



# 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, 23 October 2024  
At the Council Chamber,  
Jerramungup  
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**  
17 October 2024

## **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.

### COPYRIGHT

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## NOTES FOR ELECTED MEMBERS

### NATURE OF COUNCIL'S ROLE IN DECISION MAKING

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

### ALTERNATIVE MOTIONS

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

### DECLARATIONS OF INTERESTS

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

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

Section 5.60B states;

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

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

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

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

Regulation 34C (Impartiality) states;

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

## 2024 MEETING DATES

At its Ordinary Meeting of Council on 25 October 2023, Council adopted the following meeting dates for 2024. At its Ordinary Meeting of 28 August 2024, Council amended the start times for the September to December 2024 meetings. Updated times are included in the table below.

January	-	-	Council in Recess
Wednesday	28 February 2024	10.00am	Council Chamber, Jerramungup
Wednesday	27 March 2024	10.00am	Council Chamber, Jerramungup
Wednesday	24 April 2024	10.00am	Bremer Bay Hall, Bremer Bay
Wednesday	22 May 2024	10.00am	Council Chamber, Jerramungup
Wednesday	26 June 2024	10.00am	Council Chamber, Jerramungup
Wednesday	24 July 2024	10.00am	Council Chamber, Jerramungup
Wednesday	28 August 2024	10.00am	Bremer Bay Hall, Bremer Bay
Wednesday	25 September 2024	1.00pm	Council Chamber, Jerramungup
Wednesday	23 October 2024	1.00pm	Council Chamber, Jerramungup
Wednesday	27 November 2024	1.00pm	Council Chamber, Jerramungup
Wednesday	18 December 2024	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 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 Paul Barrett

#### 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 27 November 2024.

**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 \_\_\_\_\_ be granted permission to be present at the Ordinary Council Meeting to be held on 23 October 2024 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 25 SEPTEMBER 2024**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 25 September 2024 be CONFIRMED.

**7.2 AUDIT COMMITTEE MEETING HELD 25 SEPTEMBER 2024**

**That the Minutes of the Audit Committee Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup, on 25 September 2024 be CONFIRMED.**

## 8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

### 8.1 FINANCIAL MANAGEMENT SYSTEMS REVIEW – AUDIT REPORT

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Glenda Gray, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	17 October 2024
<b>Attachments:</b>	
<b>Authority/Discretion:</b>	Executive

#### SUMMARY:

The purpose of this report is for the Council to adopt the recommendations from the Audit Committee to receive a report prepared by Australian Audit on the appropriateness and effectiveness of the Shire's financial management systems.

#### BACKGROUND:

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* (Regulations) requires the Chief Executive Officer to undertake a financial management review, at least once every three financial years.

The Regulations require a report on the results of a review undertaken to be reported to the Local Government's Audit Committee and Council.

#### CONSULTATION:

Executive and Administrative Staff

#### COMMENT:

A review of the Shire's systems and processes in relation to financial management was carried out in 2021. In 2024 the Shire sought quotes from audit firms to undertake this review and appointed Australian Audit.

Australian Audit commenced its audit in April 2024 and submitted its draft report on 30 May 2024. A copy of the review undertaken by Australian Audit was presented to the Audit Committee at its meeting held 25 September 2024.

The review incorporated the following key financial management areas as required under Regulation 5(1) of the *Local Government (Financial Management) Regulations 1996*:

- Procurement (formal quotations and tender process)
- Contract Management
- Accounts Payable
- Cash Collection and Handling
- Payroll
- General Ledger Application Controls (journal posting, balance sheet reconciliations)
- Rates, Revenue and Debt Management
- Investment Management
- Asset Management (excluding infrastructure assets)
- Budget process

No other financial management systems and procedures were subject to review.

The Auditors concluded that, based on their Review, the management controls and processes that exist at the Shire of Jerramungup, regarding the above key financial management system areas, do not indicate any high-risk management control matters that would require immediate attention by the Shire.

