



SHIRE
of
DANDARAGAN

MINUTES

of the

SPECIAL COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE BAY

on

THURSDAY 4 JANUARY 2024

COMMENCING AT 5.15PM

THESE MINUTES ARE YET TO BE CONFIRMED

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Presiding member declared the meeting open at 5.17pm and welcomed those present.

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor T O’Gorman	(President)
Councillor M McDonald	(Deputy President)
Councillor J Clarke	
Councillor W Gibson	
Councillor R Glasfurd	
Councillor S Young	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr B Waters	(Executive Manager Corporate & Community Services)
Mrs N Winsloe	(Executive Secretary)
Mrs R Pink	(Accountant)

Apologies

Nil

Approved Leave of Absence

Nil

3 PUBLIC QUESTION TIME

Nil

4 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Moved Cr McDonald, seconded Cr Clarke

That the following request for leave of absence be approved:

Cr O’Gorman - 22 February 2024 Ordinary Council Meeting.

CARRIED 6/0

FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd

AGAINST: Nil

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

5 PURPOSE OF THE MEETING

The purpose of the meeting is to

- 1) Accept the Auditor's Report, Annual Financial Report and set the date for the Annual Elector's Meeting.
- 2) Receive the November Monthly Financial Report.
- 3) Set the date for Local Government Extraordinary Election.

6 ORDER OF BUSINESS

6.1 GOVERNANCE AND ADMINISTRATION

6.1.1 2024 LOCAL GOVERNMENT EXTRAORDINARY ELECTION

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1739978813-6
Disclosure of Interest:	Nil
Date:	15 December 2023
Author:	Brad Waters, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

The purpose of this report is for Council to consider approving an additional budget allocation and proposed date for an extraordinary election to fill the vacant office within Council.

BACKGROUND

A vacancy within Council exists following the resignation of Cr Robert Shanahun on 15 December 2023. Cr Shanahun has resigned outside the prescribed timeframe for an office to remain vacant and as such, the Shire is required to conduct an extraordinary election.

An extraordinary election is to be conducted to fill the remainder of the term, expiring in October 2025, being the date of the 2025 Local Government Ordinary Elections. The election day fixed for an extraordinary election is to be a day that allows enough time for electoral requirements to be complied with but, unless the Electoral Commissioner approved, it cannot be later than 4 months after the vacancy occurs.

COMMENT

Consultation with the Western Australian Electoral Commission (WAEC) has identified Friday 12 April 2024 as a suitable date to hold the extraordinary election. The WAEC recommends a Friday election date due to cost savings. The Local Government Act 1995 requires that the election day for an extraordinary election to be a

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

day that allows enough time for electoral requirements to be complied with but no later than 4 months after the vacancy occurs.

The WAEC has provided the following key dates for a Friday 12 April 2024 election date:

Task	Date
Last date to declare the Electoral Commission is responsible for conduct of the election	23 January 2024
Statutory Notice 1 – Close of Enrolments (77-63 days before)	26 January – 9 February 2024
Roll close date (57 days before)	15 February 2024
Statutory Notice 2 – Call for nominations (63-52 days before)	9 February – 20 February 2024
Nomination open day (51 days before)	21 February 2024
Nomination close day (44 days before)	28 February 2024
Preferred Day Statutory Notice 3 – Election Notice (30 days before)	13 March 2024
Last Day Statutory Notice 3 – Election Notice (26 days before)	17 March 2024
Election date	12 April 2024

In November 2018, Council:

- declared in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of ordinary elections together with any elections or polls which may be required held between 2019 and 2027, and;
- decided, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the elections will be as a postal election.

An election for the vacancy will be necessary if, at the close of nominations, the number of candidates is greater than the number of offices to be filled at the election.

If, at the close of nominations, there is one candidate, the candidate will be elected unopposed.

If, at the close of nominations, there are no candidates for the office to be filled at the election, an extraordinary election is to be held to fill the office as if it or they had become vacant on the day after the close of nominations.

As WAEC will be responsible for the conduct of the election, the Shire must meet the WAEC's costs. WAEC advised the estimate

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

cost of the extraordinary election is \$25,500 (including GST) which has been based on the following assumptions:

- a) 2650 electors;
- b) response rate of approximately 40%;
- c) appointment of a local Returning Officer; and
- d) count to be conducted at the Shire of Dandaragan offices.

Completed ballot papers returned to the WAEC are posted via the Australia Post Priority Service. This is set by the WAEC and is included in the cost estimate. Electors have the option of bringing their ballot paper to the polling place and casting their vote on the day of the election.

CONSULTATION

Administration have consulted with the Western Australian Electoral Commission to determine an appropriate timeline and cost estimation to for the extraordinary election.

