

SHIRE OF KOJONUP  
**Kojonup**



# AGENDA

## Ordinary Council Meeting

**20 October 2020**

**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 20 October 2020 commencing at 3:00pm.

Qualified Persons Advice, etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

  
**RICK MITCHELL-COLLINS**  
**CHIEF EXECUTIVE OFFICER**

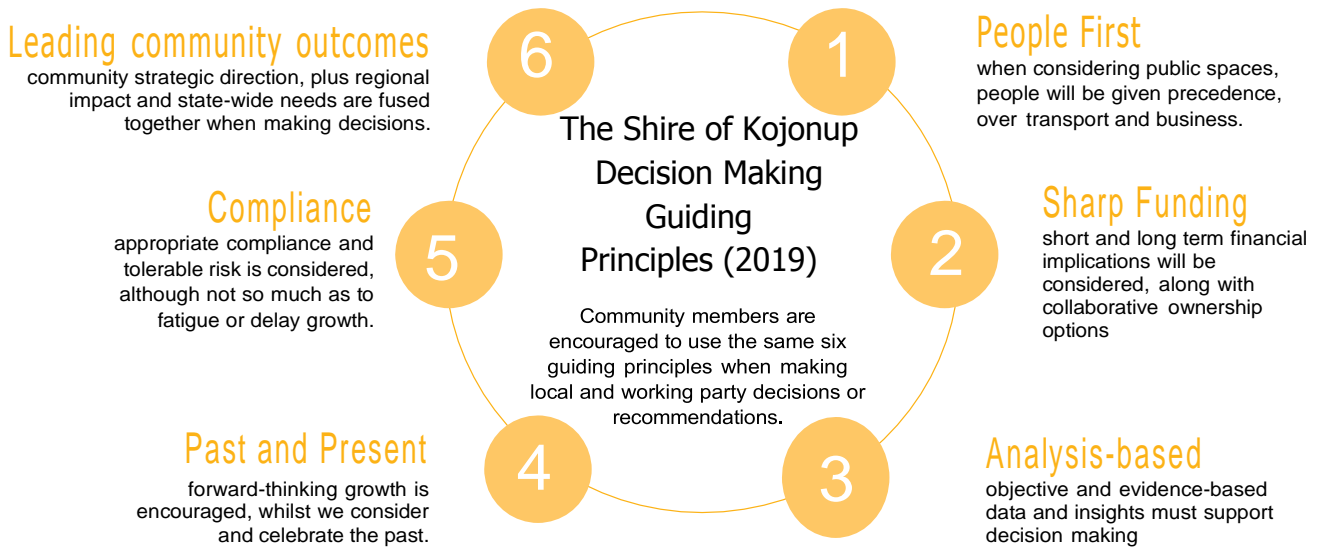
16 October 2020

**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 20 OCTOBER 2020**

**TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS .....	4
2	ATTENDANCE AND APOLOGIES .....	5
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	5
4	PUBLIC QUESTION TIME.....	5
5	PETITIONS, DEPUTATIONS AND PRESENTATIONS.....	6
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	6
7	CONFIRMATION OF MINUTES .....	6
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION .....	6
9	DECLARATIONS OF INTEREST .....	6
10	KEY PILLAR 1 – ‘PLACE’ REPORTS.....	7
10.1.	REVIEW OF VOLUNTEER HANDBOOK.....	7
10.2	KOJONUP COMMUNITY MEN’S SHED INC. – LICENCE AGREEMENT.....	10
10.3	THE KODJA PLACE.....	15
11	KEY PILLAR 2 – ‘CONNECTED’ REPORTS.....	20
11.1	REPEAL LOCAL LAW 2020 ADOPTION.....	20
12	KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS .....	26
12.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (SEPTEMBER 2020)...	26
12.2	MONTHLY PAYMENTS LISTING SEPTEMBER 2020.....	28
12.3	MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 18 AUGUST 2020 .....	30
12.4	INSURANCE POLICIES 2020/2021 .....	32
12.5	2021 ORDINARY COUNCIL MEETING DATES.....	36
12.6	ADMINISTRATION OFFICE, LIBRARY AND DEPOT CLOSURE DURING THE 2020/2021 CHRISTMAS AND NEW YEAR PERIOD .....	39
12.7	SOCIAL MEDIA – REVIEW OF POLICY 2.3.10 .....	41
13	KEY PILLAR 4 – ‘PROSPERITY’ REPORT .....	44
14	KEY PILLAR 5 – ‘DIGITAL’ REPORTS .....	45
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	46
16	NEW BUSINESS .....	46
17	CONFIDENTIAL REPORTS.....	46
18	NEXT MEETING .....	47
19	CLOSURE.....	47
20	ATTACHMENTS (SEPARATE) .....	48

The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years; in line with the Strategic Community Plan review schedule.



## AGENDA

### 1 **DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President shall declare the meeting open at\_\_ and draw the meeting's attention to the disclaimer below:

#### *Disclaimer*

*No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.*

*The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.*

*Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.*

#### **Acknowledgement of Country**

*The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.*

*We pay our respect to their Elders past, present and emerging*

#### **Prayer – Cr Pedler**

*Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elizabeth. Grant to her good health and strength in the executing of her duties.*

*We pray for all Ministers and Cabinet members of the Australian Federal and State Government. Grant to them wisdom in the welfare of Australia, so that truth and justice is established for all Australians.*

*Lastly Gracious Father, we pray for ourselves. We ask that you might grant to us the ability to speak with integrity and to work with uncompromising diligence. Grant to us the wisdom to make good decisions, remembering that we are one community. Grant to us the good humour to keep things in perspective in a community that is a diverse population.*

*We ask that we might always be mindful of the safety and welfare of the people of Kojonup. Grant to all who serve on Public Committees the ability to listen and work together with mutual respect for one another. Bless us with the personal joy of knowing that we have done our best.*

**2 ATTENDANCE and APOLOGIES**

**COUNCILLOR**

Cr Benn

Shire President

Cr Radford

Deputy Shire President

Cr Fleay

Cr Gale

Cr Pedler

Cr Singh

Cr Webb

Cr Wieringa

**STAFF**

Rick Mitchell-Collins

Chief Executive Officer

Anthony Middleton

Manager Corporate and Community Services

Craig McVee

Manager Works and Services

Heather Marland

Senior Finance Officer

Judy Stewart

Senior Administration Officer

Lorraine Wyatt

Executive/Human Resource Coordinator

**LEAVE OF ABSENCE**

Nil

**APOLOGIES**

Nil

**3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**4 PUBLIC QUESTION TIME**

Questions may be submitted using the special email address for Council Meeting Public Question Time being [cmpqt@kojonup.wa.gov.au](mailto:cmpqt@kojonup.wa.gov.au)

The Manager Corporate and Community Services will table all correspondence received.

