

MINUTES

Special Council Meeting

Held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 12 August 2025
Commencing 4:00pm

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Table of Contents		 SHIRE OF DOWERIN TIN DOG TERRITORY
1.	Official Opening / Obituaries	
2.	Record of Attendance / Apologies / Leave of Absence	
3.	Public Question Time	
4.	Disclosure of Interest	
5.	Announcements by the President Without Discussion	
6.	Officer's Reports - Corporate and Community Services	
6.1	Adoption of the 2025/2026 Budget	
6.2	Setting Material Variance for Monthly Financial Reports	
6.3	Performing Executive Functions	
7.	Officer's Reports - Governance and Compliance	
7.1	2025-2035 Strategic Community Plan	
7.2	Appoint Deputy Officers under the Health Act 1911	
8.	Closure	

**Shire of Dowerin
Special Council Meeting
4:00pm Tuesday 12 August 2025**



1. Official Opening / Obituaries

The President welcomes those in attendance and declares the Meeting open at 4:09pm.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr RI Trepp	President
Cr NP McMorran	Deputy President
Cr WG Allsopp	
Cr DP Hudson	
Cr AJ Metcalf	
Cr JC Sewell	Via phone
Cr BA Ward	

Staff:

Ms M Barthakur	Chief Executive Officer
Mr B Forbes	Manager of Infrastructure and Projects
Ms K Rose	Manager of Governance and Community Services

Members of the Public:

Apologies:

Mr S Mwale	Manager of Corporate Services
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Approved Leave of Absence:

3. Public Question Time

Nil

4. Disclosure of Interest

Nil

5. Announcements by the President Without Discussion

2025/26 Budget has been through a vigorous workshop process, with 3 meetings taking place since June. The result is a balanced budget with a 4% increase to rates.

6. OFFICER'S REPORTS – CORPORATE AND COMMUNITY SERVICES

6.1 Adoption of the 2025/2026 Budget

Corporate and Community Services



Date:	5 August 2025
Location:	Not Applicable
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Kahli Rose, Manager of Governance and Community Services
Legislation:	<i>Local Government Act 1995;</i> <i>Local Government (Financial Management) Regulations 1996;</i> <i>Local Government (Administration) Regulations 1996;</i> <i>Waste Avoidance and Resources Recovery Act 2001;</i>
SharePoint Reference:	Organisation/Financial Management/Budgeting/2025-2026 Budget
Disclosure of Interest:	Nil
Attachments:	Attachment 6.1A – Draft Annual Budget 2025/26 (Statutory)

Purpose of Report



Executive Decision



Legislative Requirement

Summary

The purpose of this report is to present the Shire of Dowerin's Annual Budget for the 2025/26 financial year for Council adoption in accordance with Part 6 "Financial Management" of Section 6.2 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

The budget outlines the Shire's operational and capital expenditure, revenue streams including rates and fees and charges, and statutory financial statements. It provides the financial framework for delivering Council's services, programs, and key projects in 2025/26 and reflects Council's long-term strategic priorities.

Council has engaged in a thorough budget development process, including multiple workshops to review strategic projects, operational needs, project priorities, and funding considerations. The budget has been balanced in a financially responsible manner while ensuring the Shire continues to provide essential services and progresses priority projects within its capacity.

Background

In accordance with Section 6.2 of the Local Government Act 1995, local governments are required to adopt an annual budget by 31 August each year. The draft 2025/26 Budget has been developed through a comprehensive internal process, incorporating feedback from Elected Members, Executive Management, and external financial advisors.

Councillors participated in three budget workshops held between May and August 2025, where operational needs, strategic priorities, rates modelling, capital projects, and service delivery expectations were reviewed in detail.

The Schedule of Fees and Charges for the 2025/26 financial year was adopted at the Ordinary Council Meeting held on 24 June 2025, providing certainty regarding user-pays services and revenue projections for the upcoming year.

The draft budget as presented aligns with the Shire's statutory obligations, strategic objectives, and long-term financial sustainability framework, balancing the delivery of core services with prudent financial management amidst rising operational costs and limited external funding.

Comment

The preparation of the 2025/26 Budget has been undertaken during a period of sustained cost pressures, particularly in areas such as asset maintenance, materials, insurances, and compliance. The Shire's financial management approach has been to balance these challenges through efficient resource allocation, prioritising critical infrastructure projects and maintaining service delivery standards.

