



# AGENDA

and

## Notice of Special Council Meeting

to be held on

**Tuesday 19 March 2024**

at

**6.00pm**

in the

**Shire of Irwin Council Chambers**

11-13 Waldeck Street, Dongara

*The purpose of the meeting for Council  
to approve the membership of the Shire of Irwin Audit Committee*



Shane Ivers  
**Chief Executive Officer**  
Friday 15 March 2024

## Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin expressly disclaims any liability for any loss or damage whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

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# SPECIAL COUNCIL MEETING

to be held on

**Tuesday 19 February 2024**

at 6.00pm

## **AGENDA**

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**Members**

Councillor M Leonard	President
Councillor B Wyse	Deputy President
Councillor I Scott	
Councillor E Tunbridge	
Councillor A Gillam	
Councillor P Summers	

**Staff**

Mr S D Ivers	Chief Executive Officer
Ms S Mearns	Acting Executive Assistant

**Apologies**

Nil

**Approved Leave of Absence**

Nil

**3. DECLARATION OF PURPOSE OF MEETING**

The purpose of the meeting for Council to approve the membership of the Shire of Irwin Audit Committee.

**4. DECLARATIONS OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME**

Nil

## 6. OFFICER REPORTS

### 6.1 Audit Committee Member Update

<b>OFFICE OF CEO</b>		<b>CEO02-03/24</b>
<b>Subject:</b>	<b>CEO 02-03/24 Audit Committee Member Update</b>	
<b>Author:</b>	<b>S Mearns, Executive Assistant</b>	
<b>Responsible Officer:</b>	<b>S Ivers Chief Executive Officer</b>	
<b>File Reference:</b>	<b>3.0717</b>	
<b>Voting Requirements:</b>	<b>Absolute Majority</b>	

**Council Role:**

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g., performance of the Local Government’s function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**Report Purpose:**

For Council by Absolute Majority:

- Appoint a third member on the Shire of Irwin Audit Committee; and
- Nominate a Proxy Member for the Shire of Irwin Audit Committee.

**Background:**

At the Ordinary Council Meeting held 24 October 2023, Council appointed the following Council Members as Voting Members on the Shire of Irwin Audit Committee:

Cr Scott  
 Cr Wyse  
 Cr Leonard (as proxy)

Section 7.1A of the *Local Government Act 1995* states:

*‘A local government is to establish an Audit Committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*

For the Shire of Irwin to comply with Section 7.1A, a third Councillor will need to be appointed as a full voting member of the Audit Committee.

The Agenda for the Ordinary Council Meeting held 24 October 2023 requested Council appoint four (4) Members to the Audit Committee. Due to an administrative error, a decision was recorded stating

that Council appointed two (2) Voting Members and one (1) Proxy. This decision therefore does not meet the requirements of Section 7.1A of the *Local Government Act 1995*.

**Officer’s Comment:**

Shire Officers held conversations with the Governance team at WALGA who advised that as Decision 061023 has already been enacted, the decision could not be revoked.

WALGA advice was that the Shire hold a Special Council Meeting to amend the membership of the Audit Committee in the first instance to ensure compliance with Section 7.1A of the *Local Government Act 1995*.

**Consultation:**

Contact was made with the Governance team at WALGA

**Statutory Environment:**

*Local Government Act 1995* Part 5, Division 2, section 5.25

*Local Government Act 1995* Division 1 A, section 7.1.A Audit committee

- (1) A local government is to establish and audit committee of 3 or more persons to exercise the powers and discharge the duties on it.

The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

**Policy Implications:**

Nil

**Financial/Resource Implications:**

Nil

**Strategic Implications:**

Our Brilliant Future - Strategic Community Plan 2021 – 2031

Objective 4: Leading the community with engaged and progressive governance

4.2 Effective governance, management and prudent financial responsibility

4.2.1 Ensure compliance whilst embracing innovation and better practice principles

**Attachments:**

Nil

<p><b>OFFICER RECOMMENDATION:</b></p> <p><b>That Council by Absolute Majority:</b></p> <ol style="list-style-type: none"> <li>1. <b>Appoint a third member on the Shire of Irwin Audit Committee for a period ending October 2025; Cr _____ and</b></li> <li>2. <b>Nominate a Proxy Member for the Shire of Irwin Audit Committee for a period ending October 2025 Cr _____.</b></li> </ol>
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**7. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**

Nil

**8. CLOSURE**