The financial management systems in place within the Shire can, however, be further improved and several recommendations were included in their Report for management consideration.

The matters raised in the Review report were assessed as Medium to Low risk to the Shire.

The Auditors believe that the Shire's implementation of the suggested and recommended process improvements will strengthen the existing financial management controls that are currently in place and will provide greater overall governance within the Shire's financial management operations.

#### **STATUTORY ENVIRONMENT:**

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

5. (2) *The CEO is to –*

- (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.*

#### **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:**

An amount of \$5,060 for the Financial Management Review was factored into the 2023/2024 budget and paid in June 2024.

#### **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 ADOPT the recommendations of the Audit Committee to receive the report prepared by Australian Audit on the appropriateness and effectiveness of the Shire of Jerramungup's systems and procedures in relation to financial management.**

**8.2 CEO REVIEW OF SYSTEMS AND PROCEDURES (REG 17)**

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Glenda Gray, Executive Assistant
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report: 17</b>	20 October 2024
<b>Attachments:</b>	
<b>Authority/Discretion:</b>	Executive

**SUMMARY:**

The purpose of this report is for Council to adopt the recommendations of the Audit Committee to accept a report prepared by Australian Audit on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

**BACKGROUND:**

Regulation 17 of the *Local Government (Audit) Regulations 1996* (the Regulations) was introduced in early 2013, and required that a Review of Risk Management, Internal Control and Legislative Compliance be carried out every two years.

In March 2017, the Chief Executive Officer's Review of Risk Management, Internal Control and Legislative Compliance was presented to the Audit Committee. This was endorsed by Council on 19 April 2017.

One year later, in March 2018, the Chief Executive Officer conducted another Review of Risk Management, Internal Control and Legislative Compliance, which was presented to the Audit Committee. The report stated that the review was done in advance of the new Chief Executive Officer commencing, to capture the incumbent's existing knowledge of systems and processes prior to departure. This was endorsed by Council on 21 March 2018.

In June 2018, Regulation 17 was amended with the period of review changed from once every two financial years to at least once every three financial years.

**CONSULTATION:**

Executive and Administrative Staff

**COMMENT:**

In 2024 the Shire sought quotes from audit firms to undertake this review and appointed Australian Audit.

Australian Audit commenced its review in April 2024 and submitted its draft report on 30 May 2024. A copy of the review undertaken by Australian Audit was presented to the Audit Committee at its meeting held 25 September 2024.

The review incorporated the following areas as required under Regulation 17:

1. Risk Management
2. Internal Control
3. Legislative Compliance

The Regulations require the result of the review undertaken to be reported to the Local Government’s Audit Committee and Council.

The Auditors concluded that, based on their Review, the Shire can make improvements in the areas of risk management, internal control, legislative compliance and the IT general controls environment.

The matters raised in the review report were assessed as Medium to Low risk to the Shire.

**STATUTORY ENVIRONMENT:**

Regulation 17 of the *Local Government (Audit) Regulations*

*17. CEO to review certain systems and procedures*

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –
  - (a) risk management; and*
  - (b) internal control; and*
  - (c) legislative compliance.**
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) The CEO is to report to the audit committee the results of that review.*

**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:**

An amount of \$3,520 for the Regulation 17 Review was factored into the 2023/2024 budget and paid in June 2024.

**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 ADOPT the recommendations of the Audit Committee to:**

- 1. Accept the Chief Executive Officer’s Regulation 17 review of the appropriateness and effectiveness of the Shire of Jerramungup systems and procedures in relation to risk management, internal control and legislative compliance; and**
- 2. Request that the Chief Executive Officer provide regular updates to the Audit Committee on the progress of the recommendations for improvement identified as part of the review.**

## 9.0 REPORTS

### 9.1 TECHNICAL SERVICES

#### 9.1.1 WORKS REPORT FOR SEPTEMBER/OCTOBER 2024

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Gordon Capelli, Works Supervisor
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	14 October 2024
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

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

#### BACKGROUND:

##### Road Construction

The Road Construction Crew have continued to carry out drainage works on Cuiss Road from SLK 0.00 to SLK 4.15.