**5 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Presentation to Mr Norman (Mick) Cowie

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 CONFIRMATION OF MINUTES**

**7.1 COUNCIL MEETING 15 SEPTEMBER 2020**

Minutes of the Council Meeting which was held on 15 September 2020 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

**OFFICER RECOMMENDATION**

**That the Minutes of the Council Meeting held on 15 September 2020 be confirmed as a true record.**

**8 ANNOUNCEMENTS by the Presiding Member without discussion**

**9 DECLARATIONS OF INTEREST**

**Item 17.1 – Confidential Item – Disposal by Sale Lot 66 Albany Highway**

- Cr Singh declared a Direct Financial Interest in this item as he is the applicant.

**10 KEY PILLAR 1 – ‘PLACE’ REPORTS**

10.1. REVIEW OF VOLUNTEER HANDBOOK

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	Friday, 9 October 2020
<b>FILE NO</b>	CM.POL.1
<b>ATTACHMENT(S)</b>	10.1.1 - Volunteer Handbook – clean copy showing change to the title date from 2019 to 2020

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP1 - Place	1.2 – Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.1.3 – Grow the Kodja Place to become an iconic WA attraction.
KP3 – Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.3 – Encourage interaction and input to the Shire of Kojonup, particularly through contemporary working party teams.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to review the Shire of Kojonup’s Volunteer Handbook.

**BACKGROUND**

Council’s Volunteer Management Handbook (Handbook) was originally produced in 2016 in line with Council’s adoption of its Volunteer Management Policy (Policy 2.3.8). Significant changes were made in November 2018 to form a less cumbersome and more user friendly Handbook. The Handbook represents a detailed point of reference for volunteers, provides guidance to managers overseeing volunteer programmes and recognises volunteers as an integral part of our organisation. The provision of such a Handbook for volunteers is also in keeping with Occupational Safety and Health best practice principles, working to protect the employer and the volunteer.

The Shire of Kojonup has many different activities that volunteers engage in (mainly at the Kodja Place precinct, Springhaven Frail Aged Lodge, the Kojonup Library and Friends of Myrtle Benn) working alongside staff to deliver and enhance services and initiatives offered

by the Shire. Without the support and contribution provided by volunteers, some of these services and initiatives would be difficult to sustain into the future.

Bush Fire Brigade Volunteers are not covered by this Handbook as they are covered under other legislation.

**COMMENT**

Whilst there are nil amendments suggested by the staff consulted with to review the Volunteer Handbook, Council may deliberate to make amendments.

**CONSULTATION**

Managers

Staff with community/volunteer associated roles

**STATUTORY REQUIREMENTS**

Section 5.40 of the *Occupational Safety and Health Act 1984* – Principles affecting employment by local governments

Section 19 (Duties of employers) and s. 20 (Duties of employees) of the *Local Government Act 1995* – General Workplace Duties

**POLICY IMPLICATIONS**

Policy 2.3.8 – Volunteer Management

**FINANCIAL IMPLICATIONS**

In addition to the social and community benefits associated with volunteering, the value adding that occurs without incurring wage expenses, contributes to the ongoing provision of services and initiatives that otherwise may not happen.

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
5. Employment Practices	Failure to effectively manage and lead human resources (full-time, part-time, casuals, temporary and volunteers).  Inadequate induction practices	Induction process	Nil
14. Safety and Security	Inadequate policy, frameworks, systems and structure to prevent the injury of visitors, staff, volunteers,	Contractor/Staff/Volunteer site inductions	



	contractors and/or tenants.		
Risk rating – Adequate/Adequate			
IMPLICATIONS			
A Volunteer Handbook ensures that the Shire’s volunteers, and their managers, are provided with the necessary information to ensure duties are undertaken in a safe manner and volunteers are informed of their rights and obligations.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the revised Volunteer Handbook 2020, as attached, be adopted.**

10.2 KOJONUP COMMUNITY MEN’S SHED INC. – LICENCE AGREEMENT

<b>AUTHOR</b>	Judy Stewart, Senior Administration Officer
<b>DATE</b>	8 October 2020
<b>FILE NO</b>	CP.LEA.1
<b>ATTACHMENT(S)</b>	<p>10.2.1 - Correspondence – R Boys, Kojonup Community Men’s Shed Inc.</p> <p>10.2.2 - Various financial reports – Kojonup Community Men’s Shed Inc. (2018, 2019 and 2020 to 31 August 2020/ water and power usage costs)</p> <p>10.2.3 - Diagram of Men’s Shed building, 133/135 Albany Highway, Kojonup</p>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP1 - Place	1.2 – Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.3 – Provide community infrastructure that attracts outsourced or privately run facilities and programs.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this Report is to consider two requests from the Kojonup Community Men’s Shed Inc. (Men’s Shed) regarding the premises it rents (133/135 Albany Highway) from the Shire of Kojonup (Shire):

- Use of space within the building that is now available following vacation by the previous lessee; and
- Either payment of outgoings by the Shire *or* removal of rental charges, in order to assist the community group with financial sustainability into the future.

**BACKGROUND**

Council, at its 21 April 2020 Ordinary Meeting, resolved to pause fees (rent/lease payments) for a number of community organisations, including Men’s Shed, from 1 March 2020:

“That:

1. *The application by Kojonup Child Care Centre Inc. for the retrospective reimbursement of Shed Application fees totalling \$339.55 be approved and funds dispersed to their nominated bank account*
2. *The following organisations fees are paused from 1 March 2020*
  - *Kojonup Child Care Centre Inc. lease payment*

- *Kojonup Men's Shed*
  - *Kojonup Toy library*
  - *Kojonup Play Group*
  - *Kojonup Croquet Club*
  - *Kojonup Squash Club*
3. *The following organisations 2019/2020 fees and charges are waived*
    - *Kojonup Football Club*
    - *Kojonup Hockey Club*
    - *Kojonup Netball Club*
  4. *The loss of income as a result of points 1-3 above be funded by a budget amendment that reduces account C370 (Digital Signage) by \$8,500 and the corresponding income accounts by a total of \$8,500;*
  5. *St Luke's Family Practice request for rental relief be declined.*
  6. *F Ebner's request for waiving of six (6) months of rates and garbage collection be declined.*
  7. *The CEO be delegated authority to consider any further requests to the Shire in relation to the reduction, postponement or waiving of fees and charges or rent for Shire owned facilities due to situations caused by the COVID-19 Pandemic."*

As the Men's Shed request is for Council's consideration of *ongoing* financial assistance, by way of Shire payment of outgoings or removal of rental charges, and is not directly related to COVID-19 (point 7 above), this request is brought to Council for consideration.

Prior to renting the current premises, Men's Shed previously operated out of the Old Scout Hall, Pensioner Road, Kojonup (a building that has since been sold and removed).