The budget includes provision for the continuation of all essential services, with allocations for:

- Routine and reactive road maintenance across the district.
- Waste collection services, including both domestic refuse and recycling.
- Asset renewal programs targeting high-priority infrastructure needs.
- Community programs and support services.
- Compliance, governance, and strategic planning initiatives.

The Schedule of Fees and Charges, adopted at the 24 June 2025 Ordinary Council Meeting, has been incorporated into this budget, reflecting a balanced approach to cost recovery while maintaining affordability for ratepayers and community groups.

Rates have been modelled with a modest increase, aimed at meeting operational costs and progressing essential capital works without imposing undue burden on the community. Waste service charges remain consistent with the previous financial year.

The draft budget has been prepared in accordance with statutory requirements, is fully funded, and ensures the Shire's operations and key projects can be delivered efficiently and effectively in 2025/26.

Consultation

Councillors – Budget Workshops 1, 2 and 3
Manisha Barthakur, Chief Executive Officer
Megan Shirt, Accwest
Kahli Rose, Manager of Governance and Community Services
Ben Forbes, Manager of Infrastructure and Projects
Solomon Mwale, Manager of Corporate Services
Lisa Begley, Homecare Coordinator
Shelley Matthews, Community Development Coordinator

Policy Implications

Nil

Strategic Implications

Strategic Community Plan

Community Priority:	Our Organisation
Objective:	<i>We are recognised as a transparent, well governed, and effectively managed Local Government</i>
Outcome:	5.3
Reference:	5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Part 6 'Financial Management' Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, the local government is to prepare and adopt a budget for its municipal fund for the financial year ending on the following 30 June.

Division 5 and 6 of Part 6 of the *Local Government Act 1995* refers to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* detail the form and content of the budget. The draft 2025/26 Budget as presented is considered to meet the statutory requirements.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar, Financial Management Framework and Legislation
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Financial Implications

Sets the Budget for the 2025-2026 financial year and enables rates and charges to be levied.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 6.1

Moved: Cr Metcalf

Seconded: Cr Ward

1155

That Council, pursuant to the provision of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*:

1. Adopts the budget for the Shire of Dowerin for the 2025/26 financial year which includes the following:
 - a. Statement of Comprehensive Income
 - b. Statement of Cash Flows
 - c. Statement of Financial Activity
 - d. Detailed Capital Program
 - e. Notes to and forming part of the Budget

2. That Council, pursuant to sections 6.32, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rate for all rateable properties with a Gross Rental Valuation (GRV) and Unimproved Valuation (UV):

	Rate in \$	Minimum Rate
Residential (GRV)	0.077250	\$920
Commercial/Industrial GRV	0.077250	\$920
Town Rural (GRV)	0.077250	\$920
Other Towns (GRV)	0.077250	\$270
Rural Farmland (UV)	0.003895	\$920
Commercial/Industrial (UV)	0.003895	\$920
Town Rural (UV)	0.003895	\$920
Mining (UV)	0.003895	\$270

3. That, in accordance with Section 41 of the Health Act 1911, Council imposes the following sewerage rates and minimum payments on Gross Rental Values:

Gross Rental Value	Rate in \$	Minimum Rate/Charge
Sewerage Rates:		
Residential	0.06288	\$442
Commercial	0.06288	\$910
Vacant	0.06288	\$442
Government	N/A	\$910
Sewerage Fixtures:		
First Fixture	N/A	\$286
Additional Fixtures	N/A	\$130

4. That, in accordance with Division 6 'Rates and Service Charges Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:

One Instalment Option	
Full Payment	26 September 2025

Two Instalments Option	
1 st Instalment due date	26 September 2025
2 nd Instalment due date	30 January 2026

Four Instalments Option	
1 st Instalment due date	26 September 2025
2 nd Instalment due date	28 November 2025
3 rd Instalment due date	30 January 2026
4 th Instalment due date	27 March 2026

5. That Council, pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$0 for each instalment after the initial instalment is paid.
6. That Council, pursuant to Section 6.45(3) of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
7. That Council, pursuant to Section 6.51(1) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 5% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
8. That Council, pursuant to Section 67 of the Waste Avoidance and Resources Recovery Act 2007, adopts the following charges for the removal and deposit of domestic and commercial waste:

Residential Premises (Including Recycling)	
a. 240ltr Waste Bin Weekly Collection; and	\$399
b. 240ltr Recycle Bin Fortnightly Collection	\$399
Additional Refuse Service	
a. 240ltr Waste Bin Weekly Collection	\$199
Minnivale Residential Collection	
a. 240ltr Waste Bin Weekly Collection (excluding recycling)	\$199