##### Road Maintenance

The construction grader completed maintenance grading on Mallee Road and Lake Magenta Road.

The Road Maintenance Crew had a number of staff take leave during the past month. They also spent time at the Bremer Bay Waste Transfer Station pushing up the general rubbish and greenwaste.

##### Town Services

Bremer Bay

Town Services staff have completed the following:

- Mowed/slashed firebreaks within land and reserves owned and managed by the Shire.
- Carried out repairs to coastal reserves infrastructure.
- Continued weed control within the townsite.
- Replaced broken street signage.
- Erected additional information signage around townsite.
- Reinstated reticulation systems within townsite.
- Filled in potholes throughout townsite and external roads.
- Pruned vegetation along footpaths.

Jerramungup

Town Services staff have completed the following:

- Cleared invasive golden wattle around Lions Park.
- Mowed Old Oval/Dog Exercise Oval.
- Mowed/slashed firebreaks within land and reserves owned and managed by the Shire.
- Continued mowing of parklands.
- Reinstalled soccer goal at Roe Park and replaced damaged soccer goal nets.
- Carried out hand spraying throughout the townsite.
- Filled in potholes throughout the townsite and external roads.



**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 September/October 2024.**

## 9.2 CORPORATE SERVICES

### 9.2.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2024

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Sarah Van Elden, Accounts Officer
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	11 October 2024
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>a) List of Accounts Paid to 30 September 2024</li> <li>b) Credit Card Statement 23 August 2024 – 20 September 2024</li> <li>c) Fuel Card Statement – August 2024</li> </ul>
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer’s delegated authority during the month of September 2024.

#### 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.

Commencing 1 September 2023, Local Governments are 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 September 2024. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
<b>Municipal Account</b>		
Last Cheque Used	28181	
EFT Payments	22439 - 22530	\$378,988.21
Direct Deposits		\$54,035.30
<b>Municipal Account Total</b>		<b>\$433,023.51</b>
<b>Trust Account</b>		
<b>Trust Account Total</b>		<b>\$0.00</b>
<b>Grand Total</b>		<b>\$433,023.51</b>

Included within the EFT payments from the Shire’s Municipal Account are Fuel Card Statement required to be reported under Regulation 13(A), totalling \$3,576.40.

**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 30 September 2024 totalling \$433,023.51.**
- b) **The Credit Card Statement – 23 August 2024 – 20 September 2024 as detailed in Attachment 9.2.1 (b).**
- c) **The Fuel Card Statement August 2024 as detailed in Attachment 9.2.1 (c).**

**9.2.2 MONTHLY FINANCIAL REPORT – SEPTEMBER 2024**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Tamara Pike, Finance Manager
<b>Responsible Officer:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	14 October 2024
<b>Attachments:</b>	a) Monthly Financial Report for the period ending 30 September 2024
<b>Authority/Discretion:</b>	Information

**SUMMARY:**

For Council to note the statement of financial activity for the period ended 30 September 2024 as required by the *Local Government Act 1995* ('the Act').

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 30 September 2024.

**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 30 September 2024 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 30 September 2024 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 30 September 2024 in accordance with section 6.4 of the *Local Government Act 1995*.**

### 9.2.3 REQUEST FOR QUOTE RFQ 08/24 – SUPPLY AND DELIVERY OF ONE SIX WHEEL TIP TRUCK AND TRADE OR OUTRIGHT PURCHASE OF EXISTING VEHICLE

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	PE.AC.1
<b>Author:</b>	Patrick Steinbacher, Consultant Works Manager
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	10 October 2024
<b>Attachments:</b>	a) Request for Quote 08/24 b) CONFIDENTIAL –RFQ submissions received (x2) c) CONFIDENTIAL – RFQ Evaluation Report
<b>Authority/Discretion:</b>	Executive

#### SUMMARY:

This item addresses the outcome of a request for quote issued for the purchase of one new six wheel tip truck and trade or outright purchase Council's existing 2017 UD tip truck as identified in the 2024/25 annual budget.

