

SHIRE OF SHARK BAY NOTICE OF MEETING

5 FEBRUARY 2025

Special Council Meeting Agenda



Shark Bay – Dugong



5 FEBRUARY 2025



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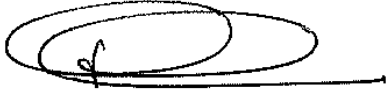
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SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

A Special meeting of the Shark Bay Shire Council to be held in the Council Chamber at the Shark Bay Recreation Centre, Francis Street, Denham, on Wednesday 5 February 2025, commencing at 1.00 pm.



Dale Chapman
CHIEF EXECUTIVE OFFICER
31 January 2025

PURPOSE I advise that a special meeting of Council is called in accordance with Section 5.4 (a), (i) of the **Local Government Act 1995**, to discuss and adopt the following items:

1. Local Government Compliance Audit Return.
2. Annual Report 2023/2024
3. Policy – Revised Eligibility Criteria for Herald Denham Centre Units

Table of Contents

| | | |
|-----|---|----|
| 1.0 | Declaration Of Opening | 4 |
| 2.0 | Acknowledgement of Country | 4 |
| 3.0 | Attendances and Apologies | 4 |
| 4.0 | Public Question Time..... | 4 |
| 5.0 | Local Government Compliance Audit Return..... | 5 |
| 6.0 | Annual Report 2023/2024 | 19 |
| 7.0 | Policy – Revised Eligibility Criteria for Herald Denham Centre Units..... | 32 |
| 8.0 | Closure of Meeting | 46 |

5 FEBRUARY 2025

1.0 DECLARATION OF OPENING

The President will declare the Special Council meeting open.

2.0 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Malgana People as the traditional custodians of the land and sea in and around the Shire of Shark Bay.

I pay my respects to their Elders past, present, and emerging.

3.0 ATTENDANCES AND APOLOGIES

ATTENDANCES

| | |
|-------------------|------------------|
| Cr C Cowell | President |
| Cr P Stubberfield | Deputy President |
| Cr E Fenny | |
| Cr G Ridgley | |
| Cr M Smith | |

| | |
|--------------|-------------------------------|
| Mr D Chapman | Chief Executive Officer |
| Mrs R Mettam | Executive Assistant |
| Ms M Fanali | Community Development Officer |

APOLOGIES

Cr L Bellottie
Cr M Vankova

VISITORS

4.0 PUBLIC QUESTION TIME

The President will open and close public question time.

5 FEBRUARY 2025

5.0 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN
CM00013

Author

Executive Assistant

Disclosure of Any Interest

Nil

Moved Cr

Seconded Cr

Audit Committee Recommendation

That Council adopt the Local Government Compliance Audit Return for the period 1 January 2024 to 31 December 2024 as completed and for it to be forwarded to the Department of Local Government as a true and correct record of the information contained therein.

Comments

The Audit Compliance Return now focuses on areas of compliance that are considered high risk, such as financial interest disclosures, procurement and tendering, delegation and use of delegated power and the recruitment and appointment of the Chief Executive Officer and Senior Staff.

The Compliance Audit Return has been completed and checked. It has been presented to the Audit Committee. The Audit Committee recommends that it be adopted by the Council. A certified copy of the Return is to be submitted to the Department of Local Government by 31 March 2025.

The Compliance Return is an excellent internal control to assess the Shire of Shark Bay's statutory compliance.

Background

The Statutory Compliance Audit Return for the period 1 January 2024 to 31 December 2024 is due. Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* require all local governments to complete the Statutory Compliance Audit Return.

The Compliance Audit Return is to be -

- 1 Presented to the Audit Committee
- 2 Presented to Council at a meeting of the Council.
- 3 Adopted by the Council.
- 4 The adoption recorded in the minutes of the meeting at which it is adopted.

5 FEBRUARY 2025

After the Compliance Audit Return has been presented to the Council, a certified copy of the Return along with the relevant section of the minutes and any additional information explaining or qualifying the Compliance Audit Return is to be submitted to the Director General, Department of Local Government by 31 March 2025.

Legal Implications

Section 7.13 (1)(i) of the *Local Government Act 1995*.

Regulation 14 – Compliance audit return to be prepared – *Local Government (Audit) Regulations 1996*

Regulation 15 – Completion of compliance audit return – *Local Government (Audit) Regulations 1996*

Policy Implications

There are no policy implications relative to this report

Financial Implications

There are no financial implications relative to this report

Strategic Implications

There are no strategic implications relative to this report

Voting Requirements

Simple Majority Required

Signatures

Chief Executive Officer

D Chapman

Date of Report

13 January 2025

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



COMPLIANCE AUDIT RETURN 2024

| Commercial Enterprises by Local Governments | | | | |
|---|-------------------------------------|---|----------|----------|
| No | Reference | Question | Response | Comments |
| 1 | s3.59(2)(a) F&G Regs 7,9,10 | Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2024? | N/A | |
| 2 | s3.59(2)(b) F&G Regs 7,8A, 8, 10 | Has the local government prepared a business plan for each major land transaction that was not exempt in 2024? | N/A | |
| 3 | s3.59(2)(c) F&G Regs 7,8A, 8,10 | Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2024? | N/A | |
| 4 | s3.59(4) | Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2024? | N/A | |
| 5 | s3.59(5) | During 2024, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority? | N/A | |

| Delegation of Power/Duty | | | | |
|--------------------------|-----------|--|----------|----------|
| No | Reference | Question | Response | Comments |
| 1 | s5.16 (1) | Were all delegations to committees resolved by absolute majority? | N/A | |
| 2 | s5.16 (2) | Were all delegations to committees in writing? | N/A | |
| 3 | s5.17 | Were all delegations to committees within the limits specified in section 5.17 of the <i>Local Government Act 1995</i> ? | N/A | |
| 4 | s5.18 | Were all delegations to committees recorded in a register of delegations? | N/A | |
| 5 | s5.18 | Has council reviewed delegations to its committees in the 2023/2024 financial year? | N/A | |

Page 1 of 12

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
**Local Government, Sport
and Cultural Industries**

| | | | | |
|----|-----------------------------------|--|-----|--|
| 6 | s5.42(1) & s5.43 Admin Reg 18G | Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the <i>Local Government Act 1995</i> ? | YES | |
| 7 | s5.42(1) | Were all delegations to the CEO resolved by an absolute majority? | YES | 28/08/2024 Ordinary Council meeting ITEM 10.1 |
| 8 | s5.42(2) | Were all delegations to the CEO in writing? | YES | |
| 9 | s5.44(2) | Were all delegations by the CEO to any employee in writing? | YES | |
| 10 | s5.16(3)(b) & s5.45(1)(b) | Were all decisions by the Council to amend or revoke a delegation made by absolute majority? | N/A | |
| 11 | s5.46(1) | Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees? | YES | |
| 12 | s5.46(2) | Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2023/2024 financial year? | YES | |
| 13 | s5.46(3) Admin Reg 19 | Did all persons exercising a delegated power or duty under the Act, keep, on all occasions, a written record in accordance with <i>Local Government (Administration) Regulations 1996</i> , regulation 19? | YES | |

| Disclosure of Interest | | | | |
|------------------------|---|---|----------|----------|
| No | Reference | Question | Response | Comments |
| 1 | s5.67 | Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the <i>Local Government Act 1995</i> , did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter? | YES | |
| 2 | s5.68(2) & s5.69(5) Admin Reg 21A | Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the <i>Local Government (Administration) Regulations 1996</i> regulation 21A, recorded in the minutes of the relevant council or committee meeting? | YES | |