CARRIED 7/0

For: Cr Trepp, Cr McMorran, Cr Allsopp, Cr Hudson, Cr Metcalf, Cr Sewell, Cr Ward

6.2 Setting Material Variance for Monthly Financial Reports

Corporate & Community Services



Date:	12 August 2025
Location:	Not Applicable
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Maddison Sumpton, Executive Assistant Manisha Barthakur, Chief Executive Officer
Legislation:	<i>Local Government Act 1995;</i> <i>Local Government (Financial Management) Regulations 1996;</i> <i>Local Government (Administration) Regulations 1996;</i> <i>Waste Avoidance and Resources Recovery Act 2001;</i>
SharePoint Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

Each financial year, Council must set material variance thresholds for the Monthly Statement of Financial Activity. These thresholds determine when variances between actual and budgeted year-to-date figures must be investigated and explained.

Background

Under Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, a local government is required to adopt, at the start of each financial year, a percentage or dollar value to define what constitutes a “material variance” for reporting purposes. This threshold ensures that Council’s financial reporting focuses on variances of a scale that could impact decision-making, rather than minor fluctuations.

Material variances are important because they act as a trigger for management commentary, allowing Elected Members to understand the reasons for significant differences in income or expenditure against budget. This process supports transparency, sound financial management, and informed governance decisions.

In setting the variance thresholds, consideration is given to the size of the Shire’s operations, the level of financial activity, and industry benchmarks. A threshold that is too low may result in excessive and unnecessary reporting on immaterial items, creating inefficiency. A threshold that is too high may lead to insufficient oversight of emerging issues.

Comment

In previous years, Council has adopted a material variance threshold of 10% or \$10,000, whichever is greater. This approach has provided an appropriate balance between identifying meaningful variances and avoiding excessive administrative burden.

This threshold is consistent with common practice among Band 4 local governments in Western Australia and aligns with the principles set out in Australian Accounting Standard AASB 1031 – *Materiality* and AAS 5 – *Materiality in Financial Statements*.

If adopted, these thresholds will apply to all monthly financial statements presented to Council during the 2025/26 financial year and will guide the inclusion of explanatory notes for any identified variances.

Consultation

Audit, Risk and Improvement Committee
Manisha Barthakur, Chief Executive Officer
Solomon Mwale, Manager of Corporate Services

Policy Implications

Nil

Statutory Implications

Local Government (Financial Management) Regulations 1996, r.34(5), Local Government Act 1995, Local Government (Audit) Regulations 1996

Strategic Implications

Strategic Community Plan

Community Priority:	Our Organisation
Objective:	<i>We are recognised as a transparent, well governed, and effectively managed Local Government</i>
Outcome:	5.3
Reference:	5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Major (4)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Moderate (5)
Key Controls (in place)	Monthly Financial Reports, Governance Calendar, Financial Management Framework & Legislation
Action (Treatment)	Audit, Risk and Improvement Committee to monitor the appropriateness of the material variances adopted.
Risk Rating (after treatment)	Adequate

Financial Implications

Nil direct financial implications, however appropriate variance thresholds assist in early detection of budget issues that may require corrective action.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution - 6.2

Moved: Cr Metcalf

Seconded: Cr Allsopp

1156

That Council, by Absolute Majority, adopts the Audit and Risk Committee's recommendation to set the material variance thresholds for the 2025/26 financial year at 10% or \$5,000, whichever is greater, for analysing variances between actual and budget year-to-date figures in the Monthly Statement of Financial Activity, with explanatory notes to be provided for all items exceeding these thresholds.

CARRIED 7/0

For: Cr Trepp, Cr McMorran, Cr Allsopp, Cr Hudson, Cr Metcalf, Cr Sewell, Cr Ward

6.3 Performing Executive Functions

Corporate & Community Services



Date:	12 August 2025
Location:	Not Applicable
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Maddison Sumpton, Executive Assistant Manisha Barthakur, Chief Executive Officer
Legislation:	<i>Local Government Act 1995;</i> <i>Local Government (Financial Management) Regulations 1996;</i> <i>Local Government (Administration) Regulations 1996;</i> <i>Waste Avoidance and Resources Recovery Act 2001;</i>
SharePoint Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

As per section 3.18 of the *Local Government Act 1995*, each year, Council is required to satisfy itself that the executive function performed in providing services and facilities was managed efficiently and effectively.

Background

Section 3.18 of the *Local Government Act 1995* outlines the executive functions of local governments in providing services and facilities to their communities. It requires local governments to ensure that the services and facilities they offer are managed efficiently and effectively, and that they do not inappropriately duplicate those provided by other levels of government or private sector entities.