STATUTORY ENVIRONMENT

Local Government Act 1995

4.9 Election day for extraordinary election

1) *Any poll needed for an extraordinary election is to be held on a day decided and fixed –*

- a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
- b) *by council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*

2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*

4.17 Cases in which vacant offices can remain unfilled

1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

2) *If a member's office becomes vacant under section 2.32 —*

- a) *after the third Saturday in October in the year before the election year in which the term of the office would have*
- b) *ended under the Table to section 2.28; but before the third Saturday in July in that election year,*

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

have ended if the vacancy had not occurred.

4.20 CEO to be returning officer unless other arrangements made

2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the 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.

4.55 Same number of candidates as vacancies

If, at the close of nominations, the number of candidates is equal to the number of offices to be filled at the election, the candidate or candidates is or are elected unopposed.

4.56 More candidates than vacancies

If, at the close of nominations, the number of candidates is greater than the number of offices to be filled at the election —

- a) lots are to be drawn in accordance with regulations for the positions of the candidates on the ballot papers for the election; and
- b) the returning officer is to begin preparing for voting by the electors.

4.57 Less candidates than vacancies

1) *If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.*

4.61 Choice of methods of conducting election

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

*Absolute majority required.

6.8 Expenditure from municipal fund not included in annual budget

1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

- b) *is authorised in advance by resolution*.*

*Absolute majority required.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There is no current budget allocation for this expense and a budget adjustment will be required. It is requested that Council approve this as an unbudgeted expenditure.

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Young, seconded Cr McDonald

That Council:

1. Pursuant to section 4.9(2) of the *Local Government Act 1995*, fixes the date of the extraordinary election to be on Friday 12 April 2024.
2. Pursuant to section 6.8(1)(b) of the *Local Government Act 1995*, approves an additional allocation of \$25,500 (including GST) for undertaking the 2024 extraordinary election.

CARRIED BY ABSOLUTE MAJORITY 6/0

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr
Young, Cr Glasfurd**

AGAINST: Nil

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024
--

6.1.2 ANNUAL REPORT AND ANNUAL FINANCIAL STATEMENT INCLUSIVE OF AUDITOR'S REPORT

Location:	Shire of Dandaragan
Applicant:	N / A
Folder:	SODR-1743450996-2769
Disclosure of Interest:	None
Date:	22 December 2023
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the 2022 / 2023 Annual Report inclusive of the 2022 / 2023 Annual Financial Statements and the Auditors Report for the Shire of Dandaragan and to set a date for the Annual General Meeting of Electors.

BACKGROUND

The *Local Government Act (1995)* requires a local government to prepare an annual report for each financial year.

The annual report is presented in two parts. Part 1 provides a summarised overview of the Shire's achievements against the Corporate Business Plan over the financial year and a range of statutory reports required by various items of the legislation.

Part 2 contains the suite of financial reports and audit letters which present the summarised financial position of the Shire's operations at 30th June 2023.

COMMENT

The Shire of Dandaragan finished 2022 / 2023 with a surplus of \$1,760,621, however most of this surplus is because of large advance grants and incomplete capital works projects. Therefore, this surplus does not constitute a surplus of funds after all requirements have been met in the true definition of a surplus. It reflects the outstanding commitments that were reprogrammed into the 2023 / 2024 budget.

The primary sources of income for 2022 / 23 were:

- \$7,043,329 of rate income.
- \$6,690,058 in grants.

The Independent Auditor's report from the Auditor General states the following;

I have audited the financial report of the Shire of Dandaragan (Shire) which comprises:

- *the Statement of Financial Position as at 30 June 2023, and the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows and Statement of Financial Activity for the year then ended*

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

- *Notes comprising a summary of significant accounting policies and other explanatory information. In my opinion, the financial report is:*
- *based on proper accounts and records*
- *presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2023 and its financial position at the end of that period*
- *in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.*

The Independent Auditor's Report is to be presented at the Shire of Dandaragan Audit Committee on 4 January 2024. There are no significant audit findings which require a response from the local government as set out in Section 7.12A(4) of the Local Government Act 1995.

The Annual Meeting of Electors must be held within 56 days of the annual report being accepted. It is recommended that Council set the date for the Annual Meeting of Electors for 22 February 2024 to coincide with the Ordinary Council Meeting.

CONSULTATION

- Office of the Auditor General

STATUTORY ENVIRONMENT

Section 5.53 and 5.54 of the *Local Government Act 1995* requires preparation and acceptance of the annual report.

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

** Absolute majority required.*

The auditor's report was received after the December Ordinary Council meeting, so Council has until 15 February to accept the annual report. As there is no scheduled Ordinary Council meeting in January and the February Ordinary Council meeting is on 22 February 2024, a Special Meeting is required to accept the report.

Section 5.27 of the *Local Government Act 1995* outlines the requirements for the Electors' general meeting.

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

7.12 A. Duties of local government with respect to audits

- (4) *A local government must — (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

The Annual Reports form an essential tool in the Integrated Planning and Reporting suite of documents to allow the Local Government to report on the achievement of the Shire in relation to the targets set out in the Strategic Community Plan and Corporate Business Plan.

ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Annual Report 2022 / 2023 (Doc Id: SODR-672334364-116)
- Annual Report 2022 / 2023 Part II (Doc Id: SODR-672334364-117)
- Transmittal letter from Office of Auditor General (Doc Id: SODR-2042075298-71971)

(Marked 6.1.2)

VOTING REQUIREMENT

Officer Recommendation 1 - Absolute majority

Officer Recommendation 2 - Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION 1

Moved Cr Clarke, seconded Cr Gibson

That Council, in accordance with section 5.54 (1) Local Government Act 1995, accept the 2022 / 2023 Annual Report

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

and the 2022 / 2023 Annual Financial Statements inclusive of the Auditor's Report.

CARRIED BY ABSOLUTE MAJORITY 6/0

FOR: Cr O'Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd

AGAINST: Nil

OFFICER RECOMMENDATION / COUNCIL DECISION 2

Moved Cr Gibson, seconded Cr McDonald

That Council, in accordance with section 5.27 of the Local Government Act 1995 set the date for the Annual Meeting of Electors as 22 February 2024 at 5.00pm in the Jurien Bay Council Chambers.

CARRIED 6/0

FOR: Cr O'Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd

AGAINST: Nil

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

6.1.3 AUDIT COMMITTEE MINUTES – 4 JANUARY 2024

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1743450996-71253
Disclosure of Interest:	Nil
Date:	4 January 2024
Author:	Brad Waters, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 4 January 2024.

BACKGROUND

The Local Government Act 1995 requires Council to establish an Audit Committee to assist Council to fulfil corporate governance, stewardship, leadership, and control responsibilities in relation to the Shire's financial reporting and audit responsibilities.

Due to the small number of audit committee meetings held during the year there is a significant delay between the audit meetings and the subsequent confirmation of the minutes of that meeting at the following audit committee meeting and hence, a further delay in presentation to Council of the minutes for adoption.

Therefore, it is considered more appropriate to present the unconfirmed minutes to Council for receipt. Should any issue arise at the adoption of these minutes at the following audit committee meeting varying the accuracy of the unconfirmed minutes, these changes will be presented to Council at the following Council meeting.

COMMENT

The purpose of the Audit Committee Meeting held 4 January 2024 was to consider the Independent Audit Report for the 2022 / 2023 financial year.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- Minutes of the Audit Committee Meeting (unconfirmed) held on 4 January 2024 (Doc Id: SODR-2042075298-71989)
(Marked 6.1.3)

VOTING REQUIREMENT

Simple majority

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr McDonald, seconded Cr Glasfurd
That Council receive the unconfirmed minutes of the Audit
Committee Meeting held on 4 January 2024.**

CARRIED 6/0

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr
Young, Cr Glasfurd**

AGAINST: Nil

**6.1.4 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE
PERIOD ENDING 30 NOVEMBER 2023**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Doc Id: SODR-2042075298-72014
Disclosure of Interest:	None
Date:	22 December 2023
Author:	Rebecca Pink, Accountant
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To table the monthly financial statements for the period ending 30 November 2023 for adoption by Council.

BACKGROUND

In accordance with the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 November 2023.

COMMENT

Regulation 34 of the Financial Management Regulations (1996) requires the following information to be provided to Council:

1. Net Current Assets

Council’s adjusted net current assets surplus / (deficit) position as at the 30 November 2023 was \$5,380,839. Net current Asset are calculated by deducting current liabilities from current assets as reported in the Statement of Financial Position. In accordance with regulation 34 of the Local Government Financial Management Regulations (1996) the net current assets are adjusted to establish a surplus / (deficit) position within the monthly financial statements. The current position indicates that Council can easily meet its short-term liquidity or solvency.

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

The adjusted net current assets position is reflected on page 10 and reconciled with the Rate Setting Statement on page 3 of the financial statements.

The amount raised from rates, shown on the Rate Setting Statement (page 3), reconciles with note 2 (page 9) of the financial statements and provides information to Council on the budget vs actual rates raised.

2. Material Variances

During budget adoption a 10 percent and \$10,000 threshold for these variances to be reported was set.

Note 14 (page 24) of the attached report details any significant variances.

Should Councillors wish to raise any issues relating to the 30 November 2023 financial statements, please do not hesitate to contact the Accountant prior to the Council Meeting in order that research can be undertaken, and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 34 of the Local Government Financial Management Regulations (1996)

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

Circulated with the agenda is the following item relevant to this report:

- Financial statements for the period ending 30 November 2023 (Doc Id: SODR-2042075298-72014)

(Marked 6.1.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Glasfurd, seconded Cr Clarke

That the monthly financial statements for the period 30 November 2023 be received.

MINUTES FOR SPECIAL COUNCIL MEETING HELD 4 JANUARY 2024

CARRIED 6/0

FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd

AGAINST: Nil

7 CLOSURE OF MEETING

The Presiding Member declared the Meeting closed at 5.22pm.

These minutes were confirmed at a meeting on 22 February 2024

Signed MJM

Presiding person at the meeting at which the minutes were confirmed

Date 22 February 2024