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
**Local Government, Sport
and Cultural Industries**

| | | | | |
|----|------------------------------------|--|-----|--|
| 3 | s5.73 | Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the <i>Local Government Act 1995</i> recorded in the minutes of the meeting at which the disclosures were made? | YES | |
| 4 | s5.75 Admin Reg 22, Form 2 | Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day? | YES | |
| 5 | s5.76 Admin Reg 23, Form 3 | Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2024? | YES | |
| 6 | s5.77 | On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return? | YES | |
| 7 | s5.88(1) & (2)(a) | Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> ? | YES | |
| 8 | s5.88(1) & (2)(b) Admin Reg 28 | Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the <i>Local Government Act 1995</i> , in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28? | YES | |
| 9 | s5.88(3) | When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> , did the CEO remove from the register all returns relating to that person? | YES | |
| 10 | s5.88(4) | Have all returns removed from the register in accordance with section 5.88(3) of the <i>Local Government Act 1995</i> been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return? | YES | |
| 11 | s5.89A(1), (2) & (3) Admin Reg 28A | Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the <i>Local Government Act 1995</i> , in the form prescribed in the <i>Local Government (Administration) Regulations 1996</i> , regulation 28A? | YES | |
| 12 | s5.89A(5) & (5A) | Did the CEO publish an up-to-date version of the gift register on the local government's website? | YES | |
| 13 | s5.89A(6) | When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the <i>Local Government Act 1995</i> , did the CEO remove from the register all records relating to those people? | YES | |

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
**Local Government, Sport
and Cultural Industries**

| | | | | |
|----|-----------------------|--|-----|--|
| 14 | s5.89A(7) | Have copies of all records removed from the register under section 5.89A(6) <i>Local Government Act 1995</i> been kept for a period of at least five years after the person ceases to be a person required to make a disclosure? | YES | |
| 15 | s5.70(2) & (3) | Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report? | YES | |
| 16 | s5.71A & s5.71B(5) | Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the <i>Local Government Act 1995</i> relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application? | N/A | |
| 17 | s5.71B(6) & s5.71B(7) | Was any decision made by the Minister under section 5.71B(6) of the <i>Local Government Act 1995</i> , recorded in the minutes of the council meeting at which the decision was considered? | N/A | |
| 18 | s5.104(1) | Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct? | YES | |
| 19 | s5.104(3) & (4) | Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the <i>Local Government Act 1995</i> ? | N/A | |
| 20 | s5.104(7) | Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website? | YES | |
| 21 | s5.51A(1) & (3) | Has the CEO prepared and implemented a code of conduct to be observed by employee of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website? | YES | |

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
Local Government, Sport
and Cultural Industries

| Disposal of Property | | | | |
|----------------------|-----------|---|----------|----------|
| No | Reference | Question | Response | Comments |
| 1 | s3.58(3) | Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the <i>Local Government Act 1995</i> (unless section 3.58(5) applies)? | YES | |
| 2 | s3.58(4) | Where the local government disposed of property under section 3.58(3) of the <i>Local Government Act 1995</i> , did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property? | YES | |

| Elections | | | | |
|-----------|-------------------------|---|----------|-------------|
| No | Reference | Question | Response | Comments |
| 1 | Elect Regs 30G(1) & (2) | Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the <i>Local Government (Elections) Regulations 1997</i> ? | N/A | No Election |
| 2 | Elect Regs 30G(3) & (4) | Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the <i>Local Government (Elections) Regulations 1997</i> ? | N/A | No Election |
| 3 | Elect Regs 30G(5) & (6) | Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the <i>Local Government (Elections) Regulations 1997</i> ? | N/A | No Election |

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



| Finance | | | | |
|---------|-----------------------|---|----------|---|
| No | Reference | Question | Response | Comments |
| 1 | s7.1A | Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the <i>Local Government Act 1995</i> ? | YES | Special Council meeting 25 October 2023 Item 8.1 |
| 2 | s7.1B | Where the council delegated to its audit committee any powers or duties under Part 7 of the <i>Local Government Act 1995</i> , did it do so by absolute majority? | N/A | |
| 3 | s7.9(1) | Was the auditor's report for the financial year ended 30 June 2024 received by the local government by 31 December 2024? | Yes | Received on the 16 December 2024 |
| 4 | s7.12A(3) | Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the <i>Local Government Act 1995</i> required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters? | N/A | Only received on the 16 December 2024 – Action being undertaken in 2025 |
| 5 | s7.12A(4)(a) & (4)(b) | Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government? | N/A | Only received on the 16 December 2024 – Action being undertaken in 2025 |
| 6 | s7.12A(5) | Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the <i>Local Government Act 1995</i> , did the CEO publish a copy of the report on the local government's official website? | N/A | Not yet adopted by Council |
| 7 | Audit Reg 10(1) | Was the auditor's report for the financial year ending 30 June 2024 received by the local government within 30 days of completion of the audit? | YES | |

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
Local Government, Sport
and Cultural Industries

| Integrated Planning and Reporting | | | | |
|-----------------------------------|-------------------------|--|----------|---|
| No | Reference | Question | Response | Comments |
| 1 | Admin Reg 19C | Has the local government adopted by absolute majority a strategic community plan? If yes, please provide the adoption date or the date of the most recent review in the Comments section? | YES | 28 June 2023 Ordinary Council meeting Item 10.2 |
| 2 | Admin Reg 19DA(1) & (4) | Has the local government adopted by absolute majority a corporate business plan? If yes, please provide the adoption date or the date of the most recent review in the Comments section? | YES | 16 August 2024 Special Council meeting Item 5.0 |
| 3 | Admin Reg 19DA(2) & (3) | Does the corporate business plan comply with the requirements of <i>Local Government (Administration) Regulations 1996</i> 19DA(2) & (3)? | YES | |

| Local Government Employees | | | | |
|----------------------------|-----------------------------------|---|----------|--------------|
| No | Reference | Question | Response | Comments |
| 1 | s5.36(4) & s5.37(3) Admin Reg 18A | Were all CEO and/or senior employee vacancies advertised in accordance with <i>Local Government (Administration) Regulations 1996</i> , regulation 18A? | N/A | No Vacancies |
| 2 | Admin Reg 18E | Was all information provided in applications for the position of CEO true and accurate? | N/A | |
| 3 | Admin Reg 18F | Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the <i>Local Government Act 1995</i> ? | N/A | |
| 4 | s5.37(2) | Did the CEO inform council of each proposal to employ or dismiss senior employee? | N/A | |
| 5 | s5.37(2) | Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so? | N/A | |