Historically, the Shire of Dowerin has not formally reviewed its executive functions under this provision; however, it is considered good governance practice to do so periodically. This item seeks to formalise that review and provide assurance to Council that the Shire's current service delivery approach is both compliant and strategic.

The Shire of Dowerin provides a range of services and facilities, including but not limited to aged care and disability services through the Home Care Program, short-stay and caravan park management, the Community Resource Centre (CRC), and recreational and community infrastructure. These services are not provided in isolation or in duplication of other government programs but are designed to address local needs, fill service delivery gaps, and facilitate access to essential services in the region.

In many instances, particularly in regional and remote contexts, local governments play a unique facilitative role. For example, the Shire's management of the CRC and its integration with broader community services enhances accessibility and coordination without replicating the core functions of other agencies. Similarly, the Shire's involvement in short-stay and caravan park accommodation supports tourism and economic development, complementing private sector and state efforts.

This review confirms that the Shire's executive functions are delivered efficiently, are responsive to community needs, and are integrated with broader service systems. Council's role remains distinct and appropriately scoped within its legislative powers, ensuring that duplication is avoided and that resources are optimally utilised for community benefit.

Comment

This is an important part of the Local Government Act 1995 that Council must review each year. This was included in a previous Compliance Audit Return and was asked as follows:

- a. *Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments?*
- b. *Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector?*
- c. *Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed?*

Council only provides services and facilities that are not present in the district, so it does not duplicate services, rather facilitates and complements.

It coordinates with government departments, where possible, by applying for grant monies.

Council is satisfied with the efficiency and effective management of the services and facilities by way of the continued funding through the budget process. However, to formalise this process Council should adopt the recommendation.

Consultation

Manisha Barthakur, Chief Executive Officer

Kahli Rose, Manager of Governance and Community Services

Policy Implications

Nil

Statutory Implications

Local Government Act 1995, section 3.18 - Performing Executive Functions.

3.18 Performing executive functions

- 1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- 2) *In performing its executive functions, a local government may provide services and facilities.*
- 3) *A local government is to satisfy itself that services and facilities that it provides –*
 - a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
 - b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - c) *are managed efficiently and effectively.*

Strategic Implications

Strategic Community Plan

Community Priority:	Our Organisation
Objective:	<i>We are recognised as a transparent, well governed, and effectively managed Local Government</i>
Outcome:	5.3
Reference:	5.3.2

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Moderate (3)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Moderate (5)
Key Controls (in place)	Governance Calendar, Financial Management Framework & Legislation
Action (Treatment)	The requirement to comply with section 3.18 of the Local Government Act 1995 to be added to the Shire's compliance calendar.
Risk Rating (after treatment)	Adequate

Financial Implications

Nil

Voting Requirements

☐

Simple Majority

☒

Absolute Majority

Officer's Recommendation/Resolution – 6.3

Moved: Cr Allsopp

Seconded: Cr McMorran

1157 That Council, by Absolute Majority, in accordance with section 3.18 of the Local Government Act 1995, confirms:

1. that it is satisfied that the executive function it performed in its provision of services and facilities was managed efficiently and effectively; and
2. notes that, in providing services and facilities, Council:
 - a. Integrates and coordinates, so far as practicable, with any services and facilities provided by the Commonwealth Government, the State Government or any other body or person, whether public or private.
 - b. Avoids unnecessary duplication, to an extent that Council considers inappropriate; and where appropriate, facilitates, coordinates and complements services or facilities provided by the Commonwealth Government, the State Government or any other body or person, whether public or private.

CARRIED 7/0

For: Cr Trepp, Cr McMorran, Cr Allsopp, Cr Hudson, Cr Metcalf, Cr Sewell, Cr Ward

7. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

7.1 2025 – 2035 Strategic Community Plan

Governance & Compliance



Date:	5 August 2025
Location:	Nil
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Kahli Rose, Manager of Governance and Community Services
Legislation:	Local Government Act 1995;
SharePoint Reference:	Nil
Disclosure of Interest:	
Attachments:	Attachment 7.1A – 2025-2035 Community Strategic Plan

Purpose of Report



Executive Decision



Legislative Requirement

Summary

Council is requested to consider the adoption of the Shire of Dowerin's Strategic Community Plan 2025-2035 termed as "Building Dowerin 2035", following the completion of the public consultation period.

