required.*

- (3) *An appointment under subsection (2)— (a) is to specify the term of the person's appointment; and (b) has no effect if it is made after the 80th day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

- (5) *A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (6) *A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.*

4.61. Choice of methods of conducting election

- (1) *The election can be conducted as a —*

postal election *which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*

voting in person election *which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*

(2) *The local government may decide* to conduct the election as a postal election.*

** Absolute majority required.*

(3) *A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*

(4) *A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.*

(5) *A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.*

(6) *For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.*

(7) *Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.*

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:

The WAEC conduct elections on behalf of local governments on a full cost recovery basis. The Shire has received an estimate of \$14,687 (ex GST) from the WAEC to conduct the 2025 election as a postal election. This may vary depending on a number of factors, including the cost of materials or number of replies received.

Not included in the estimate are non-statutory advertising and any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns.

Funding for the election will be included in the 2025/2026 draft budget, whether conducted in house by staff or the WAEC.

Financial implications to be considered should Council otherwise opt to conduct an in-house, in person election include:

- Production and printing of all election related material.
- Advertising, both statutory and any other local and promotional advertising.
- Staffing, including engagement of a Returning Officer (generally the Chief Executive Officer) and staff for the conduct of early voting, at any polling booths on polling day and additional staff required to count the votes at the close of the poll.

It is considered that the printing and production costs for all election related material would be at least that incurred by the WAEC given the economies of scale that WAEC can achieve by running more than 80 elections at once.

Consideration would also need to be given to the resourcing implications for both the Chief Executive Officer and the administration staff with the additional workload and the necessary training to undertake the responsibility of managing the election in house.

If candidates are elected unopposed there will still be a cost to Council, however costs incurred will be significantly less than conducting a full election process.

WORKFORCE IMPLICATIONS:

There are no additional workforce implications for this report if Council resolves to engage the WAEC to conduct the election. Alternatively, if Council preferred the elections to be conducted in-house, additional staff resources and training would be required to manage the election process.

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. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary election, together with any other elections or polls which may be required;
2. **DECIDE**, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a Postal election.

9.4.3 DELEGATION OF AUTHORITY REVIEW 2024/2025

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	GV.AU.1
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 April 2025
Attachments:	a) Draft Register of Delegations of Authority 2024/2025
Authority/Discretion:	Administrative

SUMMARY:

For Council to meet its statutory compliance requirement to review the delegation of specified powers and duties to the Chief Executive Officer and other employees in accordance with the provisions of the *Local Government Act 1995* (the Act).

BACKGROUND:

In accordance with sections 5.16 and 5.42 of the Act, a local government can delegate certain functions to a committee of Council, or to the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers. The Chief Executive Officer's statutory powers and duties under the Act and any powers or duties delegated by the Council can be further delegated by the Chief Executive Officer to other officers of Council. Delegation details must be recorded in a register, which is available for inspection by the public.

Sections 5.18 and 5.46 of the *Local Government Act 1995* require that at least once every financial year, delegations are to be reviewed by the delegator. The Council reviewed its delegations in the 2023/2024 financial year (Minute No. OCM231114 refers). It is important for the Register of Delegated Authority to be reviewed each year to ensure Council is meeting its statutory compliance obligations.

An extensive review of the Register of Delegated Authority was carried out in 2018 and since that time minor amendments have been endorsed by the Council each year.

CONSULTATION:

Executive Management Team

Internal Shire staff

COMMENT:

A register of delegations of authority is essential in order to inform the public of the activities, functions, powers and duties of the local government as well as meeting the requirements of section 5.46 of the *Local Government Act 1995*.

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire. The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

The annual review process does not preclude the Council from granting new delegations to the Chief Executive Officer if and when required, nor for it to review existing delegations at any time during the course of the financial year.

The Shire of Jerramungup's register of delegations of authority was last reviewed by Council in November 2023 for the 2023/2024 year and is now due for review.

Delegations are the standing power of the persons occupying the specified positions to exercise powers on behalf of Council, and are required to have a legislative basis and be consistent with legislation. The legislative power to make the delegation and sub delegations is recorded in the Register. Similar provisions to the *Local Government Act 1995* are contained in other legislation.

Only one direct delegation is made to persons other than the CEO, being variation of prohibited burning periods, which the *Bush Fires Act 1954* requires be made to the Shire President and Chief Bush Fire Control Officer jointly.

Accordingly, the section titled Delegations from Council to CEO or Delegations from Council to President and Chief Bushfire Control Officer containing the functions, condition and sub-delegations permitted, is the specific matters being resolved by Council. The balance of the document is administrative in nature providing the legislative heads of power, and any sub-delegations made at the discretion of the CEO, subject at all times, to the primary delegation made.