#### **COMMENT**

The Kojonup Community Men's Shed currently has 26 members and is a member of Men's Sheds of WA (MSWA). The MSWA website describes Men's Sheds as charitable, not-for-profit organisations where skilled and unskilled men can access equipped workshops and talk with and learn from others, providing mental health benefits and building community spirit. Whilst Men's Sheds were originally established for older, retired men, they are now attracting women and younger men. The attached correspondence states that the Kojonup Community Men's Shed offers a social connection and benefit to its members who are on their own, a connection that helps social and mental situations with an emphasis on country men's wellbeing, and provides an important service to the community.

Men's Shed has advised that over the last few years its funds have slowly decreased and there is concern that, if this trend continues, the organisation will become financially unsustainable. The attached correspondence states that the Men's Shed rental payment (\$2,600 per year) and outgoings total approximately \$5,000 per year plus insurance as well as other expenses incurred for ongoing repairs and maintenance on machinery owned and used by the community group for its activities (see also attached financial reports).

In addition to fundraising through wood raffles, the Men's Shed, as part of its licence agreement, undertakes and charges for restoration services to the Shire's outdoor furniture, bridges and litter bins. This work is currently charged to the Shire at a rate of \$25 per hour per person and is reviewed on an annual basis in line with the Consumer Price Index. The

Men's Shed provides and pays for all materials required to complete maintenance or repairs to its equipment and to purchase new equipment. Men's Shed anticipate that a large portion of their existing funds will be utilised on drawings/designs for grant funding applications towards the building of a new shed.

The author has contacted six other Men's Sheds within the region and has established the following:

- two lease a building from their local government at a peppercorn rental (one with a population base of 5079, the other 1701);
- one (population base of 4670) rents from another organisation at a peppercorn rental;
- one (population base of 4200) has had a commercial rent agreement for five years and will soon move to land that is owned by the Public Transport Authority (PTA) with premises that will be leased through the local government at a peppercorn rental;
- one uses a shed lent to it by locals (population base of 1089); and
- one (population base of 6215) has a 21 year lease with the local government and is building its own shed by way of grant funding and contributions from local philanthropists.

If Council wishes to consider the financial request based on the options suggested by Men's Shed, changing the licence agreement to a peppercorn rental would represent a known/fixed amount of revenue foregone whereas the alternative option of paying for outgoings (power and water) could cause Council to be exposed to fluctuating expenses as usage etc. varies from time to time. Offering a peppercorn rental would also bring the local Men's Shed into line with many of its counterparts in surrounding areas.

The vacant space that Men's Shed is requesting use of extends from the front of the building along one side for approximately half the length of the building (see red outlined area in the attached diagram). This now vacant area within the Men's Shed building has not been advertised to establish whether there is any interest from other potential users and the Shire has not been made aware of any other interest. Council may wish to include this space as part of the existing agreement with the Men's Shed or advertise for expressions of interest to ascertain if any other party/ies may be interested in leasing or renting the currently vacant area.

#### **CONSULTATION**

Raymond Boys, President, Kojonup Community Men's Shed  
Chief Executive Officer  
Men's Sheds of Western Australia website

#### **STATUTORY REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Nil

### FINANCIAL IMPLICATIONS

The Men’s Shed currently pays the Shire of Kojonup (Shire) \$2,600 per annum (\$50 per week) to operate out of 133/135 Albany Highway, Kojonup. The annual payment is invoiced retrospectively each October. The current licence agreement will expire on 30 June 2021. The lease payment for the now vacant space within the Men’s Shed building was previously \$100 per week (commercial enterprise). If Council chooses to include this space within the existing licence agreement for Men’s Shed without charge, it potentially foregoes the possibility of receiving income from another party.

### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
6 – Engagement	Inadequate involvement with or support of community groups	Support local community Volunteer groups	Nil
10 – Management of Facilities, Venues and Events	Stressful interactions with hirers/users (financial issues or not adhering to rules of use of facility)	Lease agreements for Shire facilities	
Adequate/Adequate			
IMPLICATIONS			
<p>Two risks are evident should the Men’s Shed become financially unsustainable due partly to the combined costs of outgoings and rental payments (the latter imposed by the Shire). These risks include:</p> <ul style="list-style-type: none"> <li>• <i>reputation</i> given that three like or larger sized Men’s Sheds in surrounding areas are provided premises at a peppercorn rate by their local governments; and</li> <li>• <i>health</i> given that the loss of an activity dedicated to men’s health and wellbeing would no longer be available within the community at a time when men’s mental health is a major health focus both nationally and in country areas.</li> </ul>			

### ASSET MANAGEMENT IMPLICATIONS

Regular and continued use of the existing facility ensures that the building has occupants who can report to Council should damage or the need for repairs arise.

### SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council, conditional upon the Men’s Shed contributing an amount of \$12,000 towards the architectural designs of a new Benn Parade joint facility,**

**1. Agrees to amend its licence agreement with the Kojonup Community Men’s Shed Inc. (Men’s Shed) for 133/135 Albany Highway, Kojonup, by foregoing rental charges until the expiry of the current licence agreement (30 June 2021) and that both parties re-consider this arrangement prior to the expiry of the licence agreement on 30 June 2021 if wishing to continue the licence arrangement after that date;**

**AND**

**2. Agrees to Men’s Shed’s use of the space previously leased to another party, as per the attached diagram and within the scope of the above existing licence agreement.**

10.3 THE KODJA PLACE

<b>AUTHOR</b>	Rick Mitchell-Collins, Chief Executive Officer
<b>DATE</b>	Thursday, 8 October 2020
<b>FILE NO</b>	ED.IND.1
<b>ATTACHMENT</b>	<b>10.3.1 - Guidelines for Community Events</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
"Smart Possibilities – Kojonup 2027+"		"Smart Implementation – Kojonup 2018 - 2022"
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 1- Place	1.1 – Have maximised our 'One Community' program through specific events, celebration of built form and enhancement of our environment.	1.1.3 – Grow the Kodja Place to become an iconic WA attraction

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider two motions passed at the Kodja Place Community Fund Inc. (KPCFI) meeting held 17 September 2020, namely:

- 1. The Kodja Place Community Fund are seeking agreement from Council to give the KPCFI the autonomy to hold events, upgrade displays and put in place applicable Curatorial Audit recommendations in consultation with stakeholders. If required we will report back to council.***
  
- 2. Shire President John Benn and Vice President Ned Radford collaborate on a streamlined process which outlines the steps required for community members and groups to follow in order to hold events and functions at Kodja Place.***

**BACKGROUND**

The Kodja Place Master Plan (KPMP) contains a number of recommendations regarding the architectural, landscaping, digital and multimedia opportunities to revitalise and enrich the visitor experience, enhance the functionality as a cross-cultural community hub and expand its business revenue potential. The KPMP forms a key component of a business case for attracting funds to develop and implement detailed design plans for The Kodja Place Precinct, so that it once again becomes a vital and valued asset to the Kojonup community.

**THE MISSION OF ‘The Kodja Place’:**

Is to tell the stories of Kojonup Shire, and to cultivate the continuing development of its culture and community wellbeing.

**OUR MANDATE IS:**

To collect, preserve and display the oral and visual stories of Kojonup Shire, and provide facilities and services that engage community members and visitors with the historical and contemporary culture of Kojonup.

**OUR OBJECTIVES ARE:**

1. To be sustainable – financially, socially and culturally
2. To be a place of community pride and engagement
3. To nurture our future storytellers and makers

**THE OUTCOME WILL BE**

A vibrant and thriving community hub that connects people and ideas, encourages participation and allows Kojonup’s cultures to be experienced by a global audience.

For the Kodja Place to achieve the proposed mission and objectives the following three design aims need to be achieved:

1. Increase Revenue Opportunities
2. Develop a Coherent, Consistent Experience
3. Provide Functional, Flexible Spaces and Supporting Infrastructure

The opportunity exists for Council, Stakeholders and the Community to collaboratively work towards achieving the above three design aims and strategic objectives of:

1. Being sustainable – financially, socially and culturally,
2. Be a place of community pride and engagement, and
3. To nurture our future storytellers and makers

**COMMENT**

The KPCF remains a key stakeholder along with the Kojonup Aboriginal Corporation, Marribank Aboriginal Corporation, Kojonup Historical Society, WA Museum, Great Southern Development Commission, Black Cockatoo Café Lessee, Tourism WA, Community and Council. We must work collaboratively to address each of the Master Plan/Curatorial Audit recommendations and other suggestions in order to rank and prioritise what can realistically be achieved short/medium/long term.

The Storyplace/Gallery Work Group consists of Community/KPCF/KAC and Council representatives and has also identified potential display improvements and new initiatives with Council discussing opportunities with Roz Lipscombe – Manager Regional WA Museum to ascertain the level of curatorial assistance that could be provided to make Master Plan recommendations a reality. Council team members provide support to the CEO and Management to assist Council in its endeavours to deliver Community Strategic Plan objectives that extend beyond the Kodja Place but are still complementary to the cultural and heritage significance of the facility. There has been a pleasing increase in the number of school visits to the Kodja Place which also included a tour of our historical precinct with



guide, Barbara Hobbs from the Historical Society. The ultimate aim is to increase visitation to Kojonup and as stated by the KPCF, breathe new life into Kodja Place.

KPCF is an incorporated body with its own rules/constitution and Australian Taxation Office (ATO) tax deductibility gift recipient status for donated funds specifically related to the museum (Storyplace/Gallery).

Tax deductibility gift recipient status is a major advantage not only to philanthropists but other donors given the tax incentive it provides. KPCF was encouraged at its meeting held 17 August 2017 to produce a flyer promoting the Fund and how to make donations to capitalise on such opportunities with Council focussing on marketing, branding and promotion of the Shire and the Kodja Place despite other competing projects and financial pressures which has substantially increased due to COVID-19.

The *Local Government Act 1995* does not allow two Councillors or any Councillor to undertake or streamline processes required for events particularly with operational matters such as, food handling and preparation, public liability, traffic management, waste management, environmental aspects, and COVID-19 requirements. Liquor licensing permits, Workplace Safety, Occupational Safety and Health requirements need to be considered and in most instances are outside the legal jurisdiction of Local Government. The Shire of Kojonup produced 'Guidelines for Community Events' in 2018 which is attached. For example, even though the Rose Maze and Courtyard is not a building, an organised event held within any space would constitute a public building. Where the public building does not currently have an approval under the Public Building Regulations, such as the Rose Maze, approval would need to be applied for and obtained. The Shire does not currently charge an application fee for this application process.

Unfortunately, Australia is a highly litigious society with public liability in excess of \$20M becoming the norm rather than the exception and each event is dealt with in accordance with State Acts, Regulations and local laws to protect the health and safety of the public as well as event organisers.

## **CONSULTATION**

Council Briefing Session – 6 October 2020

## **STATUTORY REQUIREMENTS**

*Occupational Safety & Health Act 1984*

*Workers' Compensation and Injury Management Act 1981*

*Employers Indemnity Policies (Premium Rates) Act 1990*

*Employers' Indemnity Supplementation Fund Act 1980*

*Workers' Compensation (Common Law Proceedings) Act 2004*

*Workers' Compensation and Injury Management (Acts of Terrorism) Act 2001*

*The Building Code 2016*

*Australian Standard for Risk Management (AS/NZS ISO31000:2009)*

*Local Government Act 1995*

### **POLICY IMPLICATIONS**

Council and Management will ensure objectives of following policies are observed:

- 2.1.8 Financial Governance
- 2.3.4 Asset Management
- 2.3.5 Risk Management
- 2.3.6 Business Continuity
- 3.16 Community Consultation Charter

### **FINANCIAL IMPLICATIONS**

COVID-19 has restricted Local Government's ability to generate income given the freeze on Rates, Fees and Charges and the State Government insistence that Reserve Funds be used to generate economic activity. At the end of the day these funds have to be replenished if grants are not secured which means rate increases and debt burden being placed on future generations. Sustainability is threatened as we live for today!

Visitor Fees to the Storyplace/Gallery have never achieved the levels envisaged in the initial Business Plan but the Master Plan recognises opportunities that require a unified approach.

### **RISK MANAGEMENT IMPLICATIONS**

**OBJECTIVE:** To provide a systematic approach to the early identification and management of risks; provide consistent risk assessment criteria, make available accurate and concise risk information that informs decision making including business direction; adopt risk treatment strategies that are cost effective and efficient in reducing risk to an acceptable level; and monitor and review risk levels to ensure that risk exposure remains within an acceptable level.

The Kodja Place is rated as the Shires 5<sup>th</sup> most important building out of the 91 on our inventory and Council is committed to improving the level of efficiency of operational and maintenance costs but it will require an allocation of funds from both ratepayers and external sources.

### **SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

The Kodja Place is:

- One of two Accredited Visitor Information Centres in the Upper Great Southern Region, the other being located at Katanning; and
- A place of sub regional and regional significance and forms integral component of Great Southern Treasures (Bloom Festival)

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Continues to work collaboratively with all stakeholders to address each of the Master Plan/Curatorial Audit recommendations and other suggestions in order to rank and prioritise what can realistically be achieved short/medium/long term;**
- 2. Upon recommendations being ranked/prioritised determine funding options available and prepare submissions/applications;**
- 3. Requests the Chief Executive Officer to prepare draft Memorandum of Understanding with**
  - I. Kojonup Aboriginal Corporation**
  - II. Kodja Place Community Fund Inc.**
  - III. Kojonup Historical Society****incorporating collaboration, roles, functions, responsibilities and reporting requirements regarding the Storyplace/Gallery and Kodja Place Precinct;**
- 4. Appoint Cr Cindy Wieringa to the Storyplace/Gallery Work Group as an additional Council representative; and**
- 5. Invite the Kodja Place Community Fund Inc. to appoint two additional members to the Storyplace/Gallery Work Group.**

**11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS**

11.1 REPEAL LOCAL LAW 2020 ADOPTION

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	9 October 2020
<b>FILE NO</b>	LE.LCL.1
<b>ATTACHMENT(S)</b>	11.1.1 - Repeal Local Law 2020 showing changes as recommended by the Department of Local Government, Sports and Cultural Industries (DLGSC) 11.1.2 - Repeal Local Law 2020 – clean copy

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
2. Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.2 – Support appropriate initiatives to improve safety and reduce crime (N2.4.2).

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is for Council to consider adopting a Repeal Local Law 2020 as proposed at its 28 July 2020 Ordinary Meeting and following the required public advertising period.

**BACKGROUND**

When gazettal dates of local laws were being researched for the recent local law review, there were a number of local law related listing anomalies identified on the Department of Local Government, Sport and Cultural Industries’ (Department) website (dating back to 1936). The Department investigated these anomalies and found that, although showing as repealed, the fencing by-laws were incorrectly recorded as such. Council, at its 28 July 2020 Ordinary Meeting, resolved to propose a Repeal Local Law 2020 to repeal the old, *still in existence* fencing by-law and its amendments. These old local laws have also been superseded by Council’s Fencing Local Law 2020. Other Register anomalies were for rectification by the Department. Council’s 28 July 2020 resolution was as follows:

*“That a Repeal Local Law 2020, as attached and having the following purpose and effect, be endorsed for proposal and advertised for public comment in accordance with s. 3.12 (3) of the Local Government Act 1995:*

- *Purpose: to repeal outdated legislation (being the Shire of Kojonup’s Fencing By-law gazetted on 23 December 1971 and its subsequent amendments gazetted on 31*

*August 1990 and 20 March 1992) identified during the Shire of Kojonup’s review of its local laws.*

- *Effect: the repeal of the Shire of Kojonup’s obsolete Fencing By-law gazetted on 23 December 1971 and its subsequent amendments gazetted on 31 August 1990 and 20 March 1992.*

*prior to it being brought back to Council for consideration of submissions or amendments, if any, and subsequent adoption.”*

#### **COMMENT**

Since Council’s 28 July 2020 endorsement of the proposed *Repeal Local Law 2020*, public advertising has occurred in accordance with s. 3.12 (3) of the *Local Government Act 1995*. One comment was received from the DLGSC suggesting formatting amendments only and these are shown at Attachment 1 and incorporated into Attachment 2.

As per s. 3.12 (4) of the *Local Government Act 1995*, Council may now make the local law as proposed, given that it is not considered to be significantly different to that which was proposed at its 28 July 2020 Ordinary Meeting.

#### **CONSULTATION**

Carmen Chia – Legislation Officer, Department of Local Government, Sport and Cultural Industries

Lyn Fogg, Governance Advisor, Sector Support and Advice – Western Australian Local Government Association

#### **STATUTORY REQUIREMENTS**

The specific head of power for making Local Laws is the *Local Government Act 1995* (in this instance, s. 3.5 specifically):

##### **3.5. Legislative power of local governments**

*(1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

*(3) The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*

Sections 3.12 to 3.16 of the *Local Government Act 1995* set out the procedures for making, advertising, changing, commencing, publishing and reviewing local laws.

A Council may determine (by absolute majority) whether or not it considers that a Local Law should be repealed or amended.

##### **3.12. Procedure for making local laws**

*(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

*(2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*

*(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

- (3) *The local government is to —*
- (a) *give local public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
    - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
  - and*
  - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

*[(3a) deleted]*

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*

- (a) *stating the title of the local law; and*
- (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*

- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

- (8) *In this section —*

**making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

*[Section 3.12 amended: No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23; No. 26 of 2016 s. 5; No. 16 of 2019 s. 8.]*

### **3.13. Procedure where significant change in proposal**

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.*

**3.14. Commencement of local laws**

(1) Unless it is made under section 3.17, a local law comes into operation on the 14<sup>th</sup> day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.

(2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

[Section 3.14 amended: No. 1 of 1998 s. 9.]

**3.15. Local laws to be publicised**

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

**3.16. Periodic review of local laws**

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give local public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

[(2a) deleted]

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.

\* Absolute majority required.

[Section 3.16 amended: No. 64 of 1998 s. 7; No. 49 of 2004 s. 24; No. 16 of 2019 s. 9.]

Further, Council must give notice of the purpose and effect of a local law, as per r. 3 of the Local Government (Functions and General) Regulations:

**3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))**

For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

(a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and

(b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

[Regulation 3 inserted: Gazette 31 Mar 2005 p. 1057; amended: Gazette 27 Sep 2011 p. 3846.]

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Advertising costs are associated with the making of this local law (previous public notice and future Government Gazette) for which there is provision within the budget at Chart of Account code 1922 - Advertising.

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Failure to Fulfil Compliance Requirements (Statutory/Regulatory)	Inadequate compliance framework	Nil; however, governance calendar reminder system is in place	Nil
Risk rating - Adequate			
IMPLICATIONS			
Maximising compliance with legislation mitigates risk of damage to image and reputation as well as penalties associated with non-compliance; compliance demonstrates that best practice methodology is in place.			

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

The Southern Link VROC Strategic Directions 2015-2020 identifies at Goal Four (Increase capacity through collaboration) the following strategy:

Strategy 1 – ‘Share systems and processes between member LGAs’.

The recent review of local laws was a VROC project.

**VOTING REQUIREMENTS**

Absolute Majority



**OFFICER RECOMMENDATION**

***That the following local law be adopted, as attached, following advertising for public submissions or comment in accordance with s. 3.12 (3) of the Local Government Act 1995, and once comment having being received and amendments made that do not significantly alter the local law as it was proposed:***

***Repeal Local Law 2020***

- ***Purpose: to repeal outdated legislation (being the Shire of Kojonup’s Fencing By-law gazetted on 23 December 1971 and its subsequent amendments gazetted on 31 August 1990 and 20 March 1992) identified during the Shire of Kojonup’s review of its local laws.***
- ***Effect: the repeal of the Shire of Kojonup’s obsolete Fencing By-law gazetted on 23 December 1971 and its subsequent amendments gazetted on 31 August 1990 and 20 March 1992.***

**12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS**

**12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (SEPTEMBER 2020)**

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Wednesday, 14 October 2020
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	12.1.1 – September 2020 Monthly Financial Statements

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2021 +”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 September 2020.

**BACKGROUND**

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

**COMMENT**

The attached Statement of Financial Activity for the period 1 July 2020 to 30 September 2020 represents three (3) months, or 25% of the year.

The following items are worthy of noting:

- Closing surplus position of \$3.44m;
- Operating results:
  - 47% of budgeted operating revenue has been received; and
  - 19% of budgeted operating expenditure spent;
- Capital expenditure achieved 4% of budgeted projects;

- Cash holdings of \$6.99m of which \$3.54m is held in cash backed reserve accounts and \$702,894 is a grant held for other parties; and
- Page 9 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

#### **CONSULTATION**

Nil.

#### **STATUTORY REQUIREMENTS**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* sets out the basic information which must be included in the monthly reports to Council.

#### **POLICY IMPLICATIONS**

Council Policy 2.1.6 defines the content of the financial reports.

#### **FINANCIAL IMPLICATIONS**

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications for this report.

#### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

#### **SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority.

#### **OFFICER RECOMMENDATION**

**That the monthly financial statements for the period 1 July 2020 to 30 September 2020, as attached, be noted.**

12.2 MONTHLY PAYMENTS LISTING SEPTEMBER 2020

<b>AUTHOR</b>	Vivicka Kahn - Finance Officer
<b>DATE</b>	Friday 9 October 2020
<b>FILE NO</b>	FM.AUT.1
<b>ATTACHMENT</b>	<a href="#">12.2.1 – Monthly Payment Listing 1/09/2020 to 30/09/2020</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments covering the month of September 2020.

**BACKGROUND**

Not applicable.

**COMMENT**

The attached list of payments is submitted for receipt by the Council.

Any comments or queries regarding the list of payments is to be directed to the Manager of Corporate and Community Services prior to the meeting.

**CONSULTATION**

No consultation was required.

**STATUTORY REQUIREMENTS**

Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996* provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

**POLICY IMPLICATIONS**

Council’s Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

**FINANCIAL IMPLICATIONS**

All payments made in line with Council Policy.

**STRATEGIC/CORPORATE IMPLICATIONS**

There are no strategic/corporate implications involved with presentation of the list of payments.

**RISK MANAGEMENT IMPLICATIONS**

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

**ASSET MANAGEMENT PLAN IMPLICATIONS**

There are no asset management implications for this report.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:**

FROM – 1 September 2020		TO – 30 September 2020
Municipal Cheques	14255 - 14264	\$25,135.38
EFTs	26668 - 26769	\$429,165.87
Direct Debits		\$439,055.89
Direct Debits (not included in August 2020)		\$349,482.71
<b>Total</b>		<b>\$1,242,839.85</b>

be received.

12.3 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 18 AUGUST 2020

<b>AUTHOR</b>	Heather Marland – Senior Finance Officer
<b>DATE</b>	Wednesday 07 October 2020
<b>FILE NO</b>	GO.CNM.96
<b>ATTACHMENT(S)</b>	<b>12.3.1 – Unconfirmed Minutes from the Audit and Risk Committee Meeting held 18 August 2020.</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 3 - Performance	3.4 – Be organised and transparent with our financial management	3.4.2 – Act with sound long term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The minutes of the Audit and Risk Committee meeting held 18 August 2020 are presented for Council consideration.

**BACKGROUND**

The Audit and Risk Committee is established under Section 71A of the *Local Government Act 1995* ensuring transparency in Councils financial management and decision making process. In accordance with Section 71.A of the *Local Government Act 1995*, the Audit and Risk Committee was established with defined terms of reference and a membership consisting of six (6) committee members being, four (4) Councillors; and two (2) Community Members. A decision of the Audit and Risk Committee is to be made by a simple majority.

**COMMENT**

The Audit and Risk Committee typically meets at least quarterly, or as required, and has held three meetings since the commencement of the calendar year being 17 March, 2 June and 18 August 2020.

**CONSULTATION**

Members of the Audit and Risk Committee.

**STATUTORY REQUIREMENTS**

Sections 7.1A to 7.1C of the *Local Government Act 1995*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Risk Profile 3 – Compliance

As per s.7.1A of *the Local Government Act 1995*, a local government is to establish an audit and risk committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

**ASSET MANAGEMENT IMPLICATIONS**

Nil

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)  
IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

**That Council receive the minutes from the Audit and Risk Committee meeting held 18 August 2020.**

12.4 INSURANCE POLICIES 2020/2021

<b>AUTHOR</b>	Heather Marland – Senior Finance Officer
<b>DATE</b>	Wednesday 07 October 2020
<b>FILE NO</b>	RM.REG.1
<b>ATTACHMENT(S)</b>	12.4.1 - Vehicle and Plant Register 12.4.2 - Property Register

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 3 – Performance	3.4 Be organised and transparent with our financial management	3.4.2 Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to inform the Council of the insurance levels and associated costs held by the shire for the 2020/2021 financial year.

**BACKGROUND**

Insurance is one of the Shire’s largest annual expenses and most important risk management tasks and therefore it is appropriate that the Council, in addition to staff, be comfortable with the levels of insurance taken out.

**COMMENT**

The Shire of Kojonup obtain insurance cover through LGIS (Local Government Insurance Services). LGIS is partly owned by WALGA and offer insurance through their Scheme Membership and also through policies taken out with insurers. They are able to obtain policies from main stream insurance at a reduced rate as they broker on behalf of all scheme members.

Below is a list of insurances held by the Shire for the 2020/2021 financial year including the insurance provider, limit of liability and the cost of premium.



<b>Policy</b>	<b>2019/20 Premium</b>	<b>2020/21 Premium</b>	<b>Insurer</b>	<b>Liability</b>	<b>Interest Protected</b>
LGIS Bushfire	\$27,240	\$28,798	Scheme	\$500k	Volunteer Bushfire members, medical expenses, loss of salary/wages and death benefits
LGIS Liability	\$34,146	\$35,376	Scheme	\$500m	Public liability - Death or Personal Injury, Loss or Damage to Property
Casual Hirers Liability	\$ 0	\$0	Covered by Scheme	\$10m	Legal liability to thirds parties for death, illness or personal injury and loss of damage to property at hired facility
Commercial Crime and Cyber Liability	\$2,592	\$2,757	Scheme	\$400k	Direct financial loss sustained by member.
LGIS Property	\$94,526	\$103,704	Scheme	\$600m	Physical loss, destruction or damage to property including Machinery breakdown and electronic equipment
LGIS Workcare	\$100,696	\$110,880	Scheme	\$500k	Workers Compensation and Injury Management including Journey Accident Cover
Corporate Travel	\$825	\$825	Scheme	\$10m	External Journey beyond 50km
Management Liability	\$30,893	\$34,643	Scheme	\$4.25m	Councillors and Officers Liability and Employment practices Liability

Marine Cargo	\$660	\$660	QBE	\$400k	All goods &/or interests belonging &/or appertaining whilst in transit by land, air, water and parcel post.
Motor Vehicle	\$59,733	\$67,395	Scheme	\$3.2m	All motor vehicles and trailers owned leased or mortgaged under hire purchase or hired in or let out. Includes volunteer bushfire brigade member's vehicles.
Personal Accident - Volunteers , Councillors	\$467	\$467	Scheme	\$300k	Elected members and volunteers if injured or death whilst engaged in work for the Shire if said work is authorised by the Shire.
Medical Malpractice Liability	\$6,352	\$6,655 2	Vero Insurance	\$20m	Cover of Medical Practice lawsuits for Springhaven
Less Contribution Assistance		<b>-\$31,080</b>			COVID related
Less 2019 Surplus Contribution Credit	<b>-\$18,151</b>				
	<b>\$339,979</b>	<b>\$361,082</b>			Approx. 6.246% increase, reasonable given the global circumstances.

### CONSULTATION

David Woods – Account Manager LGIS

Anthony Middleton – Manager Corporate and Community Services

Audit and Risk Committee

### STATUTORY REQUIREMENTS

*Local Government Act 1995* Section 5.42(1)

Delegation Register – Admin 007 – Entering into Contracts of Insurance

The Chief Executive Officer is Delegated Authority to enter into appropriate contracts of insurance. In exercising the delegation the CEO is to have regard to the provisions of the Annual Budget.

Section 5.49(2) (Workers' compensation arrangement) of the *Local Government Act 1995* states:

(2) WALGA is to establish and manage, for the benefit of itself and any eligible body that chooses to participate, a group self-insurance arrangement against liability to pay compensation under the WCIM Act.

**POLICY IMPLICATIONS**

2.1.8 – Financial Governance – Management of financial risk prudently, having regard to economic circumstances.

**FINANCIAL IMPLICATIONS**

Insurance is the most important risk management task undertaken each year. Insurance is our single largest ongoing external cost, and without adequate cover the Shire is extremely exposed to financial and property loss and open to liability.

**RISK MANAGEMENT IMPLICATIONS**

Without sufficient insurance cover we run the risk of being unable to maintain our current level of service in the event of a major/catastrophic loss and possibly expose ourselves to litigation costs if not adequately insured.

**ASSET MANAGEMENT IMPLICATIONS**

Nil

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)  
IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the information regarding the levels of the Shire's Insurance for the 2020/2021 financial year be noted.**

12.5 2021 ORDINARY COUNCIL MEETING DATES

<b>AUTHOR</b>	Lorraine Wyatt – Executive/Human Resource Coordinator
<b>DATE</b>	Monday, 13 October 2020
<b>FILE NO</b>	GO.CNM.6
<b>ATTACHMENT(S)</b>	Nil

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

Council is being asked to adopt Council Meeting dates and times for the 2021 year.

**BACKGROUND**

In accordance with the Regulation 12 of the *Local Government (Administration) Regulation 1996*, Local Governments are required to give local public notice of the date, time and place with respect to ordinary council meetings and, committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

**COMMENT**

In October 2005 it was resolved that Council meetings will be held on the third Tuesday of each month commencing at 3:00pm except where dates clash with a public holiday or internal staffing management.

There is no Council meeting held during the month of January and the Easter period falls 2 - 5 April 2021 having no impact on the April 2021 Council meeting date.

The July meeting includes budget adoption. To ensure the end of financial year processes are completed, this Council meeting has been held on the fourth Tuesday of the month rather than the third. It is recommended that this practise continues.

Councillors should consider that Local government ordinary elections are held on the third Saturday in October every two years. This means the 2021 Local Government Elections will be held on Saturday, 16 October. The Ordinary Council meeting date under the current arrangement (third Tuesday of the month), will be 19 October 2021.

The December Council meeting has typically been held on the second Tuesday of December and it is recommended that this practise continue.

Regulation 12 of the *Local Government (Administration) Regulations 1996* requires that the scheduled Ordinary Council meetings which will be open to the public, are given local public notice at least once per year and that the notice should include the date, time and location of the meetings.

Given all of the above, the proposed meeting schedule for 2021 is as follows:

16 February 2021  
16 March 2021  
20 April 2021  
18 May 2021  
15 June 2021  
27 July 2021  
17 August 2021  
21 September 2021  
19 October 2021  
16 November 2021  
14 December 2021

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

*Local Government Act 1995* - Section 5.25(1)(g). Regulations about council and committee meetings and committees

*Local Government (Administration) Regulations 1996* - Section 12. Meetings, public notice of

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

Nil

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)  
IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER RECOMMENDATION**

**That:**

- 1. Ordinary Council Meetings be scheduled for the third Tuesday of each month for 2021 commencing at 3:00pm with the following exceptions:**
  - **No scheduled meeting to be held in January;**
  - **The July meeting be held on the fourth Tuesday to make allowance for the Annual Budget adoption; and**
  - **The December meeting be held on the second Tuesday given timing to Christmas break period.**
- 2. The following dates be approved for the 2021 year for Council Meetings:**
  - **16 February 2021**
  - **16 March 2021**
  - **20 April 2021**
  - **18 May 2021**
  - **15 June 2021**
  - **27 July 2021**
  - **17 August 2021**
  - **21 September 2021**
  - **19 October 2021**
  - **16 November 2021**
  - **14 December 2021**
- 3. Local public notice be given of the approved Council meeting dates for the 2021 year.**

12.6 ADMINISTRATION OFFICE, LIBRARY AND DEPOT CLOSURE DURING THE 2020/2021 CHRISTMAS AND NEW YEAR PERIOD

<b>AUTHOR</b>	Lorraine Wyatt – Executive/Human Resource Coordinator
<b>DATE</b>	Monday, 13 October 2020
<b>FILE NO</b>	CM.PRO.1
<b>ATTACHMENT(S)</b>	Nil

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To approve the Administration Office, Library and Depot closure during the 2020/2021 Christmas and New Year period.

**BACKGROUND**

The temporary closure of the Administration Office, Library and Depot during the Christmas and New Year holiday period has occurred for several years and it is suggested that the same arrangements take place during the 2020/2021 Christmas and New Year period.

**COMMENT**

Christmas and Boxing Day fall on Friday 25 December and Saturday 26 December with the Boxing Day public holiday being observed on Monday 28 December. New Year’s Day falls on Friday 1 January so the public holiday is observed on that day with no additional days to be considered.

It is proposed that the Administration Office, Library and Depot be closed from 12.30pm on Thursday 24 December 2020 to 8.00am Monday 4 January 2021 as follows:

Thursday 24 December – Administration Office, Library and Depot close at 12.30pm

Friday 25 December – Christmas Day (public holiday)

Monday 28 December (Boxing Day observed public holiday)

Tuesday 29 December – Offices closed – Personal leave required

Wednesday 30 December – Offices closed - Personal leave required

Thursday 31 December - Offices closed - Personal leave required

Friday 1 January 2021 – New Year’s Day (public holiday)

Monday 4 January 2021 – Administration Office, Library and Depot reopen commencing at normal work times.

Staff will be required to utilise leave accruals which can include:

- annual leave
- rostered days off
- time in lieu; or
- leave without pay (only by prior arrangement with the CEO)

Staff who are planning to work throughout this period can only do so with the approval of the CEO.

#### **CONSULTATION**

Senior Management

#### **STATUTORY REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

There are no financial implications as staff will be required to utilise leave accruals which are accounted for in the 2020/2021 Annual Budget.

#### **RISK MANAGEMENT IMPLICATIONS**

Staff will use accrued leave therefore reducing leave liability to the Shire and enabling staff to have a stress free break knowing the office is closed during this time.

#### **ASSET MANAGEMENT IMPLICATIONS**

Nil.

#### **SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority.

#### **OFFICER RECOMMENDATION**

That approval be granted for:

1. The closure of the Administration Office and Library during the Christmas and New Year period from 12.30pm Thursday 24 December 2020 and reopen at normal work times on Monday 4 January 2021; and
2. That local public notice of the closure be advertised.



12.7 SOCIAL MEDIA – REVIEW OF POLICY 2.3.10

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Thursday, 15 October 2020
<b>FILE NO</b>	IM.PUB.11
<b>ATTACHMENT(S)</b>	<b>12.7.1 – Social Media Policy 2.3.10</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 – Performance	3.2 - Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.3 - Establish social media policy and procedures.

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The purpose of the report is to consider amending the authorised Officer’s contained within Council Policy 2.3.10 Social Media.

**BACKGROUND**

Council Policy 2.3.10 currently states, in part:

- *“Social Media use on the Shire’s relevant media is limited to those employees expressly authorised by the CEO and the following:*
  - *Shire of Kojonup Facebook Page - Customer Service Officer, Records Officer, Executive Assistant, Manager of Corporate and Community Services and Chief Executive Officer.*
  - *Kojonup Library Facebook Page – Chief Executive Officer, Senior Library Officer and Manager of Corporate and Community Services.*
  - *Kojonup Play in the Park Facebook Page - Senior Library Officer, Manager of Corporate and Community Services and Chief Executive Officer.*
  - *The Kodja Place Facebook Page - Visitor Services Officer and Chief Executive Officer.”*

**COMMENT**

The use of social media makes content available to, and engages with the people who connect with the Shire, in a faster and more user friendly manner. This is particularly effective in certain demographics. Speed of information flow is particular important in social media, more so than more traditional forms of media, and as such this agenda item seeks to add an employee to the Play in the Park Facebook Page to ensure a more dynamic interaction.

As such, it is suggested that the Council Policy be amended as follows:

- “Social Media use on the Shire’s relevant media is limited to those employees expressly authorised by the CEO and the following:
  - Shire of Kojonup Facebook Page - Customer Service Officer, Records Officer, Executive Assistant, Manager of Corporate and Community Services and Chief Executive Officer.
  - Kojonup Library Facebook Page – Chief Executive Officer, Senior Library Officer and Manager of Corporate and Community Services.
  - Kojonup Play in the Park Facebook Page – *Play Café Coordinator*, Senior Library Officer, Manager of Corporate and Community Services and Chief Executive Officer.
  - *Kojonup Visitors Centre* Facebook Page - Visitor Services Officer and Chief Executive Officer.”

**CONSULTATION**

Senior Library Officer

**STATUTORY REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

The recommendation is to slightly amend an existing Council Policy.

**FINANCIAL IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>Engagement</i>	<i>Miscommunication/poor communication</i>	<ul style="list-style-type: none"> <li>• <i>Community engagement/networking</i></li> <li>• <i>Public Notices/Local papers/website communication</i></li> <li>• <i>Social media platforms (Facebook, etc.)</i></li> </ul>	<i>Finalise Facebook guidelines - Social Media Policy</i>
<p><i>Risk Rating:</i></p> <ul style="list-style-type: none"> <li>• <i>Inadequate</i></li> <li>• <i>Adequate</i></li> <li>• <i>Adequate</i></li> </ul>			
IMPLICATIONS			
<p><i>The improper use of media and communication channels represents a reputational risk to the Shire and the possibility of not informing the Community adequately about Shire activities or allowing appropriate amounts of feedback.</i></p> <p><i>The Council policy detailing consistent approaches helps to minimize this risk.</i></p>			

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)  
IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council policy 2.3.10 – Social Media be amended as follows:**

- **Kojonup Play in the Park Facebook Page – Play Café Coordinator, Senior Library Officer, Manager of Corporate and Community Services and Chief Executive Officer.**
- **Kojonup Visitors Centre Facebook Page - Visitor Services Officer and Chief Executive Officer.**

**13**    **KEY PILLAR 4 – ‘PROSPERITY’ REPORT**

**14    KEY PILLAR 5 – ‘DIGITAL’ REPORTS**

Nil

**15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**16 NEW BUSINESS**

**17 CONFIDENTIAL REPORTS**

17.1 DISPOSAL BY SALE – LOT 66, 101 ALBANY HIGHWAY, KOJONUP

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	9 October 2020
<b>FILE NO</b>	CP.ACD.7

17.2 QUOTATION FOR THE SUPPLY AND DELIVERY OF 1 (ONE) WHEEL LOADER

<b>AUTHOR</b>	Craig McVee – Manager of Works and Services
<b>DATE</b>	13 October 2020
<b>FILE NO</b>	FM.FNR.2

**STATUTORY REQUIREMENTS**

*Section 5.23(2) of the Local Government Act 1995* permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
  - (i) a trade secret; or
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
  - (ii) endanger the security of the local government’s property; or
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting and the reason for the decision to be recorded in the minutes.

**PROCEDURAL MOTION**

**That the meeting proceed behind closed doors in accordance with Section 5.23(2)(a) of the Local Government Act 1995 at \_\_\_\_\_pm.**

**PROCEDURAL MOTION**

**That the meeting be reopened to the public at \_\_\_\_\_pm.**

**18 NEXT MEETING**

Ordinary Council Meeting Tuesday, 17 November 2020 commencing at 3.00pm.

**19 CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at \_\_\_\_\_pm.

**20     ATTACHMENTS (SEPARATE)**

Item 7.1	7.1.1	Unconfirmed Minutes of the Ordinary Council Meeting held 15 September 2020
Item 10.1	10.1.1	Volunteer Handbook – clean copy showing change to the title date from 2019 to 2020
Item 10.2	10.2.1	Correspondence – R Boys, Kojonup Community Men’s Shed Inc.
	10.2.2	Various financial reports – Kojonup Community Men’s Shed Inc. (2018, 2019 and 2020 to 31 August 2020/ water and power usage costs)
	10.2.3	Diagram of Men’s Shed building, 133/135 Albany Highway, Kojonup
Item 10.3	10.3.1	Guidelines for Community Events
11.1	11.1.1	Repeal Local Law 2020 showing changes as recommended by the Department of Local Government, Sports and Cultural Industries (DLGSC)
	11.1.2	Repeal Local Law 2020 – clean copy
Item 12.1	12.1.1	Statement of Accounts September 2020
Item 12.2	12.2.1	Monthly Payment Listing September 2020
Item 12.3	12.3.1	Unconfirmed Minutes from the Audit and Risk Committee Meeting held 18 August 2020
Item 12.4	12.4.1	Vehicle and Plant Register
	12.4.2	Property Register
Item 12.7	12.7.1	Social Media Policy 2.3.10