

11.1 CR STEWART

Q1. In May 2026, the shire of Gingin customer service charter was updated by the CEO without any advice being provided to council. The old charter committed the shire to responding to customer service related email enquires within 1 working day and all other correspondence within 2 working days. The new charter states that emails will be responded to within 10 working days. Section 2.7 of the LG act provides that one of councils roles is to facilitate communications between community and council. Can you explain how significantly increasing the shires response times improves councils ability to fulfill that statutory role and why council was not consulted before this public-facing service standard was changed?

Response by CEO

The Customer Service Charter review formed part of the Customer Service Improvement Project, which was presented to Council through the Department Overview Presentation in November 2025 and the Customer Service Improvement Plan presentation on 3 March 2026.

Council subsequently considered and unanimously adopted the Customer Service Improvement Project Plan at its Ordinary Council Meeting on 17 March 2026, with Recommendation 5 specifically detailing the review and revision of the Customer Service Charter.

The Customer Service Charter is an operational document within the CEO's administrative responsibilities and is not required to be presented to Council for adoption.

Q2. Council has previously resolved that the CEO is to improve our customer service standards. How is this considered an improvement?

Response by CEO

The improvement is moving from a standard that was not consistently being achieved to one that is realistic and commensurate with resourcing. The previous timeframes were aspirational but did not reflect actual service delivery.

The revised Customer Service Charter provides the community with clear and achievable expectations and aligns with response timeframes for other comparable local governments. Since the updated Charter was adopted in May, no complaints have been received regarding the revised standards.

Q3. Over the past several weeks, I have repeatedly requested information from the shire CEO regarding the Lancelin coastal erosion emergency so that elected members can properly perform our governance role and make informed decisions on behalf of the community we serve.

- a. *Why has the CEO declined to provide council with the requested information stating that it's release may prejudice negotiations and the shires advocacy efforts?*

Response by CEO

The requested information has not been provided at this time because its disclosure may prejudice the Shire's ability to secure technical assistance, emergency support and funding, compromise relationships with key stakeholders, or undermine the effectiveness of the Shire's ongoing advocacy efforts.

Council is not being asked to make any decision at this point in time. Accordingly, the temporary withholding of strategically sensitive information does not impede Council's ability to exercise its governance responsibilities.

- b. *You stated that council will be informed on matters relevant to its decision making responsibilities. What legislative authority are you relying on to determine what information elected members are and are not entitled to receive?*

Response by CEO

The *Local Government Act 1995* does not attempt to prescribe every administrative decision a CEO may make. Rather, it establishes the respective statutory roles and responsibilities of Council and the CEO, within which the CEO is required to exercise professional judgement in administering the local government.

As custodian of the Shire's records, the CEO is responsible for managing the release of information, having regard to many objectives and does so in their professional judgement.

Where the release of information may prejudice the Shire's negotiations, advocacy efforts or other strategic interests, its disclosure may be deferred until those risks no longer exist.

- c. *As CEO, how are you complying with your obligations under section 5.41 of the LG act to provide council with the information and advice necessary to make informed decisions if elected members have been denied copies of reports on correspondence between the shire president and yourself with state MP's and Ministers, Coastal engineering reports, engineering advice, emergency works plans or costs and any other advice relating to the shires highest risk issues during times of emergency?*

Response by CEO

Section 5.41 requires the CEO to provide Council with the information and advice necessary to enable informed decision-making. It does not require every document, email, report or piece of correspondence generated or received by the Administration to be distributed to elected members at a time of their choosing.

The *Local Government Act 1995* establishes distinct roles for Council and the CEO. The CEO is responsible for the administration of the local government and information is provided to Council when necessary to support its decision-making responsibilities and at a time that does not prejudice the Shire's emergency response or advocacy efforts.

- d. *Why was council not informed about the CEO and shire Presidents meeting with deputy Minister Jessica Stojkovski and why did council learn that \$460k in funding would be provided by the minister by reading it on social media or in the news?*

Response by CEO

Council was not required to make any decision in relation to the meeting and, accordingly, there was no governance requirement for Council to be advised in advance.

The approval and public announcement of State Government funding is a matter for the Minister, not Council.

- e. *What statutory authority are you relying on to withhold information from council?*

Response by CEO

Refer to the response to questions 3 a, b and c.

- f. *Have any councillors other than the president been given access to information that was not provided to the rest of council?*

Response by CEO

No councillor has been provided with confidential information or documents that have been withheld from the remainder of Council. The President and Deputy President attended a meeting with Minister Carey on 15 July 2026.

- g. *How is council expected to answer questions from the public under section 2.10 of the LG act if we have not been provided with any information about the coastal erosion emergency lately?*

Response by CEO

The question is based on the assumption that section 2.10 of the *Local Government Act 1995* requires councillors to possess every operational detail in order to respond to public enquiries. It does not.

Councillors may respond based on Council decisions, refer operational matters to the Administration, or advise that they are unable to comment where matters relate to ongoing operational activities.

- h. How can council properly oversee expenditure, strategic direction and risk management if councillors are denied access to engineering reports, quotations, funding discussions and correspondence with the state government?*

Response by CEO

Council provides strategic direction and oversight by setting the budget, adopting plans and policies, and making decisions on matters requiring its determination. The Administration operates within that framework and refers matters to Council where a decision is required.