Changes to Delegations by the CEO to employees is only included for the information of elected members. They are included in the Register for administrative efficiency, and is within the sole discretion of the CEO, subject to any limits or conditions that may be resolved by the Council.

Council may choose at their discretion to remove any delegations.

Updates made in this 2024/2025 review include:

- Delegation 1.1.1 Payments from the Municipal or Trust Funds has been updated to include the position of Asset Manager.
- Delegation 1.1.4 Powers of Entry has been updated to include the Bushfire Risk Mitigation Coordinator.
- Delegation 8.1.1 Shire of Jerramungup Local Planning Scheme No. 2 has had a significant review and has been updated to better reflect the Heads of Power, to better define the scope of matters delegated and reflect the decision of the Minister for Planning as part of the Planning Reform Process that stipulated *development applications involving single houses and any associated development, except where heritage is involved, must be determined by technical experts, through the chief executive officer or local government employee and can no longer be referred to or 'called in' for determination by council.*
- Minor updates to Council Policy titles and numbers where required.
- Removal of references to the City of Albany in relation to delegations to the Environmental Health Officer.

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

(1) Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—

(a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and

(b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

- (1) *A local government can delegate—*
- (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except—*
 - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) *any other power or duty that is prescribed;*

And

- (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of—*
 - (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under*
- (a) *this Act other than those referred to in section 5.43.*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5)*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties—

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*

- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty—*
 - (a) The CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) Subsection (3) (b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4)—*
conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—*
 - (a) A delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) Nothing in this Division is to be read as preventing—*
 - (a) A local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) A CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Regulation 19 of the Local Government (Administration) Regulations relates to records to be kept of delegations exercised.

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.*

Building Act 2011 section 127

Bush Fires Act 1954 section 48

Cat Act 2011 section 44

Dog Act 1976 section 10AA

Food Act 2008 section 118

Public Health Act 2016 section 21

Road Traffic (Events on Roads) Regulations 1991

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:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY, pursuant to the *Local Government Act 1995* and the various provisions of other State Legislation as listed:

1. NOTES completion by Council as the Delegator, the 2024/2025 annual statutory review of the Register of Delegations of Authority, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*.
2. ADOPT the delegations and limitations thereto with respect to the Chief Executive Officer, Chief Bushfire Control Officer and Shire President as designated in the attached Register of Delegations of Authority; and
3. NOTES the delegations that the CEO has determined with respect to other officers, pursuant to section 5.44 of the *Local Government Act 1995*.

9.4.4 ADOPTION OF AP17 – INTERNAL CONTROL 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:	8 April 2025
Attachments:	a) Draft – AP17 – Internal Control Policy
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider and adopt the Internal Control Policy as detailed.

BACKGROUND:

Although not a requirement of the *Local Government Act 1995*, 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 CEO 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:

In order to meet the requirements under Regulation 5 (2)(c) of the *Local Government (Financial Management) Regulations 1996* and Regulation 17 of the *Local Government (Audit) Regulations 1996*, an independent consolidated report was prepared by Audit Australia following a review undertaken during 2024 of the Shire's financial management, risk management, legislative compliance, and internal control systems.

Findings from that report read:

"That the Shire should consider developing an Internal Control Policy."

The formulation of the attached policy and procedure will satisfy the Audit Australia's recommended action and audit finding No. 7 can be noted as completed on Council's Review Register.

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 AP17 – Internal Control Policy, as attached to this Report.

9.4.5 ADOPTION OF FP12 –CONTRACT MANAGEMENT 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:	8 April 2025
Attachments:	a) Draft – FP12 – Contract Management Policy
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider and adopt the Contract Management Policy as detailed.

BACKGROUND:

Although not a requirement of the *Local Government Act 1995*, 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 CEO 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:

In order to meet the requirements under Regulation 5 (2)(c) of the *Local Government (Financial Management) Regulations 1996* and Regulation 17 of the *Local Government (Audit) Regulations 1996*, an independent consolidated report was prepared by Audit Australia following a review undertaken during 2024 of the Shire's financial management, risk management, legislative compliance, and internal control systems.

Findings from that report read:

"That the Shire should establish a formal contract management policy, protocols/guidelines over the contract management process."

The formulation of the attached policy and procedure will satisfy the Audit Australia's recommended action and audit finding No. 2 can be noted as completed on Council's Review Register.

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 FP12 – Contract Management 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, 28 May 2025, commencing at 1.00pm, in Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: