



LGE 028

Mr David Schober  
Acting Chief Executive Officer  
Shire of Denmark  
PO Box 183  
DENMARK WA 6333

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2/2 DEC 2020	
GO/CEO	✓
DCS	✓
MCS	✓
AA	✓

Dear Mr Schober

### Local Government Ordinary Election: 2021

The next local government ordinary elections are being held on 16 October 2021. While this is still some distance in the future, I have enclosed an estimate for your next ordinary election to assist in your 2021/2022 budget preparations.

The estimated cost for the 2021 election if conducted as a postal ballot is \$33,000 inc GST, which has been based on the following assumptions:

- 5250 electors
- response rate of approximately 60%
- 4 vacancies
- count to be conducted at the offices of the Shire of Denmark
- appointment of a local Returning Officer
- regular Australia Post delivery service to apply for the lodgement of the election packages.

An additional amount of \$1,050 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- one local government staff member to work in the polling place on election day
- any additional postage rate increase by Australia Post
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

The Commission is required by the *Local Government Act* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election you will be advised as early as possible.

The current procedure required by the Act is that my written agreement has to be obtained before the vote by Council is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2021 for the Shire of Denmark in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the Shire of Denmark also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your council would need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

I look forward to conducting this election for the Shire of Denmark in anticipation of an affirmative vote by Council. If you have any further queries please contact Phil Richards Manager, Election Events on 9214 0400.

Yours sincerely



Robert Kennedy  
**ELECTORAL COMMISSIONER**

16 December 2020

# Shire of Denmark Charter



## AUDIT ADVISORY COMMITTEE

This charter document defines the membership, authority, purpose, operational guidelines, responsibilities and resources of the Shire of Denmark Audit Committee, established by Council pursuant to Division 1A, Section 7.1A of the Local Government Act 1995 (the Act) and the Local Government (Audit) Regulations 1996 (the Regulations).

### 1.0 NAME

The name of the Committee shall be the Shire of Denmark Audit Advisory Committee, hereinafter referred to in its abbreviated form as the Committee (established 12 May 2005).

### 2.0 ESTABLISHMENT

The Committee is established pursuant to Section 7.1(A) of the Act.

### 3.0 DISTRICT

The Committee shall operate within the local government boundaries of the Shire of Denmark.

### 4.0 GUIDING PRINCIPLES

This Committee is established with the guiding principles in accordance with Division 1A, Section 7.1A of the Local Government Act 1995, the Local Government (Audit) Regulations 1996 and the Local Government (Financial Management) Regulations 1996.

### 5.0 VISION

For the Shire of Denmark to have consistently clear audits and accurate, meaningful and easy to read Annual Financial Statements.

### 6.0 TERMS OF REFERENCE

An audit committee has the following functions —

- (a) to guide and assist the local government in carrying out —
  - i. its functions under Part 6 of the Act; and
  - ii. its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —

- i. report to the council the results of that review; and
  - ii. give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
  - i. regulation 17(1); and
  - ii. the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
  - i. is required to take by section 7.12A(3); and
  - ii. has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
  - iii. has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
  - iv. has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.
  - a. Is to review the annual Compliance Audit Return and report to Council the results of that review (Regulation R14 (3A)) of the Regulations).

## 7.0 MEMBERSHIP

Membership of the Committee will be appointed by an absolute majority decision of Council and can include non-elected members, must include at least 3 Councillors and Councillors must comprise the majority of the Committee.

Neither the Chief Executive Officer nor any other employee of the Local Government can be a member of the Committee.

Membership of the Committee will comprise a total of 6 members consisting of:

6 x Councillors

## 8.0 MEETINGS

### 8.1 Annual General Meeting:

Nil

### 8.2 Committee Meetings:

Meetings shall be held as required but not less than annually.

**8.3 Quorum:**

The quorum for any meeting of the Committee is at least 50% of the number of member positions prescribed on the Committee, whether vacant or not.

**8.4 Voting:**

Shall be in accordance with Sections 5.21 and 7.1C of the Act, with all members of the Committee entitled and required to vote (subject to financial and proximity interest provisions of the Act).

**8.5 Minutes:**

Shall be in accordance with the Act, Section 5.22.

**8.6 Presiding Person**

The members will elect the Presiding Person and if required, Deputy of the Committee pursuant to the Act, Section 5.12.

**8.7 Who acts if no presiding member?**

Shall be in accordance with the Act, Section 5.14.

**8.8 Meetings**

Meetings are open to the public pursuant to section 5.23 of the Act as the Committee has delegated power or duty.

**8.9 Public Question Time**

Public Question Time shall be held in accordance with the section 5.24 of the Act and Regulations 5, 6 and 7 of the Local Government (Administration) Regulations 1996.

**8.10 Members Conduct**

Members of the Committee are bound by the:

- provisions of Section 5.65 of the Local Government Act 1995;
- Shire of Denmark Standing Orders Local Law 2000;
- Shire of Denmark Code of Conduct (amended from time to time);
- Local Government (Rules of Conduct) Regulations 2007 (Elected Members only); and
- Clause 34C of the Local Government (Administration Regulations) 1996;

with respect to their conduct and duty of disclosure of financial, proximity or impartiality interests, to the extent stated, dependent upon whether they are a Councillor, Employee of Local Government or a Community Member (community members are not bound to declare impartiality interests, unlike Councillors and Employees of Local Government nor are they bound by the Rules of Conduct Legislation).

**8.11 Secretary**

The Director Corporate and Community Services or that Officer's nominee will fulfil the role of non-voting secretary who will also be responsible for preparation and distribution of agendas and minutes.

**8.12 Meeting Attendance Fees**

Nil.

**9.0 DELEGATED AUTHORITY OF THE COMMITTEE**

Delegation No. D040231.

**FUNCTION**

1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].
2. Authority to:
  - a) Examine the report of the Auditor and determine matters that require action to be taken by the Shire of Denmark; and
  - b) Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].
3. Authority to prepare a report on any actions under s.7.12A (3) in respect of an audit conducted in respect of a financial year for Council's endorsement, prior to sending the report to the Minister [s.7.12A(4)].

**CONDITIONS**

Nil

**RECORD KEEPING**

Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

**10.0 STRATEGIC ALIGNMENT**

The specific tasks and actions undertaken by this committee will assist the Shire of Denmark in achieving the following aspirations and objectives as contained within the Strategic Community Plan;

**L5.0 Our Local Government**

**ASPIRATION:** The Shire of Denmark is recognised as a transparent, well governed and effectively management Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.4 To be fiscally responsible.

Adopted by Council 19 November 2019 / Resolution No. 201119

# Shire of Denmark



## SUSTAINABILITY STRATEGY WORKING GROUP

### TERMS OF REFERENCE

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#### **1.0 NAME**

The name of the Working Group shall be the Shire of Denmark Sustainability Strategy Working Group, hereinafter referred to in its abbreviated form as the Working Group.

#### **2.0 ESTABLISHMENT**

The Working Group was established 21 November 2017 (Resolution No. 181117).

#### **3.0 OBJECTIVE**

To develop a Sustainability Strategy for the Shire of Denmark at a corporate level.

#### **4.0 MEMBERSHIP**

Membership of the Working Group will comprise of a total of 12 members consisting of;

- 3 x Councillors;
- 7 x Community representatives;
- Director Sustainable Development;
- Sustainability Officer.

Vacancies for Community representatives will be advertised in a local newspaper circulating within the district, with selection and appointment being made by Council.

#### **5.0 MEETINGS**

##### **5.1 Meetings:**

Meetings shall be held as required and can be called by the Presiding Person and/or the Secretary.

##### **5.2 Meeting Notes:**

Outcomes and decisions of Working Groups are to be recorded and retained on the relevant file(s).

##### **5.3 Presiding Person**

The members will appoint a Presiding Person and if required a Deputy of the Working Group using the same method as detailed in the Local Government Act 1995, Section 5.12.

Pursuant to Council Policy P040235 the Working Group should elect an Elected Member to the role of Presiding Person.

**5.4 Who acts if no presiding member?**

The Working Group members present at the meeting are to choose one of themselves to preside at the meeting.

**5.5 Public Question Time**

Nil

**5.6 Members Conduct**

Members of the Working Group are bound by the Shire of Denmark Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007 (Elected Members only).

**5.7 Secretary**

The Director Sustainable Development or that Officer's nominee will fulfil the role of secretary who will also be responsible for preparation and distribution of Agendas and any Notes.

**5.8 Meeting Attendance Fees**

Nil.

**6.0 STRATEGIC ALIGNMENT**

The specific tasks and actions undertaken by this Working Group will assist the Shire of Denmark in achieving the following aspirations and objectives as contained within the Strategic Community Plan;

**N2.0 Our Natural Environment**

**ASPIRATION:** Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

N2.1 To preserve and protect the natural environment.

N2.2 To promote and encourage responsible development.

N2.3 To reduce human impact on natural resources and reduce waste.

N2.4 To utilise renewable energy.

**B3.0 Our Built Environment**

**ASPIRATION:** We have a functional built environment that reflects our village character and supports a connected creative and active community.

B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community.

B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users.

B3.3 To have a planning framework that is visionary, supports connectivity and enables participation.

B3.4 To manage assets in a consistent and sustainable manner.

**L5.0 Our Local Government**

**ASPIRATION:** The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.3 To be decisive and to make consistent and well considered decisions.

L5.4 To be fiscally responsible.

**7.0 SUNSET CLAUSE**

The Working Group will cease to exist following completion of a final Strategy adopted by Council.

Adopted by Council 21 November 2017 / Resolution No. 181117  
Continuation supported by Council 19 November 2019 / Resolution No. 211119

# Shire of Denmark



## WASTE REFORM WORKING GROUP

### TERMS OF REFERENCE

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#### 1.0 NAME

The name of the Working Group shall be the Shire of Denmark Waste Reform Working Group, hereinafter referred to in its abbreviated form as the Working Group.

#### 2.0 ESTABLISHMENT

The Working Group was established 19 November 2019 (Resolution No. 211119).

#### 3.0 OBJECTIVE

To develop a waste services reform for implementation in 2020-21 financial year. This will include:

- Contracting Model
- Extent of Household Waste Services (General, Recycling, Food Organics Green Organics)
- Resolution on the Green Waste Disposal at the Macintosh Road Waste Facility
- Resolution on bin lid issues

#### 4.0 MEMBERSHIP

Membership of the Working Group will comprise of a total of 6 members consisting of;

- 4 x Councillors;
- Director Sustainable Development;
- Sustainability Officer.

#### 5.0 MEETINGS

##### 5.1 Meetings:

Meetings shall be held as required and can be called by the Presiding Person and/or the Secretary.

##### 5.2 Meeting Notes:

Outcomes and decisions of Working Groups are to be recorded and retained on the relevant file(s).

##### 5.3 Presiding Person

The members will appoint a Presiding Person and if required a Deputy of the Working Group using the same method as detailed in the Local Government Act 1995, Section 5.12.

Pursuant to Council Policy P040235 the Working Group should elect an Elected Member to the role of Presiding Person.

**5.4 Who acts if no presiding member?**

The Working Group members present at the meeting are to choose one of themselves to preside at the meeting.

**5.5 Public Question Time**

Nil

**5.6 Members Conduct**

Members of the Working Group are bound by the Shire of Denmark Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007 (Elected Members only).

**5.7 Secretary**

The Director Assets and Sustainable Development or that Officer's nominee will fulfil the role of secretary who will also be responsible for preparation and distribution of Agendas and any Notes.

**5.8 Meeting Attendance Fees**

Nil.

**6.0 STRATEGIC ALIGNMENT**

The specific tasks and actions undertaken by this Working Group will assist the Shire of Denmark in achieving the following aspirations and objectives as contained within the Strategic Community Plan;

**N2.0 Our Natural Environment**

**ASPIRATION:** Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future.

The aspiration and objectives within this area reflect our location, stunning forests and coastline and irreplaceable natural assets.

We will:

- Promote incentives that encourage environmentally sensitive development;
- Formalise a collaborative approach to waste management;
- Encourage the expansion of the infill sewerage program; and
- Implement controls and guidelines to ensure development is sensitive to the natural environment.

**OBJECTIVES**

**N2.3** To reduce human impact on natural resources, reduce waste and utilise renewable energy.

**7.0 SUNSET CLAUSE**

The Working Group will cease to exist following completion of a Waste reform adopted by Council.

Adopted by Council 19 November 2019 / Resolution No. 211119