#### BACKGROUND:

Council's 2024/25 annual budget includes an allocation to purchase one new six wheel tip truck and to dispose of Council's 2017 UD tip truck as per Council's plant replacement program.

This matter was previously subject to a tender process (05/24) however Council resolved to reject all tenders received under that process (OCM240808) as a delivery date before June 30 could not be guaranteed by the then preferred supplier.

The procurement process was then repeated using the Western Australian Local Government Association's (WALGA) preferred supplier program as a Request for Quote (RFQ).

The RFQ was sent to four dealers using the eQuotes system. Two responses were received by the closing date, one for the supply of one new tip truck and trade of the Shire's existing truck and one for the supply of one new tip truck with no trade.

#### CONSULTATION:

Consultation has occurred between the Shire's Executive team and the Works Department.

#### COMMENT:

The RFQ closed at 4:00pm on Friday, 4 October 2024. Two responses were received by the closing date, one for the supply of one new tip truck and trade of the Shire's existing truck and one for the supply of one new tip truck with no trade.

The submissions were reviewed by an Evaluation Panel consisting of the Shire's Consultant Works Manager and Works Supervisor.

Submissions were received from:

- CJD Equipment Pty Ltd  
Their response only provided for the supply and delivery of DAF CF530 6x4 Truck with no trade of the Shire's existing truck.
- WA Hino Sales & Service  
Their response provided for the supply and delivery of a new Hino 700 Series FS2848 6x4 Truck and the trade of the Shire's existing truck. The response is conforming with a delivery date of sixteen weeks from the date of purchase order.



The recommendation is to accept the response from WA Hino Sales and Service for the supply and delivery of one Hino 700 Series FS2828 and the trade of the Shire's existing UD CWB5E 6x4 Truck.

#### **STATUTORY ENVIRONMENT:**

##### ***Local Government Act 1995***

##### ***3.57. Tenders for providing goods or services***

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

##### ***Local Government (Functions and General) Regulations 1996***

#### **Part 4 — Provision of goods and services**

#### **Division 2 — Tenders for providing goods or services (s. 3.57)**

#### **11. When tenders have to be publicly invited**

- (1A) In this regulation —

***COVID-19 declaration*** has the meaning given in the *Emergency Management Act 2005* section 77C(1);  
***state of emergency declaration*** has the meaning given in the *Emergency Management Act 2005* section 3.

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
  - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
  - (aa) the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
  - [(ba) deleted]*
  - (c) within the last 6 months —
    - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
    - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or
  - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
  - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
  - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
 or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
  - (i) petrol or oil; or
  - (ii) any other liquid, or any gas, used for internal combustion engines;
 or
- (h) the following apply —
  - (i) the goods or services are to be supplied by —
    - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
    - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;
 and
  - (ii) the consideration under the contract is \$250,000 or less, or worth \$250,000 or less; and
  - (iii) the local government is satisfied that the contract represents value for money;
 or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (ia) the contract is formed by the novation of a contract to which subregulation (1) applies; or
- (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
  - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
  - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and

- (iii) the original contract contains an option to renew or extend its term; and
    - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;
  - or
  - (ja) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
    - (i) the original contract is to expire within 3 months; and
    - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
    - (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration or a COVID-19 declaration applying to the district, or part of the district, of the local government;
  - or
  - (jb) the contract is a renewal or extension of the term of a contract (the **original contract**) for the supply of dental or medical services by a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession or medical profession; or
  - (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.
- (3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —
- (a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and
  - (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.
- (4) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a COVID-19 declaration if —
- (a) the contract for the supply is entered into while there is in force a COVID-19 declaration applying to the district, or part of the district, of the local government; and
  - (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the occurrence of COVID-19, or from the impact or consequences of the occurrence of COVID-19, in the area to which the COVID-19 declaration relates.
- (5) For the purposes of subregulation (2)(jb), it is immaterial that the supplier also supplies services under the original contract that are not dental or medical services.
- (6) Subregulation (2)(jb) does not apply in relation to the renewal or extension of the term of a contract by —
- (a) the local government of a district in the metropolitan area; or
  - (b) the City of Mandurah.

**STRATEGIC IMPLICATIONS:**

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

*Deliver sustainable long term planning for the built environment that meets the needs of the community.*

**FINANCIAL IMPLICATIONS:**

The 2024/25 annual budget identified \$100,000 ex GST for the trade of Shire's asset A966 with WDV being \$86,073. The officer recommendation will result in a decrease to the profit on asset disposal by \$13,637. The outright purchase will also see an increase in expenditure of \$1,594.

During the budget review process the Deputy Chief Executive Officer will review if any costs savings could be used rather than transferring monies of \$15,231 from the Plant Reserve at 30 June 2025.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

Tendering for this supply contract is in accordance with Council's Policy AP3 – Regional Price Preference Policy and Finance Policy 6 – Procurement of Goods and Services.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council:**

- a) **Accept the quote submitted by WA Hino Sales & Service as the most advantageous quote for the Supply and Delivery of a new Hino 700 Series FS2848 6x4 Truck.**
- b) **Accept the quote submitted by WA Hino Sales & Service as the most advantageous quote for the trade of the Shire of Jerramungup's existing UD CWB5E 6x4 Truck.**

## 9.2.4 COMMUNITY EMERGENCY SERVICES MANAGER (CESM) – MEMORANDUM OF UNDERSTANDING

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	
<b>Author:</b>	Charmaine Solomon, Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 October 2024
<b>Attachments:</b>	a) CONFIDENTIAL – Memorandum of Understanding - CESM
<b>Authority/Discretion:</b>	Information

### SUMMARY:

Council is requested to consider accepting and endorsing the Memorandum of Understanding between the Department of Fire and Emergency Services (DFES) and the Shire of Jerramungup for the provision of a standalone Community Emergency Services Manager (CESM).

### BACKGROUND:

Administering a local government’s responsibilities under the *Emergency Management Act 2005* is very demanding. These demands are in addition to further associated activities such as administering the Bushfire Advisory Committee, Local Emergency Management Committee, the requirement to ensure that adequate fire provisions are in place each year, the preparation and circulation of bushfire notices and the ongoing coordination and provision of resources and appliances to the local volunteers as well as complying with Work Health and Safety obligations.

On 14 February 2010, the Shire of Jerramungup received an invitation from DFES (formally FESA) to participate in the “Community Fire Manager” program.

The “Community Fire Manager” program was originally established in 2003 to provide DFES, local government and the volunteers with a comprehensive approach to bush fire management on a risk basis. In addition, during 2008 with the Boorabbin fire and the 2009 Victoria bushfires, the realisation across many local governments was that they needed to better support their volunteers or risk losing them. As a result, DFES continues to receive numerous requests to enter into the Community Emergency Services Manager partnerships.

Positions are established based on risk to the community and require an MOU between DFES and the respective local government. In addition, it includes the development of a business plan which is reviewed bi-annually. The success of the program relates to the business plan which is agreed to by all parties.

The program provides a level of administrative and operational support for volunteer bushfire brigades and other volunteer emergency services units within a local government area, or in some cases across shared boundaries. In this case, the offer to participate in this program was also extended to the Shire of Ravensthorpe as a shared resource, this agreement became effective from April 2011.

The objectives of the program are to establish and agree upon specific responsibilities with respect to the delivery of emergency services within the Shire of Jerramungup, in particular to:

- Deliver coordinated prevention programs to reduce the incidence of emergencies and improve the level of safety in the community.
- Operate to a consistent set of protocols and equipment standards.

- Provide efficient systems of communication between organisations at all levels to improve service delivery outcomes.
- Promote and support volunteer organisational arrangements that combine the spirit of volunteerism to attract and retain members.
- Provide and or coordinate the level of training to personnel, to ensure the competencies are appropriate to the risk level of emergencies to which volunteers will be required to respond.
- Develop a partnership that will see a best practice approach to emergency service delivery implemented between the Shire of Jerramungup and DFES.
- Enhance community ownership of fire prevention and preparedness programs and activities.

The Shires of Jerramungup and Ravensthorpe have been involved in the CESM program since 2011, however resource demands on senior positions at both Shires continue to increase significantly from an emergency management, bushfire advisory and volunteer perspective.

The Shires of Jerramungup and Ravensthorpe met with DFES to consider a proposal for a standalone CESM for each Shire.

**CONSULTATION:**

Consultation has occurred between the Shire of Jerramungup, Shire of Ravensthorpe and Department of Fire and Emergency Services (DFES). The proposal for a standalone CESM was discussed with the Elected Members in August and September 2024.

**COMMENT:**

The Shire of Jerramungup has the responsibility to manage the day to day affairs of the emergency services and to administer a staff structure that delivers efficiency, transparency and best practice outcomes for the community.

The review of the shared CESM program identified that both Shires have significant threats to manage and commonly have concurrent threats in the summer period making it difficult for one position to manage both Shires in emergency situations. Both Shires submitted a proposal to DFES for a standalone CESM.

On 30 September 2024, DFES advised both the Shires of Jerramungup and Ravensthorpe that our applications to separate the current CESM MOU and establish independent CESMs for both Shires has been approved.

The Shire is confident that the standalone CESM role will better equip our community to handle natural risks whilst continuing to receive support from DFES Great Southern and the State.

The officer recommendation is seeking support to endorse the new MOU between the Shire of Jerramungup and Department of Fire and Emergency Services for a Local Government employed Community Emergency Services Manager (CESM).

**STATUTORY ENVIRONMENT:**

*Emergency Management Act 2005*

**STRATEGIC IMPLICATIONS:**

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

*Encourage and support volunteers and community groups to grow an active volunteer base*

Governance and Leadership

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

**FINANCIAL/BUDGET IMPLICATIONS:**

As per the split MOU arrangements agreed to by the Shires of Jerramungup and Ravensthorpe, DFES will pay 30% and the Shire of Jerramungup will pay 70% for the costs associated with the proposed CESM arrangement.

The 2024/2025 budget adopted by Council at the Ordinary Council Meeting held on 24 July 2024 included the contribution to the Shire of Ravensthorpe for the employment of a joint CESM.

Under the new MOU arrangement the Shire of Jerramungup will require a greater investment in salary costs towards the CESM which can be offset by a savings in employee costs due to staff absences.

The Shire is required to provide a vehicle to the CESM to perform the role under the agreement. Due to delays in securing a new vehicle two options are currently being considered:

**Option 1**

Retain the Works Supervisor vehicle which was due to be disposed of this financial year. This would see a reduction in income of \$41,800.

**Option 2**

Investigate the timing and delivery of a leased vehicle.

A budget amendment will be required once appropriate vehicle options have been investigated further. This will be presented to Council at a later date or identified through the budget review process.

Future budgets will factor the role being funded by the Shire of Jerramungup and DFES only.

**WORKFORCE IMPLICATIONS:**

The CESM will be an employee of the Shire of Jerramungup not DFES so the Shire's Human Resources processes and policies will apply.

**POLICY IMPLICATIONS:**

Council's Policy AP7 – Human Resources – Remuneration, Subsidies and Other Work Arrangements Policy.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council ENDORSE the Memorandum of Understanding for the Provision of a Local Government Employed Community Emergency Services Manager.**

**9.3 DEVELOPMENT SERVICES**

Nil.



## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN SEPTEMBER/OCTOBER 2024

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Author:</b>	Glenda Forbes, Executive Administration Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	11 October 2024
<b>Attachments:</b>	a) September/October 2024 Information Bulletin
<b>Authority/Discretion:</b>	Information

#### SUMMARY:

To advise Council on the information items for September/October 2024 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 September 2024.

#### 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 Assistant uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire office for actioning and comment. The spreadsheet is accessible by all relevant Shire officers.

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

#### STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

**STRATEGIC IMPLICATIONS:**

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

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

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

**FINANCIAL IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

There are no workforce implications for this report.

**POLICY IMPLICATIONS:**

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

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of September/October 2024.**

**9.4.2 CHRISTMAS/NEW YEAR OPENING HOURS 2024-25**

**Location/Address:** Shire of Jerramungup  
**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:** 11 October 2024  
**Attachments:** Nil  
**Authority/Discretion:** Review

**SUMMARY:**

The purpose of this report is for Council to consider the closure of Council facilities over the Christmas/New Year period.

**BACKGROUND:**

In previous years there has been a variation of the Shire’s normal operating hours during the Christmas/New Year period to close between Christmas and New Year’s Day. The following public holidays fall during this period:

Christmas Day	Wednesday	25 December 2023
Boxing Day	Thursday	26 December 2023
New Year’s Day	Wednesday	1 January 2024

The Christmas and New Year closure allows staff to book holidays, travel and spend time with family and friends. Traditionally this time of year sees most staff wanting to take leave and staff numbers are at a very low level.

**CONSULTATION:**

All Shire of Jerramungup staff.

**COMMENT:**

It is proposed that the Jerramungup and Bremer Bay Administration offices will close as follows:

DAY	DATE	OPENING HOURS	STATUS
Friday	20 December 2024	8.30am – 4.00pm	Open
Monday	23 December 2024	8.30am – 4.00pm	Open with skeleton staff
Tuesday	24 December 2024	8.30am – 12.00pm CHRISTMAS EVE	Open with skeleton staff – morning only
Wednesday - Friday	25 December 2024 – 3 January 2025		Closed
Monday	6 January 2025	8.30am – 4.00pm	Return to usual hours

At most, this will be a total of ten (10) days, made up of three (3) public holidays (Christmas Day, Boxing Day and New Year's Day) and seven (7) annual leave or RDO days.

It is proposed that the Works Crew will operate as follows:

DAY	DATE	STATUS
Thursday	19 December 2024	Usual hours
Friday	20 December 2024	RDO
Monday – Friday	23 December 2024 – 3 January 2025	Closed
Monday	6 January 2025	Return to usual hours

The closures will be advertised on the Shire website, Facebook, Council Buzz, Administration Notice Boards, local newspapers and a sign will be placed on the front door of the Administration Centres.

The Chief Executive Officer will compile a register of Works Crew and other staff who will be available for on-call duties throughout the closure. This information will be provided to Elected Members in case of emergency or if urgent works are required.

#### **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; Governance and Leadership:

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

#### **FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for this report.

#### **WORKFORCE IMPLICATIONS:**

The Chief Executive Officer is the position tasked with the responsibility of overall workforce management and leadership for the Shire of Jerramungup.

#### **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 NOTES the closure of Council facilities as follows:**

- 1. Shire Administration Centres at Jerramungup and Bremer Bay from 12.00pm on Tuesday, 24 December 2024 to Friday, 3 January 2025 inclusive; and**
- 2. Shire Depot from Friday, 20 December 2024, to Friday, 3 January 2025 inclusive.**

### 9.4.3 LOCAL GOVERNMENT ELECTIONS – REVIEW OF WALGA ADVOCACY POSITIONS

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	WA Local Government Association
<b>File Reference:</b>	N/A
<b>Author:</b>	Glenda Forbes, Executive Administration Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	11 October 2024
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Review

#### SUMMARY:

The purpose of this report is for Council to recommend Local Government Election Advocacy Positions to WALGA.

#### BACKGROUND:

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government Ordinary Elections:

- The introduction of Optional Preferential Voting (OPV);
- Extending the election period to account for delays in postal services;
- Changes to the publication of information about candidates;
- Backfilling provisions for extraordinary vacancies after the 2023 election;
- Public election of the Mayor or President for larger Local Governments;
- Abolishing wards for smaller Local Governments; and
- Aligning the size of Councils with the size of populations of each Local Government (change to representation).

Following requests from several Zones, WALGA undertook a comprehensive review and analysis of five ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

#### CONSULTATION:

Elected Members and Executive Team.

#### COMMENT:

The Elections Analysis Review and Report was presented to State Council on 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils to consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

#### WALGA State Council Current Advocacy Positions:

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

<b>2.5.15 ELECTIONS</b>	
Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> <li>1. Four year terms with a two year spill</li> <li>2. Greater participation in Local Government elections</li> <li>3. The option to hold elections through: <ul style="list-style-type: none"> <li>• Online voting</li> <li>• Postal voting, and</li> <li>• In-person voting</li> </ul> </li> <li>4. Voting at Local Government elections to be voluntary</li> <li>5. The first past the post method of counting votes</li> </ol> <p>The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.</p>
Background	<p>The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p>
State Council Resolution	<p>February 2022 – 312.1/2022  December 2020 – 142.6/2020  March 2019 – 06.3/2019  December 2017 – 121.6/2017  October 2008 – 427.5/2008</p>
Supporting Documents	<p>Advocacy Positions for a New Local Government Act  WALGA submission: Local Government Reform Proposal (February 2022)</p>

<b>2.5.16 METHOD OF ELECTION OF MAYOR</b>	
Position Statement	<p>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</p>
State Council Resolution	<p>February 2022 – 312.1/2022  March 2019 – 06.3/2019  December 2017 – 121.6/2017</p>

<b>2.5.18 CONDUCT OF POSTAL ELECTIONS</b>	
Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 March 2012 – 24.2/2012

**WALGA has requested the following advocacy positions be considered by Councils:**

**1. PARTICIPATION**

- (a) The sector continues to support voluntary voting at Local Government elections.  
OR
- (b) The sector supports compulsory voting at Local Government elections.

**2. TERMS OF OFFICE**

- (a) The sector continues to support four-year terms with a two-year spill;  
OR
- (b) The sector supports four-year terms on an all in/all out basis.

**3. VOTING METHODS**

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections.  
OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

**4. INTERNAL ELECTIONS**

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.  
OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

**5. VOTING ACCESSIBILITY**

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

**6. METHOD OF ELECTION OF MAYOR**

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

**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; Governance and Leadership:

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

Nil.

**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 the Shire of Jerramungup recommends that WALGA adopt the following Local Government Election Advocacy Positions:**

- 1. Participation – Council supports advocacy position (a)**
- 2. Terms of Office – Council supports advocacy position (a)**
- 3. Voting Methods – Council supports advocacy position (a)**
- 4. Internal Elections – Council supports advocacy position (a)**
- 5. Voting Accessibility – Council supports advocacy position (a) and (b) and (c) all to be available**
- 6. Method of Election of Mayor – Council supports advocacy position (b).**



**10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12.0 COUNCILLOR REPORTS**

**13.0 NEW BUSINESS OF AN URGENT NATURE**

**14.0 CLOSURE**

**14.1 DATE OF NEXT MEETING**

The next ordinary meeting of Council will be held Wednesday, 27 November 2024, commencing at 1.00pm, in Jerramungup.

**14.2 CLOSURE OF MEETING**

The Presiding Member closed the meeting at .....am

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