Page 7 of 12

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



| Official Conduct | | | | |
|------------------|-----------------|---|----------|-------------------------|
| No | Reference | Question | Response | Comments |
| 1 | s5.120 | Has the local government designated an employee to be its complaints officer? | YES | Chief Executive Officer |
| 2 | s5.121(1) & (2) | Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the <i>Local Government Act 1995</i> ? | N/A | No complaints received |
| 3 | S5.121(2) | Does the complaints register include all information required by section 5.121(2) of the <i>Local Government Act 1995</i> ? | N/A | |
| 4 | s5.121(3) | Has the CEO published an up-to-date version of the register of the complaints on the local government's official website? | N/A | |

| Optional Questions | | | | |
|--------------------|----------------------------------|--|----------|---|
| No | Reference | Question | Response | Comments |
| 1 | Financial Management Reg 5(2)(c) | Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> regulations 5(2)(c) within the three financial years prior to 31 December 2024? If yes, please provide the date of council's resolution to accept the report. | NO | Last Report adopted by Council on the 31 July 2019 Item 12.4. Moore-Australia have been engaged on the 8 October 2024 to undertake review in February 2025. |
| 2 | Audit Reg 17 | Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with <i>Local Government (Audit) Regulations 1996</i> regulation 17 within the three financial years prior to 31 December 2024? If yes, please provide date of council's resolution to accept the report. | NO | Last Report adopted by Council on the 31 July 2019 Item 12.4. Moore-Australia have been engaged on the 8 October 2024 to undertake review in February 2025. |

Page 8 of 12

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
**Local Government, Sport
and Cultural Industries**

| | | | | |
|---|---------------------------|--|-----|--|
| 3 | s5.87C | Where a disclosure was made under sections 5.87A or 5.87B of the <i>Local Government Act 1995</i> , were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act? | YES | |
| 4 | s5.90A(2) & (5) | Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events? | YES | |
| 5 | s5.96A(1), (2), (3) & (4) | Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the <i>Local Government Act 1995</i> ? | YES | |
| 6 | s5.128(1) | Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members? | YES | |
| 7 | s5.127 | Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2024? | YES | |
| 8 | s6.4(3) | By 30 September 2024, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2024? | YES | |
| 9 | s.6.2(3) | When adopting the annual budget, did the local government take into account all its expenditure, revenue and income? | YES | |

| Tenders for Providing Goods and Services | | | | |
|--|----------------------|---|----------|----------|
| No | Reference | Question | Response | Comments |
| 1 | F&G Reg 11A(1) & (3) | Did the local government comply with its current purchasing policy, adopted under the <i>Local Government (Functions and General) Regulations 1996</i> , regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less? | YES | |

Page 9 of 12

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
**Local Government, Sport
and Cultural Industries**

| | | | | |
|----|--|---|-----|--|
| 2 | s3.57 F&G Reg 11 | Subject to <i>Local Government (Functions and General) Regulations 1996</i> , regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations? | YES | |
| 3 | F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4) | When regulations 11(1), 12(2) or 13 of the <i>Local Government Functions and General) Regulations 1996</i> , required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)? | YES | |
| 4 | F&G Reg 12 | Did the local government comply with <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 12 when deciding to enter into multiple contracts rather than a single contract? | N/A | |
| 5 | F&G Reg 14(5) | If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation? | YES | We extended the date for submission of Tenders and supplied additional technical information to all who applied for a copy of tender documents by way of addendums |
| 6 | F&G Regs 15 & 16 | Did the local government's procedure for receiving and opening tenders comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 15 and 16? | YES | |
| 7 | F&G Reg 17 | Did the information recorded in the local government's tender register comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website? | YES | |
| 8 | F&G Reg 18(1) | Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender? | N/A | |
| 9 | F&G Reg 18(4) | Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept? | N/A | |
| 10 | F&G Reg 19 | Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted? | YES | |

Page 10 of 12

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
**Local Government, Sport
and Cultural Industries**

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|----|---------------------------------|---|-----|--|
| 11 | F&G Regs 21 & 22 | Did the local government's advertising and expression of interest processes comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , Regulations 21 and 22? | YES | |
| 12 | F&G Reg 23(1) & (2) | Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice? | N/A | |
| 13 | F&G Reg 23(3) & (4) | Were all expressions of interest that were not rejected under the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer? | N/A | |
| 14 | F&G Reg 24 | Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24? | YES | |
| 15 | F&G Regs 24AD(2) & (4) and 24AE | Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with <i>Local Government (Functions & General) Regulations 1996</i> regulations 24AD(4) and 24AE? | N/A | |
| 16 | F&G Reg 24AD(6) | If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation? | N/A | |
| 17 | F&G Reg 24AF | Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application? | N/A | |
| 18 | F&G Reg 24AG | Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24AG? | N/A | |
| 19 | F&G Reg 24AH(1) | Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications? | N/A | |

Page 11 of 12

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return 2024



Department of
**Local Government, Sport
and Cultural Industries**

| | | | | |
|----|--------------------|---|-----|--|
| 20 | F&G Reg 24AH(3) | Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept? | N/A | |
| 21 | F&G Reg 24AI | Did the CEO send each applicant written notice advising them of the outcome of their application? | N/A | |
| 22 | F&G Regs 24E & 24F | Where the local government gave regional price preference, did the local government comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24E and 24F? | N/A | |

Chief Executive Officer

Date

Mayor/President

Date

5 FEBRUARY 2025

6.0 ANNUAL REPORT 2023/2024

FM00009

Author

Chief Executive Officer

Disclosure of Any Interest Nil

Moved Cr

Seconded Cr

Audit Committee Recommendation

That Council adopt the following:

- 1. Receive and Accept the Annual Report for the 2023/2024 financial year.**
- 2. Receive and Accept the Annual Financial and Auditors reports for the 2023/2024 financial year.**
- 3. Set the date for the Annual General Meeting of electors for Wednesday 26 February 2025 commencing at 5.00 pm at the Shark Bay Recreation Centre in accordance with section 5.27(2) of the *Local Government Act 1995*.**

REQUIRES ABSOLUTE MAJORITY

Background

The 2023/2024 Annual Report, which includes the annual financial statements and auditor's report, has been prepared in accordance with section 5.53 of the *Local Government Act 1995* and is attached under separate cover. The Audit Committee recommended that the Annual Report, the Annual Financial and Auditors report for 2023/2024 be adopted by Council.

The Annual Report highlights the Shire's achievements in 2023/2024 under the outcomes in the Strategic Community Plan.

Following the acceptance of the Annual Report the Council must have a meeting of electors not more than 56 days after the acceptance of the Annual Report for the previous financial year. This means that the last day that the Council can hold an electors' meeting is 2 April 2025.

Comment

The annual financial statements are included in the Annual Report and reflect an unqualified audit report.

The management letter highlights seven (7) areas identified by the auditors as areas for improvement:

- Failure to reach level two (2) in the Australian Cyber Security Centre (ACSC) Essential Eight.
- Bank reconciliation.

5 FEBRUARY 2025

- Risk management framework.
- Employment contract not signed.
- Unrecorded liabilities.
- Depreciation expense.
- Local Roads and Community Infrastructure Program Phase 1 Accrued Income.

A full copy of the Management Letter is attached to this agenda item for your information which incorporates the details of the findings as well as Managements comments.

Legal Implications

Sections 5.53, 5.54 and 5.55 of the *Local Government Act 1995* refer to the acceptance of the annual report.

Policy Implications

There are no policy implications associated with this report.