- i. Last Tuesday 7th July, Councils briefing session was cancelled without any formal correspondence or notification provided to council as per policy number 1.26 Briefing sessions. Does the CEO acknowledge that this was an important meeting to update council on all of the coastal erosion communications and the CEO?*

Response by CEO

Outlook calendar invites rescheduling the Budget Workshop and the Strategic Discussion Session were both sent out on 29 June 2026. Seven Councillors responded to the rescheduling of the strategic discussion, and 8 Councillors responded to the rescheduling of the budget workshop.

As outlined in my email dated 7 July 2026, I followed the process undertaken by previous CEOs and if Council considers a review of this process is required, I'm happy to review the current practice.

Given the events of the past three weeks, it is agreed that should this session have taken place, it would have been convenient to provide an update on the coastal erosion response.

- j. Why was the briefing session cancelled? Was it because the shire president went on a holiday to Bali?*

Response by CEO

The briefing session was cancelled due to the unavailability of the President, Deputy President and Cr Vis. Given the session was scheduled to consider strategic matters associated with Council's final budget workshop, which is a critical component of the budget process, I made the decision to reschedule the session to ensure appropriate attendance and engagement from Council's leadership and to reduce time pressures on the Administration in preparing the associated budget information.

- k. *At a time of the shire experiencing a crisis with our coastal erosion emergency, why was council not informed by you that the shire president was away overseas and you were on leave at the same time?*

Response by CEO

It is not the CEO's role to advise Council of the President's personal activities or leave arrangements.

The CEO's leave arrangements were communicated to the President and Deputy President as appropriate. At all times, appropriate business continuity arrangements were in place to ensure the Shire's operations and advocacy activities continued without interruption.

- l. *What objective criteria will you use to determine when information is "No longer strategically sensitive"?*

Response by CEO

The question assumes there is a rigid or universal test for determining when information is no longer strategically sensitive. That premise is not accepted.

The determination is made by exercising professional judgement, having regard to the circumstances at the time. In this instance, it includes ensuring affected stakeholders (i.e. the landowner and tenant of the impacted properties) had the opportunity to meet with the Minister free from unnecessary disruption or protest that could have prejudiced those discussions or resulted in the meeting not proceeding. It also included maintaining a clear and consistent advocacy position.

- m. *Has any funding applications, grant requests or negotiations with state MP's actually required confidentially from councillors or is this an administrative decision made by you?*

Response by CEO

The management and timing of information release is an administrative responsibility of the CEO, exercised using professional judgement having regard to the circumstances at the time.

Funding announcements are the prerogative of the funding agency or Minister. Limiting the distribution of information is a reasonable administrative measure to eliminate the risk of premature disclosure.

- n. Do you accept that councillors cannot discharge their duties of governance, strategic oversight and financial stewardship if they are deliberately denied timely access to relevant information?*

Response by CEO

Council has not been denied information necessary to discharge its governance responsibilities. The timing of the release of operational information is an administrative responsibility of the CEO, exercised using professional judgement having regard to the circumstances at the time.

- Q4. Has the water from 32A Lefroy St been reported to the police for investigation by the shire of Gingin?*

Response by CEO

This property referenced is not a Shire owned facility. It is assumed the question refers to 37A Lefroy Street. The question is inappropriate given Council has previously been advised that this matter involved sensitive employee and workplace considerations. Raising the matter publicly, despite that advice, creates the very type of scrutiny and commentary that creates workplace risk.

There is no basis for referral to WA Police.

- Q5. On Wed 8th July, I submitted a written request calling for a special council meeting to consider the Lancelin coastal erosion emergency because of the lack of information being provided to council. This request was supported by 4 of the 9 councillors meeting the threshold for the meeting to be convened. What statutory authority has the office of the CEO relied upon to not convene the meeting?*

Response by CEO

Although the request for the meeting was supported by the required one third of Councillors, more than half of the total number of Councillors subsequently advised that they would be unable to attend on the specified date. That being the case, the meeting could not proceed as it would not be possible to achieve a quorum. The Acting CEO received advice from the Department of Local Government that, on that basis, there would therefore be little point in scheduling the meeting.

Based on this advice, the Deputy President cancelled the meeting on 10 July 2026 after discussion with the Acting CEO.

Q6. *On 4th July, I emailed the CEO and shire president regarding several governance issues that occurred during the previous special council meeting including incorrect rulings on meeting procedures, the handling of amendments and communications between the CEO and shire president during the meeting that were whispered and not loud enough for the audio recording equipment to record the conversations as is required under section 5.23 of the LG regs.*

Why has this correspondence not be responded to or addressed some 10 days later and does the CEO consider this timeframe to respond to elected members consistent with the roles of the CEO under the act?

Response by CEO

An email was received on Saturday 4 July 2026 seeking clarification on several matters. On the first business day following receipt of the correspondence (Monday 6 July 2026), and before a response could be provided, the matter became the subject of a formal process. As a result, it would be inappropriate for me to provide a response at this time.

Q.7 *What was the Department of Defences response to your correspondence to them requesting they undertake or commission an investigation into historical world war 2 bombing activities at and around Lancelin Island and the surrounding reef systems to assess the environmental impacts and have you sought assistance from the DOD for funding for coastal protection works as per councils' resolution to agenda item 12.1 on 16 June 2026.*

Response by CEO

No response has been received from the Department of Defence.