Background

The Shire's Strategic Community Plan (SCP) is a statutory document required under Section 5.56 of the Local Government Act 1995 and Regulations 19C and 19DA of the Local Government (Administration) Regulations 1996. The SCP guides long-term strategic decision-making and sets the community's vision, priorities, and objectives for the next decade.

The current SCP was last reviewed in 2021. A comprehensive review has now been completed, integrating community feedback, Council input, and alignment with informing strategies such as the Long-Term Financial Plan and Asset Management Plan.

Council endorsed the draft 2025-2035 SCP- Building Dowerin 2035 for public consultation at the June 2025 Ordinary Council Meeting.

Comment

The community feedback period ran from 8 July to 29 July 2025. Three submissions were received, summarised as follows:

Response 1

Feedback: Concerns regarding gravel road grading and maintenance, suggesting retraining grader operators and using a Shire-owned grader.

- **Management Comment:** The feedback is acknowledged; however, road maintenance is already captured within the Infrastructure Management priorities of the Strategic Community Plan. It is not considered necessary to specifically reference grader driver training or plant acquisition within the SCP document.

Response 2

Point #1: Suggestion to include a statement about sourcing funding to meet community expectations in the “How to Use This Plan” section.

- **Management Comment:** This concept is already referenced within Community Priority 1.1(a), which outlines the Shire’s approach to securing external funding to meet community needs.

Point #2: Recommendation to add “Inclusion” as a general statement in community priorities.

- **Management Comment:** This addition has been incorporated into the Community Pillar to better align with grant application terminology and reflect community values.

Response 3

Feedback: Suggested specific mention of the CRC’s Community Garden project in the SCP to support future grant applications and encourage volunteer participation.

- **Management Comment:** While the feedback is appreciated, it was determined that referencing individual projects in the SCP may create an expectation to include similar specific projects in the future. The Shire has opted to maintain the SCP at a strategic level, with projects referenced through annual Corporate Business Plan actions.

In addition to the above, a typographical error in the Agricultural Production figure has been corrected from \$360,000,000 to \$50,500,000.

Minor amendments were made to the draft where applicable, and the Strategic Community Plan 2025–2035 is now presented to Council for formal adoption.

Consultation

Dowerin Community

150 Square

Shire Councillors

Manisha Barthakur, Chief Executive Officer

Kahli Rose, Manager of Governance and Community Services

Ben Forbes, Manager of Infrastructure and Projects

Solomon Mwale, Manager of Corporate Services

Policy Implications

Nil

Statutory Implications

Local Government Act 1995 – Section 5.56: Planning for the future

Local Government (Administration) Regulations 1996 – Regulation 19C and 19DA

Strategic Implications

The Strategic Community Plan (Building Dowerin 2035) is the Shire's primary strategic document, from which all other plans are derived. The SCP 2025–2035 establishes Council's vision, objectives, and priorities for the next ten years and will be supported by an updated Corporate Business Plan, Long-Term Financial Plan, and Asset Management Plan. This long-term plan reflects community aspirations and priorities.

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	People
Risk Description	Substantiated, localised impact on community trust or low media item
Consequence Rating	Minor (2)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Low (4)
Key Controls (in place)	Compliance Calendar Quarterly Reporting
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Financial Implications

Implementation of the SCP will guide long-term financial planning and resource allocation through the Shire's annual budget, Long Term Financial Plan, and other informing strategies

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 7.1

Moved: Cr Ward

Seconded: Cr Hudson

1158

That, by Absolute Majority, in accordance with Section 5.56 of the Local Government Act 1995, Council:

1. Adopts the Strategic Community Plan 2025–2035 as presented in Attachment 7.1A;
2. Notes the community feedback received during the consultation period and the management responses provided; and
3. Requests that the Chief Executive Officer publishes the adopted Plan and advises stakeholders accordingly.

CARRIED 7/0

For: Cr Trepp, Cr McMorran, Cr Allsopp, Cr Hudson, Cr Metcalf, Cr Sewell, Cr Ward

7.2 Appoint Deputy Officers under the Health Act 1911

Governance & Compliance



Date:	5 August 2025
Location:	Nil
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Julian Goldacre, Environmental Health Officer Kahli Rose, Manager of Governance and Community Services
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Summary

Council is requested to consider the appointment and authorisation of Mr Julian Goldacre, Environmental Health Officer (EHO), and Mrs Manisha Barthakur, Chief Executive Officer (CEO), a deputy of the local government of Dowerin pursuant to Section 26 of the Health (Miscellaneous Provisions) Act 1911. This appointment will enable the Officers to exercise and discharge the powers and functions of the local government under the Act, subsidiary regulations, local laws, and orders subject to conditions prescribed by Council.