Financial Implications

The annual report includes the Shire's audited annual financial statements, which present the Shire's financial position as at 30 June 2024 and is a useful tool for evaluating the Shire's operations.

Strategic Implications

Strategy 4.1 / 4.2 The Shire is a strategically focused, unified Council and organisation, functioning efficiently and effectively.

Risk Management

There is a low risk associated with this item. The Council needs to adopt the annual report to maintain compliance with the *Local Government Act 1995*.

Voting Requirements

Absolute Majority Required

Signatures

Chief Executive Officer

D Chapman

Date of Report

20 January 2025

5 FEBRUARY 2025



Auditor General

INDEPENDENT AUDITOR'S REPORT

2024

Shire of Shark Bay

To the Council of the Shire of Shark Bay

Opinion

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

- the statement of financial position as at 30 June 2024, the statement of comprehensive income, statement of changes in equity, statement of cash flows and statement of financial activity for the year then ended
- notes comprising a summary of material 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 2024 and its financial position at the end of that period
- is in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

Basis for opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial report section below.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Other information

The Chief Executive Officer (CEO) is responsible for the preparation and the Council for overseeing the other information. The other information is the information in the entity's annual report for the year ended 30 June 2024, but not the financial report and my auditor's report.

My opinion on the financial report does not cover the other information and accordingly, I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial report, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I did not receive the other information prior to the date of this auditor's report. When I do receive it, I will read it and if I conclude that there is a material misstatement in this information, I am required to communicate the matter to the CEO and Council and request them to correct the misstated information. If the misstated information is not corrected, I may need to retract this auditor's report and re-issue an amended report.

Responsibilities of the Chief Executive Officer and Council for the financial report

The Chief Executive Officer (CEO) of the Shire is responsible for:

- keeping proper accounts and records
- preparation and fair presentation of the financial report in accordance with the requirements of the Act, the Regulations and Australian Accounting Standards
- managing internal control as required by the CEO to ensure the financial report is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the CEO is responsible for:

- assessing the Shire's ability to continue as a going concern
- disclosing, as applicable, matters related to going concern
- using the going concern basis of accounting unless the State Government has made decisions affecting the continued existence of the Shire.

The Council is responsible for overseeing the Shire's financial reporting process.

Auditor's responsibilities for the audit of the financial report

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial report. The objectives of my audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

A further description of my responsibilities for the audit of the financial report is located on the Auditing and Assurance Standards Board website. This description forms part of my auditor's report and can be found at https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf.

My independence and quality management relating to the report on the financial report

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQM 1 Quality Management for Firms that Perform Audits or Reviews of Financial Reports and Other Financial Information, or Other Assurance or Related Services Engagements, the Office of the Auditor General maintains a comprehensive system of quality management including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

5 FEBRUARY 2025

Matters relating to the electronic publication of the audited financial report

This auditor's report relates to the financial report of the Shire of Shark Bay for the year ended 30 June 2024 included in the annual report on the Shire's website. The Shire's management is responsible for the integrity of the Shire's website. This audit does not provide assurance on the integrity of the Shire's website. The auditor's report refers only to the financial report. It does not provide an opinion on any other information which may have been hyperlinked to/from the annual report. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to contact the Shire to confirm the information contained in the website version.



Tim Sanya
Senior Director Financial Audit
Delegate of the Auditor General for Western Australia
Perth, Western Australia
13 December 2024

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

ATTACHMENT

SHIRE OF SHARK BAY

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2024

FINDINGS IDENTIFIED DURING THE AUDIT

| Index of findings | Potential impact on audit opinion | Rating | | | Prior year finding |
|--|-----------------------------------|-------------|----------|-------|--------------------|
| | | Significant | Moderate | Minor | |
| 1. Failure to reach level two in the Australian Cyber Security Centre (ACSC) Essential Eight | No | ✓ | | | |
| 2. Bank reconciliation | No | ✓ | | | ✓ |
| 3. Risk management framework | No | | ✓ | | ✓ |
| 4. Employment contract not signed | No | | ✓ | | |
| 5. Unrecorded liabilities | No | | ✓ | | |
| 6. Depreciation expense | No | | ✓ | | |
| 7. Local Roads and Community Infrastructure Program Phase 1 Accrued Income | No | | | ✓ | |

Key to ratings

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Significant - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating could indicate the need for a modified audit opinion in the current year, or in a subsequent reporting period if not addressed. However even if the issue is not likely to impact the audit opinion, it should be addressed promptly.

Moderate - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

Minor - Those findings that are not of primary concern but still warrant action being taken.

ATTACHMENT

SHIRE OF SHARK BAY

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2024

FINDINGS IDENTIFIED DURING THE AUDIT

1. Failure to reach level two in the Australian Cyber Security Centre (ACSC) Essential Eight

An ACSC Essential Eight Cybersecurity maturity assessment undertaken by LGIS in September 2022 where it was recommended the Shire should achieve level 2 maturity across all 8 categories. The assessment found that the Shire has not yet reached level 1 maturity, for any of the Essential Eight categories except for the Regular Backups category which has reached maturity level 2. There was particularly a significant number of gaps identified where the Shire has not met the requirements set out in the Essential Eight mitigation strategies. As per discussion with Dale Chapman (CEO) on 29 October 2024, the Shire are currently in discussions with their external IT provider, XL2, to assist them in reaching the maturity level 2.

Rating: Significant

Implication

There is a risk the Shire currently has a very low level of preparation for cyber security threats.

Recommendation

It is recommended that the Shire adopts the recommendations of the LGIS assessment, to ensure ACSC Essential Eight maturity level 2 is reached.

Management comment

The process of achieving Level 2 maturity was commenced prior to the audit and will be completed/achieved by the end of February 2025.

Responsible person: Dale Chapman CEO
Completion date: February 2025

5 FEBRUARY 2025

ATTACHMENT

SHIRE OF SHARK BAY

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2024

FINDINGS IDENTIFIED DURING THE AUDIT

2. Bank reconciliation

As part of the monthly financial reporting process, the Shire completes a monthly bank reconciliation for which we noted the following:

- There was no evidence of the reviewer's approval of the monthly bank reconciliation.
- The bank reconciliation for the Municipal Fund as at 30 June 2024 included a reconciling entry of \$189,421.72 which was made up of four EFT payments made between the period 8 July 2024 to 22 July 2024 which were incorrectly recorded as cash payments within the general ledger in the 2024 financial year, resulting in the material misstatement of cash and cash equivalents and trade payables in the financial statements. This error has subsequently been rectified.
The same issue around the timing of year end payments was included in the prior year management letter.

Rating: Significant (2023: Significant)

Implication

There is a risk that unauthorised or fraudulent transactions are unidentified. In addition, bank reconciliations that do not completely reconcile the bank statement balances to the general ledger, increase the risk of errors and omissions remaining undetected, which in turn could lead to misstatements in the Shire's financial reports. There is a further risk of non-compliance with Regulation 5(1) of the Local Government (Financial Management) Regulations 1996.

Recommendation

It is recommended that evidence be maintained to show that the bank reconciliation has been reviewed.

Management should ensure that payments are recorded in the correct period and that all differences between the bank statement and general ledger balances are promptly identified, investigated, and reconciled.

Management comment

Finding and recommendation noted, process will be put into place to ensure early identification, investigation and reconciliation.

Responsible person: Jane Green Manager Finance and Administration
Completion date: February 2025

ATTACHMENT

SHIRE OF SHARK BAY

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2024

FINDINGS IDENTIFIED DURING THE AUDIT

3. Risk management framework

We noted that the Shire's risk management policy and plan have not been updated since February 2017 & September 2016 respectively. In addition, the Shire's risk register has not been updated since May 2016. Per discussion with Dale Chapman (CEO) on 29 October 2024, the Shire have engaged an external provider to perform a regulation 17 review in January – February 2025 whereby, the findings of that review will help the shire update their risk management policy and risk register.

This finding was first reported in 2022.

Rating: Moderate (2023: Moderate)

Implication

There is a risk that the risk management policy and plan may no longer be fit for purpose for the Shire.

Further, without an up-to-date risk register, the Shire might not have appropriate or effective processes in place to sufficiently mitigate risks to its operations or to take advantage of opportunities.

Recommendation

Management should review the Shire's risk management policy and plan and risk register on a regular basis, to make sure that it reflects all current risks and the related treatment action plans.

The Shire should also consider providing a regular report to the audit committee on the status of the risk register and the progress made in completing required treatment action plans.

Management comment

Risk Management Policy currently being updated, Regulation 17 review scheduled for January/February 2025 to be undertaken by Moore Australia, this will feed into the finalisation of the policy.

Responsible person: Dale Chapman CEO/Jane Green Manager Finance and Administration

Completion date: June 2025

5 FEBRUARY 2025

ATTACHMENT

SHIRE OF SHARK BAY

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2024

FINDINGS IDENTIFIED DURING THE AUDIT

4. Employment contract not signed

During our payroll testing, we noted that management could not provide a signed employment contract for one casual employee.

Rating: Moderate

Implication

There is a risk that the employee is not being paid the correct remuneration entitlements in line with the terms and conditions of their employment contract.

Recommendation

We recommend that management ensure that all employees have signed contracts in place.

Management comment

Unique circumstances where a casual employee commenced work had a small workplace accident after which he did not return.

Process to be implemented to ensure prompt execution of employment contracts.

Responsible person: Jane Green Manager Finance and Administration
Completion date: February 2025

ATTACHMENT

SHIRE OF SHARK BAY

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2024

FINDINGS IDENTIFIED DURING THE AUDIT

5. Unrecorded Liabilities

During our unrecorded liabilities test, we found 5 invoices amounting to \$915,465.67 relating to services received in the year ending 30 June 2024 that had not been recorded in the 30 June 2024 financial year. This error has subsequently been rectified.

Rating: Moderate

Implication

There is a risk of misstatement for the Shire's liabilities, operating and capital expenditure.

Recommendation

We recommend that management considers any services received prior to the new financial year and ensures these expenses are accrued for in the accounts as at year end for future financial years.

Management comment

Finding and recommendation acknowledged, process to be implemented to ensure expenses are accrued for in accounts as at year end.

Responsible person: Jane Green Manager Finance and Administration
Completion date: February 2025

5 FEBRUARY 2025

ATTACHMENT

SHIRE OF SHARK BAY

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2024

FINDINGS IDENTIFIED DURING THE AUDIT

6. Depreciation expense

On review of depreciation expense for the year ended 30 June 2024 we noted for 152 assets the depreciation rate was applied to the opening accumulated depreciation, not the revalued carrying amount and therefore an adjustment to depreciation expense was required to correct the depreciation expense.

Rating: Moderate

Implication

There is a risk of misstatement for the Shire's property, plant, and equipment and infrastructure including depreciation expense.

Recommendation

We recommend that management appropriately review the depreciation calculation methodology for assets as part of the year end reporting process.

Management comment

Noted error in not applying the depreciation rate to the revalued carrying amount, depreciated calculation methodology for assets to e reviewed as part of the year end reporting process.

Responsible person: Dale Chapman CEO/Jane Green Manager Finance and Administration

Completion date: June 2025

5 FEBRUARY 2025

ATTACHMENT

SHIRE OF SHARK BAY

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2024

FINDINGS IDENTIFIED DURING THE AUDIT

7. Local Roads and Community Infrastructure Program Phase 1 Accrued Income

As at 30 June 2023 \$33,406 accrued income was recognised in relation to funding receivable from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Department) for Phase 1 of the Local Roads and Community Infrastructure (LRCI) Program. During the 30 June 2024 financial year this receivable balance was written off but the basis and evidence for this write off could not be provided by management.

Rating: Minor

Implication

There is a risk that the Shire's accrued income may be misstated.

Recommendation

We recommend that the basis and evidence for asset write off should be obtained prior to being written off and retained to maintain an appropriate audit trail. The Shire should develop a formal written policy for the assessment of expected credit loss and financial asset write off.

Management comment

Finding and recommendation acknowledged, further investigation highlights the amount (income) in question not received, due to the audit of phase 1 in 2022/23 not being received. It was assumed by the administration that the audit report was sent to the Department by the audit firm. Nevertheless, the amount should have been retained as accrued income.

Responsible person: Deb Wilkes Deputy CEO
Completion date: March 2025

5 FEBRUARY 2025

7.0 POLICY – REVISED ELIGIBILITY CRITERIA FOR HERALD DENHAM CENTRE UNITS
CP00002

AUTHOR

Community Development Officer

DISCLOSURE OF ANY INTEREST

Declaration of Interest:

Nature of Interest:

Moved Cr

Seconded Cr

Officer Recommendation

Council adopt the revised Housing Policy # 6.1 for the Eligibility Criteria for Herald Denham Centre Units as attached.

ABSOLUTE MAJORITY REQUIRED

BACKGROUND

The Herald Denham Centre Units are located at 23 Hughes Street, Denham. With the addition of twelve (12) new units in 2025, the facility now consists of twenty-five (25), one-bedroom independent living homes. The units provide Social Housing accommodation and are administered by the Shire of Shark Bay in accordance with the Housing Authority Rental Policy, the Residential Tenancies Act 1987 (WA) and the Shire of Shark Bay Council Policy 6.1 – Eligibility Criteria for the Herald Denham Centre Units.

The Shire of Shark Bay manages the units by administering the tenant applications and undertaking maintenance associated with the properties.

The current allocation criteria for Herald Denham Centre Units Council Policy was adopted by Council on 25 March 2020 (Item 11.4). The revised Policy recognises some additional considerations, and the recommendation is to rename this policy the Eligibility Criteria for the Herald Denham Centre Units.

COMMENT

Those wishing to apply for a unit are required to complete a Herald Denham Centre Application Form, which is returned to and assessed by the Community Development Officer. If the applicant is assessed as eligible under the current policy, the Community Development Officer places them on the waiting list. An eligible applicant remains on the waitlist until a unit becomes available, or they request to be removed from the list. The Community Development Officer contacts those on the wait list annually to confirm if the applicant is still interested in being waitlisted and/or to discuss any changes to their eligibility criteria.

5 FEBRUARY 2025

The existing Policy is limited in its general scope and lacks additional factors needed for the Shire to ensure the suitability of residents. The reviewed policy suggests a more stringent policy overall with the addition of a review mechanism to ensure continuing eligibility of existing tenants, as well as a pet policy to ensure the health, safety and comfort of other residents. The Application Form has been updated, and a Medical Clearance form created to ensure a more thorough Doctor review of an applicant's ability to live independently. Pet owners will also now be required to complete a Pet Request form to keep pets at the property.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

POLICY IMPLICATIONS

The amended policy reflects the governing Acts, Policies and Guidelines being the Residential Tenancies Act 1987 (WA), Housing Authority Rental Policy Manual under the National Affordable Housing Agreement, the Community Housing Income and Asset Limits Policy and the Shire of Shark Bay Council Policy 6 – Eligibility Criteria for the Herald Denham Centre Units.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Social Objective: A safe, welcoming and inclusive community.

RISK MANAGEMENT

Good governance requires Council to review its policies on a regular basis.

VOTING REQUIREMENTS

Absolute Majority Required

SIGNATURES

Deputy Chief Executive Officer

D Wilkes

Chief Executive Officer

D Chapman

Date of Report

16 January 2025

5 FEBRUARY 2025

REVISED HOUSING POLICY

6 Housing

6.1 Eligibility Criteria for Herald Denham Centre Units

Purpose

The Herald Denham Centre Units are located at 23 Hughes Street, Denham. They consist of twenty-five (25), one (1) bedroom independent living homes. The units provide Social Housing accommodation (ie subject to asset and income limits) and are administered by the Shire of Shark Bay in line with the Housing Authority Rental Policy, the Residential Tenancies Act 1987 (WA) and the Shire of Shark Bay Council Policy 6.1 – Eligibility Criteria for the Herald Denham Centre Units.

This Policy aims to provide an equitable and transparent process for the allocation of available units.

Detail

- The Herald Denham Centre provides social housing accommodation for those that do not have the financial resources to access similar accommodation in the private market.
- The Eligibility Criteria for accommodation is as adopted by Council and operates under the governing Acts, Policies and Guidelines.
- Eligible applications will be assessed according to the Eligibility Criteria and ranked in order of priority (*one point is given to each criterion met*). Therefore, the applicant with the highest total ranking will be placed in the highest position on the waiting list.
- Where applicants are of equal standing, preference will be given to long term residents of Shire of Shark Bay, Malgana people or those with family living in Shark Bay.
- A person who is deemed homeless and/or living in temporary accommodation may be placed at the highest total ranking, depending on their current living situation.

Eligibility Criteria/ Governing Acts, Policies and Guidelines

The eligibility criteria for accommodation is as adopted by Council and operates under the governing Acts, Policies and Guidelines being:

- Residential Tenancies Act 1987 (WA)
- Housing Authority Rental Policy Manual under the National Affordable Housing Agreement
- Community Housing Income and Asset Limits Policy
- Shire of Shark Bay Council Policy 6 - Housing

In addition to these, applicants must;

5 FEBRUARY 2025

- Be capable of caring for themselves under independent living standards
- Be aged 60 years or more
- If the applicant is a part of a couple, both parties must be eligible independently of each other.

Where applicants are of equal standing, preferential criteria has been added in the following categories;

- Existing long-term resident of Shark Bay
- Identify as a Malgana person
- Homeless

Application Process

- Applicants are required to complete and return the application form in person, by email or by post.
- Applications will be immediately added to the waitlist based on the information given to us. Once there is an available tenancy, we will request all supporting documentation and evidence to be current to within three (3) months. The applicant will be given a deadline to supply this information and if that deadline is missed, the applicant will be put back on the waitlist and the next eligible person assessed.
- The Shire of Shark Bay has absolute discretion to decline any application without explanation.
- Community Development Officer is responsible for the management of the waiting list and applicants will be contacted on an annual basis, to confirm their continued need for housing and/or discuss any changes to their selection criteria.
-

Review Process

- The Shire of Shark Bay may annually request proof of income or an independent living medical clearance from a doctor as evidence of continuing eligibility of existing tenants.
- Existing tenants who no longer satisfy the eligibility criteria will be reviewed on a case by case basis and any resolution will be as per governing Acts, Policies and Guidelines.
- Any breach of the Residential Tenancies Act 1987 (WA) may result in eviction.

Pet Policy

- All dogs and cats must be registered with the Shire of Shark Bay and adhere to local laws and acts.
- In addition to local laws and acts, tenants keeping pets must abide by the following Herald Denham tenancy rules:
 - Written Approval – residents are required to complete a Department of Energy, Mines, Industry Regulation and Safety Pet Request Form and submit this to the Shire for approval. Registered Service Animals are exempt.
 - No unreasonable interference – Pets cannot cause disturbance to other residents. This includes noise, damage, or other behaviours that impact the comfort or safety of other residents and neighbours.
 - Control – all pets must be kept on a leash in common areas.

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

- Cleanliness – You are responsible for cleaning up any messes your pets make. This includes inside and outside of your property boundary.
- Health & Safety – all pets require relevant vaccinations and health checks (and the Shire may request evidence of this) to ensure they do not pose a health risk to other residents and the wider community.

Administrative Process

- Rent is payable on a fortnightly basis. It is preferred this is paid via Direct Debit to the Shire, but other options can be considered if necessary.
- Property Inspections will be carried out annually
- Annual Reporting to Department of Communities:
 - *Electrical Certificates for Smoke Alarms and RCD's*
 - *Current Insurance Certificates*
 - *Audited Financial Statements*
 - *Termite Inspections*

Applicable legislation

| | | | |
|------------|--|------------------------|---------------|
| Act | Residential Tenancies Act 1987 (WA) | | |
| Regulation | Housing Authority Rental Policy Manual under the National Affordable Housing Agreement Community Housing Income and Asset Limits Policy Department of Communities | | |
| Local Law | Shire of Shark Bay Council Policy – 6 Housing Shire of Shark Bay Local Laws – Dogs Shire of Shark Bay Local Laws – Cats | | |
| Other | Department of Housing Guidelines | | |
| | | Adopted by Council on: | 25 March 2020 |
| | | Amended by Council on: | |

Herald Denham Centre Application



Eligibility Criteria

The eligibility criteria for accommodation is as adopted by Council and operates under the governing Acts, Policies and Guidelines being:

- Residential Tenancies Act 1987 (WA)
- Housing Authority Rental Policy Manual under the National Affordable Housing Agreement (NAHA)
- Community Housing Income and Asset Limits (CHIAL) Policy
- Shire of Shark Bay Council Policy Section 6 - Housing

In addition to these, applicants must;

- Be capable of caring for themselves under independent living standards
- Be aged over 60 years

Where applicants are of equal standing, preferential criteria has been added in the following categories;

- Existing long term resident of Shark Bay
- Identify as a Malgana person
- Homeless

Application Process

Applicants are required to complete and return this form either in person, by email or by post.

Applications will be immediately added to the waitlist based on the information given to us. Once there is an available tenancy, we will request all supporting documentation and evidence to be current to within three (3) months. The applicant will be given a deadline to supply this information and if that deadline is missed, the applicant will be put back on the waitlist and the next eligible person assessed.

The Shire of Shark Bay has absolute discretion to decline any application without explanation.

Please refer to the Shire of Shark Bay Council Policy Section 6. Housing for more information.

| Office Use Only | |
|--|----------------------|
| Received By | Date Received Stamp |
| <input type="text"/> | <input type="text"/> |
| Synergy Reference | |
| <input type="text"/> | |
| <input type="checkbox"/> Entered onto waitlist | |

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Applicant

Name

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other ☐

Surname

First Name

Second Name

Date of Birth

Current Age

Spouse Name

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other ☐

Surname

First Name

Second Name

Date of Birth

Contact Details

What is your current Residential Address?

Street

Suburb

State

Postcode

Telephone

Email

Eligibility

Do you receive a Centrelink or DVA Pension?

Payment Category / Pension Type

Amount Received per fortnight

Do you receive any other income? Yes ☐ No ☐

If yes, please give details and amount per fortnight

We will require bank statements for the previous 60 days as evidence of your income.

Do you currently own or partly own any property?

If yes, please provide details

Do you have cash assets of more than \$80,000?

If yes, please provide details

Medical Information

Are you able to live independently? Yes ☐ No ☐

We will require a Medical Report Form to be completed by your Doctor confirming that you are able to live independently.

Connection to Shark Bay

Do you currently live in Shark Bay? Yes ☐ No ☐

Do you have family in Shark Bay? Yes ☐ No ☐

Do you identify as a Malgana person? Yes ☐ No ☐

Provide details

Current Living Situation

Are you currently homeless? Yes ☐ No ☐

Are you currently in temporary accommodation? Yes ☐ No ☐

Provide details

Do you have any pets? Yes ☐ No ☐

We will require a Pet Request Form to be completed. Please refer to Shire of Shark Bay Council Policy 6.1 for more information.

Emergency Contact

Name and Contact Details

Declaration and Signature

to the best of my knowledge, I declare the information provided in this application form is correct.

Signed

Date

Herald Denham Centre Medical Report



Instructions for the Doctor

The Herald Denham Centre provides social housing accommodation for those that do not have the financial resources to access similar accommodation in the private market.

For an applicant to be eligible, the following criteria must be met:

- Be 60 years or more
- Have an income of not more than the limit set in the Community Housing Income and Asset Limits (CHIAL) Policy.
- Be capable of caring for themselves under independent living standards, confirmed by the Doctor completing this medical report.

If the applicant is a couple, both parties must be eligible independently of each other.

Completing this Report

In this report you will be asked to provide information about your patients medical conditions and their ability to live independently. Please note that Denham is a regional remote area with limited health care and home assistance. Please complete all questions in this report. The Shire of Shark Bay may contact you to discuss information in this report. These contacts will only occur where information requires clarification.

Instructions for the Applicant

To be eligible for accommodation at the Herald Denham Centre, you are required to provide this Medical Report to verify that you are able to live independently.

Step 1

Make an Appointment with your Doctor or Specialist

Ensure that the doctor or receptionist knows that you need this report completed. This may require a long consultation.

Step 2

Attend appointment and have your doctor complete this Medical Report

Step 3

Return the completed Medical Report to us. This can be done in person, by post or by scanning and emailing to cdo@sharkbay.wa.gov.au

Please note that any medical costs incurred to complete this Medical Report are the responsibility of the applicant and cannot be claimed back from the Shire of Shark Bay.

Privacy and your personal information

Your personal information is protected by law, including the Privacy Act 1988, and is collected by the Shire of Shark Bay for the assessment of your Denham Herald Centre tenancy application. This information is required to assess your ongoing eligibility and process your application.

Your information may be used where you have agreed or only as it is required by law. Where necessary, the Shire of Shark Bay may contact your doctor to clarify medical information relevant to your ability to live independently.

Office Use Only

Received By

Date Received Stamp

Synergy Reference

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Patient Information

Patient Name

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other ☐ _____

Surname

Given Name/s

Date of Birth

 / /

Current Age

Patient History

This person has been:

☐ my patient since

☐ a patient at this practice since

☐ a new patient

Medical Information

1. Does the patient have any physical, psychiatric or intellectual disabilities or serious medical conditions?

☐ No, go to question 4

☐ Yes, go to next question

2. Taking into account the patients physical, psychiatric or intellectual disabilities, indicate the level of difficulty affecting their ability to perform the following activities:

Personal Survival Skills - eg. showering and personal hygiene, meal preparation and other general household tasks

Social Skills - eg. ability to relate with the property manager, fellow tenants and the public

Educational Skills - eg. the ability to manage money, make appointments and handle personal affairs

Cognitive Skills - eg. the ability to recognise landmarks and follow directions

Mobility Skills - eg. negotiating steps and obstacles within the home without assistance

| No Difficulty | Minor to Moderate Difficulty | Serious Difficulty | Not possible |
|--------------------------|------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Does the patient have any serious medical conditions which would put them at increased risk by living in a regional remote area?

☐ No

☐ Yes

4. Is there any other information that you would like to provide about this patient relating to their ability to live independently

5. Based on your medical assessment, can this patient live independently?

☐ No

☐ Yes

☐ Requires review _____

Details of Doctor and Signature

Name

Address

Phone Number

Provider Number

Professional Qualifications

Signed

Date

5 FEBRUARY 2025



Department of Energy, Mines,
Industry Regulation and Safety



FORM 25

Pet Request Form

Residential Tenancies Act 1987 (WA) Section 50B

How to use this form

During a tenancy, tenants must use this form to ask the landlord (also known as the lessor) for permission to keep a pet at the rental property. Landlords can only refuse or apply conditions if it is reasonable to do so.

1. Tenants complete steps 1, 2, and 3.
2. Landlords complete steps 4 and 5.
3. All parties should read the **Important Information** at the end of this form.

For Tenants

Complete steps **1, 2, and 3** on this form.

Provide enough details about the pet for your landlord to make an informed decision.

Additional forms may be completed if requesting more than one pet.

Give the landlord your completed form (including a copy of the **Important Information**).

Keep a copy of the form and the details of how you gave it to the landlord for your own records.

Read the **Important Information** available at the end of this form.

Step 1: Tenancy Details

Tenant to complete and go to step 2

| | | | | |
|--|-------------------------------------|----------------------|----------|----------------------|
| Rental property address | Address | <input type="text"/> | | |
| | Suburb/Town | <input type="text"/> | Postcode | <input type="text"/> |
| Tenant(s) making request to keep a pet | Name Tenant 1 | <input type="text"/> | | |
| | Contact details (eg email or phone) | <input type="text"/> | | |
| | Name Tenant 2 | <input type="text"/> | | |
| | Contact details (eg email or phone) | <input type="text"/> | | |
| | Name Tenant 3 | <input type="text"/> | | |
| | Contact details (eg email or phone) | <input type="text"/> | | |
| Landlord(s) or agent receiving this request | Name Landlord 1 | <input type="text"/> | | |
| | Name Landlord 2 | <input type="text"/> | | |
| | Name Landlord 3 | <input type="text"/> | | |