Background

Council has previously delegated authority to the CEO to appoint Environmental Health Officers and designate Authorised Officers under the Public Health Act 2016 (July Ordinary Council Meeting – Motion Reference CMRef:1149). However, the Health (Miscellaneous Provisions) Act 1911 (the Act) remains the primary legislative instrument for administering various public health functions in Dowerin.

For example, Certain statutory functions such as lodging house registration, approval and use of an apparatus for the treatment of sewerage, and public event approvals will require Council endorsement under the Act and associated regulations, local laws, and orders. This requirement can delay timely action on routine public health matters.

To address this, Section 26 of the Act allows Council to appoint a deputy to act on its behalf. This provision enables officers to carry out functions without affecting Council's overarching authority.

It is proposed that Council appoint and authorise Mr Julian Goldacre (EHO), and Mrs Manisha Barthakur (CEO) as deputy of the local government of Dowerin under Section 26 of the Health (Miscellaneous Provisions) Act 1911. These appointments are authorised to apply to the following parts of the Act and associated instruments:

Part IV - Division 4 – Sanitary Provisions

Part V – Dwellings

Part VI – Public Buildings

Part VII – Nuisances and Offensive Trades

Part IX – Infectious Diseases

This authorisation will enable the EHO and CEO to issue and serve relevant documentation, approvals, and notices efficiently and in accordance with the legislation.

Conditions. The EHO and CEO shall report to Council on activities undertaken under this appointment. Any matter with potential to escalate to legal proceedings, or of a contentious nature, must be referred to Council for consideration based on advice from the CEO. These conditions do not apply to urgent matters requiring immediate action to protect public health.

Comment

The appointment of a deputy under Section 26 of the Act ensures that the Shire maintains operational efficiency in its public health functions while retaining strategic oversight through Council. This mechanism is commonly used by local governments to streamline public health decision-making processes, particularly where routine approvals and inspections are required.

By formally appointing the CEO and EHO as deputy, the Shire can respond to community needs in a timely manner, reduce administrative delays, and ensure compliance with statutory obligations under the Health (Miscellaneous Provisions) Act 1911.

This arrangement will be recorded in the Shire's Authorisations Register and reviewed periodically to ensure its ongoing relevance and compliance with legislation.

Consultation

Manisha Barthakur, Chief Executive Officer

Julian Goldacre, Environmental Health Officer

Kahli Rose, Manager of Governance and Community Services

Policy Implications

Nil

Statutory Implications

Local Government Act 1995 – Sections 5.42 and 5.44

Health (Miscellaneous Provisions) Act 1911 – Section 26

Strategic Implications

Strategic Community Plan

Good governance and statutory compliance are core functions of local government and support the delivery of the Shire's objectives.

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government

Outcome: 5.4

Reference: 5.4.2

Asset Management Plan

Nil current

Long Term Financial Plan

Nil current

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Non-compliance results in termination of services or imposed penalties to Shire / Officers
Consequence Rating	Major (4)
Likelihood Rating	Possible (3)
Risk Matrix Rating	High (10)
Key Controls (in place)	Governance Framework Delegations and Authorisations Register
Action (Treatment)	Document Governance Framework Compliance Calendar
Risk Rating (after treatment)	Adequate

Financial Implications

There are no direct financial implications associated with this item. Authorisation of officers under the Act supports operational efficiencies and avoids potential compliance-related penalties.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution – 7.2

Moved: Cr Trepp

Seconded: Cr Hudson

1159 That Council:

1. Appoints and authorises Mrs Manisha Barthakur (CEO), and Mr Julian Goldacre (EHO) each as a deputy of the local government of Dowerin under Section 26 of the Health (Miscellaneous Provisions) Act 1911.
2. Prescribes the scope of authorisation to include Parts IV, V, VI, VII, and IX of the Act, and all associated Regulations, Local Laws, and Orders.
3. Requires regular reporting to Council on the use of the deputy authorised activities.
4. Requires referral to Council for any legal or contentious matters arising, or reasonable potential to arise through the authorisation activities of the appointment and authorisation activities.

CARRIED 7/0

For: Cr Trepp, Cr McMorran, Cr Allsopp, Cr Hudson, Cr Metcalf, Cr Sewell, Cr Ward

8.	Closure
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The President thanked those in attendance and declared the meeting closed at 4:34pm.

UNCONFIRMED