Step 2 continues next page

Pet Request Form - Page 1 of 5

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

| Step 2: Tenant's Pet Request Details | | Tenant to complete and go to step 3 |
|--|---|---|
| About the pet | Type of Animal | <input type="text"/> |
| | Breed/Species | <input type="text"/> |
| | Age | <input type="text"/> Size <input type="checkbox"/> Small <input type="checkbox"/> Medium <input type="checkbox"/> Large |
| Other information about the suitability of the pet and the rental premises | For example Name, registration/ license number, temperament, training, size of property/outdoor areas, enclosure requirements, if the pet would be kept inside and/or outside | <div style="border: 1px solid black; height: 250px;"></div> |

| Step 3: Tenant's Declaration | | Tenant to complete and go to Important Information | | |
|--|---|--|--|--|
| Declaration | <p>I am seeking permission to keep the above pet at the rental property.</p> <p>I understand that I am responsible for any nuisance, noise and damage caused by keeping the pet.</p> <p>I accept that I am responsible for rectifying any damage caused to the property including damage caused by the pet.</p> | | | |
| Signatures of tenant(s) making request | Signature Tenant 1 | Signature Tenant 2 | Signature Tenant 3 | |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | Name | Name | Name | |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | Date | Date | Date | |
| | <input type="text"/> / <input type="text"/> / <input type="text"/> | <input type="text"/> / <input type="text"/> / <input type="text"/> | <input type="text"/> / <input type="text"/> / <input type="text"/> | |

Tenants go to Important Information. Landlords continue to next page for step 4

Pet Request Form - Page 2 of 5

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

For Landlords

Complete **steps 4 and 5** of this form, advising if you approve, approve with conditions, or refuse the request.

You have 14 days (starting the day after you received the request) to send the completed form back to the tenant.

If you do not respond within 14 days, the pet request is automatically approved.

You will also need to apply for Commissioner approval if you:

- approved with conditions that need Commissioner approval; or
- refused the pet request for reasons that need Commissioner approval.

If you do not apply for Commissioner approval to refuse (where needed) within the 14 days, the pet request is automatically approved.

Keep a copy for your records.

Read the **Important Information** available at the end of this form.

Step 4: Landlord's response to the pet request

Landlord to complete and go to step 5

Select decision below:

☐ **Approve**

☐ **Approve with conditions**

Select and write the condition(s) below. Go to step 5, then send form to tenant

Conditions where Commissioner approval is not needed

- ☐ Number of pets
- ☐ Cleaning
- ☐ Maintenance
- ☐ Fumigation

Conditions where Commissioner approval is needed

If selected, **you must** apply for Commissioner approval. Conditions **do not** apply unless approved

☐ Other reasonable condition(s)

What are the condition(s)?

Specify the condition(s) including what it is, how often it happens, and where or when it occurs

Step 4 continues next page

Pet Request Form - Page 3 of 5

SPECIAL COUNCIL MEETING AGENDA

5 FEBRUARY 2025

Step 4: Landlord's response to the pet request - Continued...

☐ Refuse

Select reason(s) and explain why it applies below. Go to step 5 and send form to tenant

Reasons where Commissioner approval is not needed

- ☐ Keeping the pet is not allowed under a written law (eg. biosecurity laws do not allow a fox as a pet)
- ☐ Keeping the pet is not allowed under a local law (eg. a local council law does not allow roosters)
- ☐ Keeping the pet is not allowed under a community title or strata law (eg. a by-law does not allow pets)

Reasons where Commissioner approval is needed

If selected, you **must** apply for Commissioner approval within 14 days

- ☐ The premises are unsuitable for keeping the pet
- ☐ Keeping the pet would exceed a reasonable number of pets being kept at the premises
- ☐ Keeping the pet at the premises is likely to cause damage to the premises that could not be repaired for less than the amount of the security bond
- ☐ Keeping the pet at the premises would pose an unacceptable risk to the health and safety of a person
- ☐ Keeping the pet at the premises is likely to cause the landlord undue hardship
- ☐ The pet is a 'dangerous dog' as defined in the *Dog Act 1976* (WA)

Explain why the reason(s) apply:

Step 5: Landlord's Declaration and Signature

Landlord to complete and send form to tenant

| | | | |
|---|---|----------------------|----------------------|
| Declaration | I understand the tenant(s) named on this form are requesting my permission to have a pet, and I must respond to this request in writing within 14 days. If I do not respond to the tenant and apply for Commissioner approval to refuse the request (where needed) within 14 days, the request is automatically approved. | | |
| Signatures of Landlord(s) or Agent | Signature Landlord 1 | Signature Landlord 2 | Signature Landlord 3 |
| | <div></div> | <div></div> | <div></div> |
| | Name | Name | Name |
| | <div></div> | <div></div> | <div></div> |
| | Date | Date | Date |
| | <div></div> | <div></div> | <div></div> |

Landlord/Agent and Tenant to continue to next page for Important Information

Pet Request Form - Page 4 of 5

Important Information for Tenants and Landlords

1. What is a pet?

A pet means any animal except an assistance animal, such as a dog trained to perform tasks to support a person with a disability. A tenant may keep an assistance animal at the premises without needing the landlord's permission.

2. Responding to a pet request

The landlord must respond to the tenant within 14 days of the request (starting the day after they receive the form). Where required, they must also apply for Commissioner approval within the applicable timeframe.

3. What happens if the landlord does not respond within 14 days?

If the landlord does not respond to the request within 14 days, and where necessary apply for Commissioner approval within the applicable timeframe, the pet request is automatically approved.

4. How are the 14 days counted?

A landlord has 14 days to respond, starting the day after they receive the request. If the tenant's request or the landlord's response is posted, the tenant must allow extra days for the form to be delivered. These extra days are not part of the 14 days the landlord has to respond. Further information about counting days when serving a notice can be found online at www.commerce.wa.gov.au/consumer-protection/counting-days.

5. Challenging a decision

The tenant may challenge the landlord's response if they believe that the decision and/or the conditions set by the landlord are unreasonable, or not permitted or applicable. The tenant applies to Consumer Protection to review the decision.

6. Applying for Commissioner approval

If a landlord decides to refuse for a reason that requires Commissioner approval, the landlord must apply to Consumer Protection for Commissioner approval within the 14 day response period. If a landlord decides to set a condition that requires Commissioner approval, the landlord must apply to Consumer Protection for Commissioner approval. The condition does not apply unless approved.

7. How to apply to the Commissioner

Applications to the Commissioner can be made online at www.consumerprotection.wa.gov.au/CDApply or call 1300 30 40 54 for further information.

8. What happens after an application is made to the Commissioner?

When an application is made, the Commissioner will notify all parties. The Commissioner will invite parties to respond. Parties will be asked if they agree or disagree with the application and to provide relevant information or evidence. The Commissioner may also request additional information or evidence if needed.

9. How does the Commissioner make a decision?

The application will be decided based on the information and evidence provided by the parties, and written reasons for the decision will be given. In some cases, the Commissioner may decline to decide an application and direct the parties to apply to the Magistrates Court.

10. What are the options if the parties are not satisfied with the Commissioner's decision?

If parties are not satisfied with the Commissioner's decision, they can appeal to the Magistrates Court within seven days of receiving the notice of the decision.

11. Where can I find more information?

Visit the Consumer Protection website for more details on the rights and responsibilities about renting with a pet at www.consumerprotection.wa.gov.au/renting/pets.

5 FEBRUARY 2025

8.0 CLOSURE OF MEETING

When there is no further business, the President will close the Special Council meeting.